

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, November 21, 2023

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

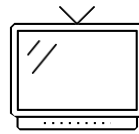
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

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A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.

The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.

Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

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Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

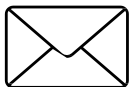
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.



City Council Regular Meeting Agenda

November 21, 2023 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Shirley Peel, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>
Cablecast on FCTV
Channel 14 on Connexion
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Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- [PP 1.](#) Declaring November 4, 2023 as Fort Collins ARO Flag Football Teams State Competition Day (Special Olympics).
- [PP 2.](#) Declaring November 18, 2023 as National Injury Prevention Day.
- [PP 3.](#) Declaring November 23, 2023 as Transgender Day of Remembrance and Resiliency.
- [PP 4.](#) Declaring December 2, 2023 as CHSAA Championship Saturday.
- [PP 5.](#) Declaring November 2023 as Epilepsy Awareness Month.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS

None.

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

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*
- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. Consideration and Approval of the Minutes of the October 17, 2023 Regular Meeting.

The purpose of this item is to approve the minutes of the October 17, 2023 regular meeting.

2. Second Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, sets the Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$6,435,066
DDA Operations & Maintenance	\$1,477,626
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.

3. Second Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, adopts the 2024 budget for the Northern Colorado Regional Airport and appropriates Fort Collins's share of the 2024 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each city owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each city has an ownership interest in 50% of the Airport revenues, each city must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

4. Second Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates philanthropic revenue designated for the 2023 Parks Independence Day Celebration.

5. Second Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates \$45,221 in philanthropic revenue received by City Give for the Art in Public Places (APP) program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority (DDA), and the donor, Bohemian Foundation.

6. Second Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates an award the City received in the amount of \$499,139 for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.

The purpose of this item is to support the *Air Toxics Community Monitoring project* by:

- Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA
- Appropriating \$70,178 from the General Fund reserves
- Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project

This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.

7. Second Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, enables the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3) appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

8. Second Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.

This Ordinance, unanimously adopted on First Reading on October 17, 2023, amends the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General

Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

On Second Reading, some minor additional edits have been made to the recitals and Section 4 of the Ordinance to identify that budgeted grant funds for Transfort are designated as a non-lapsing appropriation, and that other grants and donations will be separately appropriated when necessary.

9. Items Relating to 2024 Utility Rates, Fees, and Charges.

A. Second Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.

B. Second Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.

C. Second Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.

D. Second Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.

These Ordinances, unanimously adopted on First Reading on October 17, 2023, proposed the 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.

10. First Reading of Ordinance No. 150, 2023, Making a Supplemental Appropriation for the Oak Street Stormwater Improvements Project.

The purpose of this item is to request appropriation to cover the expenses related to the recent bond issuance for the Oak Street Stormwater Improvements Project.

The Stormwater Utility Enterprise Board unanimously adopted Ordinance No. 011 on October 3, 2023, authorizing a bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds' gross proceeds, the amount of \$40.4M have been paid into the Stormwater Fund on October 31, 2023.

This first appropriation request is being brought for your consideration to cover expenses for the recent bond issuance, including closing costs and underwriter's fees associated with closing of the bond. Payment for expenses will be made by the end of 2023.

The total amount being requested for appropriation is: \$375,931.

A second appropriation request will be brought forth once the construction contractor selection process is complete and the construction contract value has been finalized. The anticipated schedule is late December 2023 or January 2024.

11. First Reading of Ordinance No. 151, 2023, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.

The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2023 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

12. First Reading of Ordinance No. 152, 2023, Appropriating Philanthropic Revenue Received by City Give for the 9/11 Memorial, Park Planning and Design for the Construction of the 9/11 Memorial at Spring Park.

The purpose of this item is to request appropriation of \$24,870.70 for the designated purpose toward the park planning and design for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Street, Fort Collins, Colorado.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

13. First Reading of Ordinance No. 153, 2023, Appropriating Philanthropic Revenue by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.

The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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.

14. First Reading of Ordinance No. 154, 2023, Making Supplemental Appropriations of Unanticipated Grant Revenue and Authorizing Transfers for Transport and Ebus Charging Equipment.

The purpose of this item is to appropriate unanticipated grant funding for Transport operational and capital needs.

15. First Reading of Ordinance No. 155, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for Replacement of Bicycle Racks in Downtown Fort Collins.

The purpose of this item is to support replacement of aged and corroded bike racks with new bike racks that provide improved accessibility along downtown sidewalks by:

- Appropriating \$15,050 of unanticipated grant revenue awarded by Colorado Department of Transportation (CDOT); and
- Utilizing matching funds in the amount of \$1,672 from existing 2023 appropriations for this new grant project.

Pursuant to the State of Colorado Small Dollar Grant Terms and Conditions (Attachment 3), and in accordance with Section 1-22 of the City Code, the City Manager has accepted this grant agreement.

16. First Reading of Ordinance No. 156, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services.

Additional grant funds in the amount of \$12,000 have been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The \$12,000 in grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$57,356, bringing the total amount of the awarded grant to \$69,356. No match is required and the grant period is July 1, 2023, to June 30, 2024.

17. First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.

The purpose of this item is to support the *Zero Carbon Performance Code Project* by:

- Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);
- Appropriating \$152,127 from Light and Power Fund reserves;
- Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and
- Appropriating \$46,842 from General Fund reserves.

In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

This project directly aligns with Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings." It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.

While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to begin spending resources toward the City's anticipated match. The City's \$206,569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,595 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City's match support total project costs of \$900,164.

18. First Reading of Ordinance No. 158, 2023, Amending the City’s Master Street Plan.

The purpose of this item is to request approval by Council of proposed amendments to the Master Street Plan as described below.

19. First Reading of Ordinance No. 159, 2023, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional and the Food and Beverage Concessionaire at City Park Nine Golf Course.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract greater than five years in length for the Golf Professional/Concessionaire at City Park Nine Golf Course. This contract was originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contract for the Golf Professional/Concessionaire includes a provision for the City to extend the contract for up to an additional five years, subject to Council approval. Extending the contract for the Golf Professional/Concessionaire at City Park Nine Golf Course is in the City’s best interest.

20. First Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.

The purpose of this item is to approve an Ordinance that would vacate a 0.808 acre drainage easement (the “Easement”) that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the “Subdivision”) for the benefit of the City because the Easement is no longer required by the City’s Stormwater Utilities Department.

21. First Reading of Ordinance No. 161, 2023, Authorizing the Conveyance of Three Permanent Easements and a License to Enter to Colorado State University for Installation of Fiber Optic Cables on City Property.

The purpose of this item is to approve an Ordinance that would permit the conveyance of three (3) permanent easements (the “Easements”) and one (1) license to enter (the “License”) to Colorado State University (“CSU”) for the installation and operation of fiber optic cables on City property to connect the Powerhouse Energy Campus (the “Powerhouse Campus”) located at 430 North College Avenue to the CSU main campus and allow for future CSU fiber optic connectivity to the Powerhouse 2 facilities.

22. Resolution 2023-094 Approving an Exemption to the Competitive Purchasing Process to Procure Cornerstone OnDemand, Inc.’s Talent Management Software.

The purpose of this item is to request approval of an exception to the competitive purchasing process to continue to use Cornerstone as the City’s Talent Management software. The City’s existing five-year agreement with Cornerstone for the software will expire in December 2023 and the City seeks to enter into a new agreement with Cornerstone. Not continuing the City’s contractual relationship with Cornerstone would substantially impede the City’s administrative functions and would also harm the City’s financial interests.

23. Resolution 2023-095 Adopting the City’s 2024 Legislative Policy Agenda.

The purpose of this item is to consider and adopt the City’s 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under

consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.

The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.

24. Public Hearing and Resolution 2023-096 Approving \$1.2 Million in HOME Investment Partnership Act American Rescue Plan Act Funding to the Heartside Hill Affordable Housing Development.

The purpose of this item is to approve the funding recommendations of \$1.2 Million in HOME Investment Partnership Act-American Rescue Plan Act funding (HOME-ARP) to the Heartside Hill affordable housing development.

25. Resolution 2023-097 Approving the 2024 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.

The purpose of this item is to consider a Resolution approving the Fort Collins Midtown Business Improvement District's 2024 Annual Budget and 2024 Operating Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

26. Resolution 2023-098 Approving the 2024 Annual Plan and Proposed Budget of the Fort Collins Tourism Improvement District.

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2024 Annual Budget and 2024 Annual Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

27. Resolution 2023-099 Making an Appointment to the Human Services and Housing Funding Board.

The purpose of this item is to appoint Michael Kulisheck to the Human Services and Housing Funding Board. Michael Kulisheck was originally appointed in 2020, however, his term has expired, creating a vacancy he has applied to fill.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

28. First Reading of Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan.

The purpose of this item is for Council to consider adoption of the draft East Mulberry Plan and potential annexation considerations related to the plan. Staff will share a potential approach to annexation for Council to consider based on a concept referred to as "Thresholds."

29. Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.

The purpose of this item is to express gratitude and appreciation to John Duval for his contributions to the City and the community as Deputy City Attorney.

30. Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport and Authorizing Release of a Related Confidential Legal Memorandum.

The purpose of this item is to designate two Councilmembers to represent Fort Collins as part of a joint committee with the Loveland City Council to discuss, evaluate and make recommendations regarding alternative models of governance at the Northern Colorado Regional Airport.

P) OTHER BUSINESS

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

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

Q) ADJOURNMENT

Consideration of a motion to adjourn to 6:00 p.m. on November 28, 2023, for the purpose of annual performance evaluations of Council's direct-report employees:

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 28, 2023, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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PROCLAMATION

WHEREAS, we celebrate the City of Fort Collins Adaptive Recreation and Inclusive Recreation Opportunities (ARO) Flag Football teams for their qualification and performance at the 2023 State Special Olympics Tournament; and

WHEREAS, we recognize and celebrate these remarkable teams comprised of dedicated athletes and partners with and without disabilities; and

WHEREAS, we celebrate the skill these athletes showed on the field and their commitment and demonstration of sportsmanship and unity; and

WHEREAS, we congratulate Team Cowboy Kraken for their third place finish in Division 4, Fort Collins Broncos for their third place finish in the Youth Division 1 and Team Crimson Tide for their 2023 Division 1 State Special Olympics Flag Football Championship; and

WHEREAS, we thank the coaches who volunteered their time to create an incredible environment for our athletes to reach their fullest potential, learn valuable skills, and create a sense of belonging; and

WHEREAS, we recognize and thank the City of Fort Collins ARO teams for their commitment to the City's core value of Belonging, to build equitable, inclusive and supportive work environments that cultivate a sense of belonging for employees and community members of all identities to feel safe and valued.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby recognize the

CITY OF FORT COLLINS ARO FLAG FOOTBALL TEAMS

for their Amazing Performance at the 2023 State Special Olympics Tournament.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, injuries are the leading cause of death and disability to U.S. children ages 1 to 18; and

WHEREAS, there were 31,000 emergency room visits from 2016-2021 to children under the age of 18 in Larimer County; and

WHEREAS, the main injuries to children causing disability and death in our community include motor vehicle crashes, bike and pedestrian crashes, drownings, sudden unexplained infant death, firearms, and suicide; and

WHEREAS, fatal wounds from firearms are the leading cause of death for children and teens in Colorado as an average of 69 people in this age group die each year; and

WHEREAS, the City of Fort Collins is committed to creating a safe environment contributing to the safety and well-being of our children and recognizes that hospitals, state agencies and community organizations are committed to their crucial role in reducing injuries and deaths by promoting safe practices; and

WHEREAS, National Injury Prevention Day raises awareness and promotes efforts to reduce injuries among children. The City commends Safe Kids of Larimer County, ATS Chapter of Colorado, and Be SMART For Kids, all of which are committed in their endeavor to protect children from injury.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby retroactively proclaim November 18, 2023, as

NATIONAL INJURY PREVENTION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, the City of Fort Collins is committed to making our community a more inclusive, diverse, accepting, and welcoming place for all; and

WHEREAS, we invite all residents of Fort Collins to join in these efforts, because an inclusive and diverse community is a safer, stronger, and more vibrant community; and

WHEREAS, this month is an opportunity to inspire, inform, and educate our community about the contributions of and challenges faced by the transgender and nonbinary community as well as the community's extraordinary and ongoing resilience; and

WHEREAS, this month also recognizes those in the transgender community who have lost their lives through acts of anti-transgender violence, including Fred/Fredericka Martinez, Jr. (Cortez, 2002), Angie Zapata (Greeley, 2008), Jayne Thompson (Orchard Mesa, 2020), and others misgendered in death; and

WHEREAS, this month, and in all months, we strive to create greater visibility and awareness of the transgender community—in memoriam, in honor, and in celebration—and we strive to create an environment, now and in the future, that fosters acceptance and discourages and condemns violence.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the 23rd day of November, 2023, as

TRANSGENDER DAY OF REMEMBRANCE AND RESILIENCY

in the City of Fort Collins to foster inclusion and acceptance of our transgender and nonbinary community and to honor the lives lost to anti-transgender violence.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, the Colorado High School Activities Association (CHSAA) will stage two state championships football games in Fort Collins; and the event will be known as Championship Saturday presented by Canvas Credit Union; and

WHEREAS, Championship Saturday will showcase the entire Fort Collins community at this inaugural event, presenting more than two football games and offering an opportunity for individuals throughout the state and community to come together and celebrate; and

WHEREAS, CHSAA was founded in 1921 and includes 367 high schools, 50 middle and junior high schools, and a total of more than 400 schools; and

WHEREAS, CHSAA provides educational and extracurricular activities to any and all students, and offers a wide range of opportunities for its students; and

WHEREAS, CHSAA students representing schools have a consistently strong track record of success and that success extends beyond the classroom and into athletics and other activities; and

WHEREAS, Canvas Credit Union was founded in 1938 and since its founding 85 years ago, the credit union has continued to invest in the communities in which it serves and is a known leader in those communities and known for its heart; and

WHEREAS, Championship Saturday presented by Canvas Credit Union displays the strong and growing partnership between CHSAA and Canvas Credit Union and reflects the values embraced by the City of Fort Collins and its residents.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the 2nd day of December, 2023, as

CHAMPIONSHIP SATURDAY PRESENTED BY CANVAS CREDIT UNION

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, epilepsy is a neurological condition characterized by recurrent, unprovoked seizures; and

WHEREAS, epilepsy and seizures affect over three million people across the United States, including nearly 60,000 children and adults in the state of Colorado diagnosed with recurring seizures; and

WHEREAS, epilepsy is the third most common neurological disorder among adults in the United States, behind Alzheimer's disease and stroke; and

WHEREAS, ten percent of the American population will experience a seizure in their lifetime; three percent will develop epilepsy by age 75; and

WHEREAS, epilepsy cannot currently be cured, many of those diagnosed with epilepsy can control their seizures with modern medicine and surgical techniques; and

WHEREAS, National Epilepsy Awareness Month is designed to increase the awareness of epilepsy and to encourage Americans to join the movement to end the stigma often associated with epilepsy.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim November 2023, as

EPILEPSY AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Anissa N. Hollingshead, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the October 17, 2023 Regular Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the October 17, 2023 regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, October 17, 2023

October 17, 2023

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring October 20, 2023 as Community Media Day.**
- PP 2. **Declaring October 2023 as American Archives Month.**
- PP 3. **Declaring October 2023 as Conflict Resolution Month.**
- PP 4. **Declaring October 2023 as Domestic Violence Awareness Month.**
- PP 5. **Declaring October 2023 as National Disability Employment Awareness Month.**

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Shirley Peel

ABSENT

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Assistant City Clerk Ann Marie Sharratt

CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino noted Councilmember Kelly Ohlson's absence due to illness. Additionally, she noted the November 7 regular Council meeting is cancelled due to it falling on Election Day.

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

- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

F) COMMUNITY REPORTS

None.

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

(Including requests for removal of items from Consent Calendar for individual discussion.)

Ann Hutchison, President/CEO Fort Collins Area Chamber of Commerce, expressed support for the items before Council on this agenda, stating Fort Collins is in a housing crisis and housing supply and access must be increased.

Luke Flynn spoke in support of the adoption of the new Land Use Code, stating higher density housing is positive for the environment as it promotes the use of public transportation and active modes and prevents urban sprawl and that the housing supply needs to be increased which adoption of the new Code will aid.

Vicki Rossen spoke in opposition to the adoption of the new Land Use Code stating it should be placed on the ballot for a citizen vote; also stating established single-family neighborhoods did not create the affordability problem and destroying them will not solve it; and suggesting Colorado State University (CSU) needs to build actual student housing while the proposed Code will destroy established neighborhoods by allowing investors to take over the housing market.

Ronald Hanser spoke in opposition to the adoption of the new Land Use Code stating it is not acceptable and requesting changes be made to protect existing neighborhoods, particularly those in the RL zone district or to allow HOAs to block changes within long-established HOA neighborhoods. Hanser stated a desire to see changes to include eliminating the subdivision of existing lots, eliminating duplexes, eliminating external ADUs, and eliminating detached accessory structures, also suggesting grandfathering neighborhoods and that the Code changes be placed on the ballot.

Kristina Vrouwenvelder spoke to express support for the new Land Use Code, sharing experience of recently buying a home in Fort Collins and the difficulty of finding one that was affordable. Vrouwenvelder stated the only way to slow the growth in housing costs and to offer choices for people who want to live here is to increase the housing supply, also stating the Code updates will benefit the climate and environment.

Christopher Conway spoke in support of the adoption of the new Land Use Code, stating schools are under threat of closure or consolidation due to elevated housing costs that make it difficult for teachers and families with children to buy homes within the School District boundaries. Conway stated restrictive zoning and exclusionary policies have been in place for too long; and stated support for the Land Use Code is support for families, children, schools, and public services.

Adam Eggleston thanked Council and staff for work on the Land Use Code and stated it is a good example of compromise and a living document that can evolve over time, encouraging Council to adopt the new Code.

Katherine Peterson spoke in favor of adoption of the new Land Use Code.

Kyle Shelp expressed concerns about safety at the new Laporte Avenue bridge stating it is impossible to see a child or cyclist from his driveway due to the bridge. Shelp shared about contacting Tim Sellers about the concerns as well as meeting with Caryn Champine and Brad Buckman though there was no follow-through on their part.

Paul Anderson stated Boulder, Golden, Wheat Ridge, Durango, Longmont, and Colorado Springs all require owner occupancy for ADUs as do many cities in Utah and Wyoming and others around the country.

Lauren DeBell, Elevation Community Land Trust, spoke in support for the revised Land Use Code stating it is important to provide a spectrum of housing for all, and sharing how the land trust is currently working on the rehabilitation and new development of 100 homes in Fort Collins that are affordable to households earning up to 80% of the AMI.

Lori Rasmussen, United Way Board of Directors, commented on United Way's goals and stated the revised Land Use Code is one important step in meeting housing needs, stating the United Way is in support of the new Code and encourages its adoption.

Michael May, Democratic Socialists of America, Fort Collins Chapter, expressed support for the revised Land Use Code to help increase density in some of the less affordable parts of town that are closer to transit options, stating sprawl would increase absent the new Code.

Peter Erickson stated the average home in Fort Collins costs about six times the median household income and those who work here cannot afford to live here, which increases the amount of commuter traffic and climate emissions, noting studies have shown that new housing construction, even market rate housing, slows the growth of housing prices.

Mara Johnson, Fort Collins Habitat for Humanity Chief Development Officer, and part of One Voice for Housing, discussed the Habitat project at Taft Hill and Harmony Roads, noting the project holds 48 homes and families and a neighborhood park and has allowed people who work in Fort Collins to remain in the community; and expressed support for the revised Land Use Code stating it is a tool to support affordability.

Kelly Evans, director of Neighbor to Neighbor, a member of OneVoice for Housing in pursuit of affordable housing for all, stated the Code update provides a balanced, sensible approach that positions Fort Collins for its current and future needs, stating housing will continue to become out of reach without the adoption of the new Code and placing the code on a ballot for a vote would be irresponsible as it is a technical, living document that has never been voted upon.

Randolph Lippert expressed support for the revised Land Use Code and urged Council to adopt it, stating Fort Collins is in the midst of an affordable housing crisis and we cannot hope that things will change.

Hanna McCaslin expressed support for the revised Land Use Code stating it will benefit housing affordability and environmental sustainability, also noting housing options with greater density are needed and thanking Council for their work on moving the new Code forward.

Dawn Cramer stated there are implications of the revised Land Use Code that have not been considered and questioned why short-term rentals are not being addressed in the Code, also questioning why CSU has not provided more housing despite enrolling additional students. Cramer stated the plastic bag ban was placed on the ballot and this item should also go through that process to allow people to decide what they want to see in their neighborhoods.

Nicole Swan expressed support for the revised Land Use Code and advocated for smart housing policy, stating the Code addresses housing attainability with incentives allowing increased density,

streamlining processes, and improving the construction pipeline. Swan also noted many organizations that work specifically on affordable housing in Fort Collins have expressed support for the revised Code, stating even market rate housing can help with attainable housing goals and does not lead to increased housing costs, urging Council to vote in support of the revised Code.

Patricia Babbitt shared about being an official write-in candidate for Mayor and shared the endorsements received. Babbitt shared hearing from many individuals who have expressed concern about not being heard by many current City leaders.

Cece Abrams spoke against the proposed Land Use Code changes, stating the revised Code barely supports four of the five initiatives for which it was supposedly created, including calibrating market feasible initiatives for affordable housing, enabling more affordability, and making the Code easier to use and understand. Abrams stated the revised Code does not help either side of the debate and is detrimental to the happiness of all residents, also stating the wildlife-welcoming neighborhoods that make up a small amount of the land available are being sacrificed and the revised Code does nothing to address affordability.

James Burtis expressed support for the revised Land Use Code stating the careful changes made to enhance incentives for affordable housing and to utilize existing structures in residential neighborhoods are sensible.

Jerry Gavaldon stated developers, realtors, and builders will continue to make their profits. Ultimately, increasing utility rates and development fees will impact affordability.

Johanna Lory stated Mayor Arndt indicated she was voting in favor of the revised Land Use Code at the first reading as Fort Collins is a friendly, welcoming city, which left the impression that single-family homeowners are not welcoming because they do not want ADUs, large sheds, subdivided lots, massive additions, resident managers with no ownership stake in properties, overcrowding, a lack of parking, extra stress on utilities, and extra deliveries. Lory spoke in support of Councilmember Shirley Peel's concession to not allow duplexes in the RL zone and thanked Councilmembers Susan Gutowsky and Ohlson for opposing the revisions as the new Code does not address affordability, urging Council to vote against the adoption of the revised Code.

Brandon Northrop stated Fort Collins is on the verge of crisis with sky high rents and skyrocketing homelessness, stating there is not enough housing in Fort Collins and the City should be a place where everyone can contribute and live comfortable lives while urging Council to adopt the Code.

Rick Hoffman questioned whether it is the City's job to provide housing for everyone who wants to live in Fort Collins, stating the market will drive the price of housing and the proposed new Code will have little impact on affordability, particularly as the new Code does not include any mandates requiring developers to include a certain percentage of affordable housing in development plans.

Fred Kirsch, Fort Collins Community for Sustainable Energy, stated the organization is advocating for the goal of maximizing solar potential in Fort Collins and previously requested the inclusion of language supporting the goal in the climate funding proposal, which he now realizes was misguided as it is really an economic development issue. Kirsch stated an upcoming vacancy in a senior policy position at Fort Collins Utilities could provide an opportunity to find someone who can lead in the transition to maximize the value of the utility assets for the community.

Kolt Herkstroeter expressed concern the revised Land Use Code will only aid 10% of the individuals needing affordable housing, stating he would prefer to see that goal set higher.

Colleen Hoffman, Preserve Fort Collins and the Fort Collins HOA Coalition, stated a housing crisis cannot be met by taking the low-hanging fruit, or the backyards of low-density neighborhoods, or entire lots to be scraped and rebuilt and requested Council not approve a Code that overrides HOA covenants that run with the land and provide predictability. Additionally, Hoffman requested the

haphazard zoning not be approved without voter approval, stating developers should be funding affordable housing, not private property owners through taxes.

Todd Johns commented on living in mid-town on a block that had 40% rentals that were not affordable, discussing his experience living in a large city that had neighborhoods destroyed when similar land use codes were adopted and developers bought single-family homes and built multi-unit structures, which also were not affordable, and questioning why the revised Code is being promoted to provide affordable housing when it does not meaningfully mandate affordable housing. Johns questioned the Council's commitment to the revised Code given there was willingness to strike multiple provisions during the hearing on first reading, stating Council would be betraying the trust of homeowners by adopting the revised Code and suggested it should be placed on the ballot.

Susan Amador stated the section of town where she lives is already quite dense and Amador does not believe additional density is feasible, encouraging the placement of the item on the ballot.

Brian Tracy stated petitions and recall elections are as important a part of our government as the election of representatives and are a way to combat extreme decisions and prevent extreme change.

Steve Kuehneman, Care Housing Executive Director, part of One Voice for Housing, thanked most of the Council for attending the Heartside Hill groundbreaking event on October 5 and thanked Councilmember Tricia Canonico for speaking. He stated Heartside Hill will bring much needed affordable rental and home ownership opportunities to the community. Hill stated that truly addressing Fort Collins' housing challenges will take a complete toolbox that includes direct investments in housing subsidies, tenant protections, and an adequate supply of housing choices and the Land Use Code is an essential tool in that toolbox and he urged Council to adopt it.

David Rout (remote), Homeward Alliance Executive Director, expressed support for the revised Land Use Code and thanked Council and staff for creating a Code that reflects the values of the community, stating homelessness is the result of system failures and is the inevitable consequence of generations of policy decisions at the federal, state, and local levels that produce rigged systems, reinforce inequities, and leave human beings in despair.

Julie Northrop, Fort Collins resident, stated no neighborhood becomes established on its own and urged Council to adopt the revised Land Use Code.

Kathryn Dubiel requested Council direct City Manager DiMartino to correct a serious and indefensible omission of the name of the write-in mayoral candidate, Patricia Babbitt, from the City's election webpages, stating the omission negatively impacts voters' decision-making abilities and that neither the City Charter nor City Code includes language related to the way the City presents the slate of candidates in pre-election information.

Serena Thomas, Homeward Alliance, part of One Voice for Housing, expressed support for the revised Land Use Code, stating many homeless community members are not in their current situations due to character flaws or bad decisions, but many complicating factors, including an outdated Land Use Code that restricts where and how people live within the City's boundaries, also stating the updated Code is one of the first steps in implementing systemic changes, removing barriers, and enabling the community to increase the variety and supply of housing needed for individuals to live healthy, affordable, and safe lives in Fort Collins.

Imran Bhimani stated the number one issue being faced by businesses is a severe lack of work force which is driven by the fact the labor force cannot afford to live in Fort Collins, stating housing supply needs to be increased and a diversity of housing options needs to be provided to retain a sustainable work force while noting placing the Land Use Code on the ballot would be inappropriate, ineffective, and a waste of funds and urging Council to adopt the revised Code.

Rich Stave shared a number of thoughts with Council, including stating the use of Zoom is not a reliable way to add public comment to the record; stating Transfort stops its operations before public business concludes making it difficult for people to participate in public business; and commenting on Item No. 12, *Resolution 2023-093 Approving an Intergovernmental Agreement with the Poudre School District for a Grant to it Under the City's Digital Inclusion Program* and questioning why the City is funding school district business.

Public comment concluded at 7:20 p.m.

H) PUBLIC COMMENT-UP

Mayor Pro Tem Emily Francis requested an update on the safety concerns raised by Kyle Shelp regarding the Laporte Avenue bridge replacement project. Caryn Champine, Planning, Development, and Transportation Director, replied the project is a multi-modal improvement project with two primary goals: to improve the bridges over irrigation ditches and to introduce multi-modal facilities and improve safety for all users, particularly vulnerable users. Champine stated staff has spent a great deal of time with neighbors and professional engineers to work on design and safety requirements. And noted the new facility is a raised curb that goes along the front of the properties and is not a bike lane in the street. Champine stated staff will be increasing signage and placing new pavement markings and mirrors on the pathway, particularly near Mr. Shelp's driveway, to alert all users to the unique condition in the area.

Councilmember Gutowsky discussed a comment made that people who have commented on the Land Use Code do not want to live with poor people and stated she has not experienced or heard anything like that from those who have spoken.

Mayor Jeni Arndt noted Fort Collins is the 156th largest city in the United States.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the October 3, 2023 Regular Meeting.

The purpose of this item is to approve the minutes of the October 3, 2023 regular meeting.

Approved.

2. Second Reading of Ordinance No. 132, 2023, Making a Supplemental Appropriation from the Regional Air Quality Council Mow Down Pollution Grant for Purchase of Zero-Emission Commercial Lawn and Garden Equipment.

This Ordinance, unanimously adopted on First Reading on October 3, 2023, supports the City's Parks Department in converting lawn and garden gasoline powered equipment to battery-powered equipment by appropriating \$100,000 of unanticipated grant revenue, awarded by the Regional Air Quality Council (RAQC) through funds provided by the Colorado Department of Public Health and Environment (CDPHE).

This item would also authorize the City Manager or their designee to accept the grant award and comply with the terms of the grant application and award.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 133, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Childcare Space Modifications at the Northside Aztlan Community Center and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on October 3, 2023, appropriates \$197,960 from Recreation Reserves to close the funding gap on the Childcare Space Modifications at Northside Aztlan Community Center and transfers 1% of the applicable construction costs to Art in Public Places (APP).

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 134, 2023, Authorizing Transfer of an Appropriation for Art in Public Places Related to the Design and Construction of Connexion.**

This Ordinance, unanimously adopted on First Reading on October 3, 2023, transfers \$27,924 of appropriated funds for Art in Public Places (APP) artwork expenses in the Cultural Services and Facilities Fund back to the Broadband Fund, where those related expenses will be transacted.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 135, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on October 3, 2023, appropriates: 1) \$900,072 of Highway Safety Improvement Program (HSIP) grant funds for the Project; 2) \$100,008 from the Community Capital Improvement Program (CCIP); and 3) \$1,000 (1% of the CCIP amount) to the Art in Public Places Program.

Adopted on Second Reading.

6. **First Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.**

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$6,435,066
DDA Operations & Maintenance	\$1,477,626
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.

Adopted on First Reading.

7. **First Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

The purpose of this item is to adopt the 2024 budget for the Northern Colorado Regional Airport and appropriate Fort Collins's share of the 2024 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

Adopted on First Reading.

8. **First Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.**

The purpose of this item is to appropriate philanthropic revenue designated for the 2023 Parks Independence Day Celebration.

Adopted on First Reading.

9. **First Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.**

The purpose of this item is to consider an appropriation of \$45,221 in philanthropic revenue received by City Give for the Art in Public Places program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority, and the donor, Bohemian Foundation.

Adopted on First Reading.

10. **First Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.**

The City was awarded a \$499,139 Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.

The purpose of this item is to support the Air Toxics Community Monitoring project by:

- *Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA*
- *Appropriating \$70,178 from the General Fund reserves*
- *Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project*

This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.

Adopted on First Reading.

11. Items Relating to the Zach Elementary School Crossings Project.

A. Resolution 2023-092 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Zach Elementary School Crossings Project.

B. First Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3) appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

Adopted Resolution and Ordinance on First Reading.

12. Resolution 2023-093 Approving an Intergovernmental Agreement with the Poudre School District for a Grant to it Under the City's Digital Inclusion Program.

The purpose of this item is to authorize the approval of an Intergovernmental Agreement with Poudre School District (PSD) for a Digital Inclusion grant made to PSD's Department of Language, Culture, and Equity to be designated toward the funding of a Digital Family Liaison who will support the technological literacy of PSD Family Liaisons and the digital literacy of those families served by PSD's Family Liaisons.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to approve the recommended actions on items 1-12 on the Consent Calendar.

The motion carried 6-0.

Absent: Councilmember Ohlson.

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

Councilmember Gutowsky commended the Downtown Development Authority on its alley redevelopment projects and commented on the Pianos Around Town project.

Councilmember Peel noted the City fireworks are courtesy of a donation from Elevations Credit Union.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Mayor Jeni Arndt

- Reported Fort Collins was selected to go to City Lab, a problem-solving summit in Washington D.C. with civic leaders worldwide.

Councilmember Susan Gutowsky

- Participated in a traffic study at Rivendale School looking at safety issues in the area.
- Attended Heartside Hill groundbreaking.
- Attended Neighbor to Neighbor open house for its new facility.
- Attended Indigenous Peoples' Day at the Council Tree shopping center.
- Attended President's induction ceremony at CSU.

Councilmember Shirley Peel

- Commended the Economic Office for its business appreciation celebration.
- Announced the City is bringing back the revolving loan fund, which will be administered by the Colorado Enterprise Fund, to support local small businesses.

Clerk's Note: Mayor Arndt called for a break at 7:33 p.m. The meeting resumed at 7:45 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

13. Items Related to the Adoption of a New Land Use Code.

A. Second Reading of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the "Pre-2024 Transitional Land Use Regulations."

B. Second Reading of Ordinance No. 137, 2023, Updating City Code References to Align with the Adoption of the Revised Land Use Code.

C. Second Reading of Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District In Conjunction With the Adoption of the Land Use Code.

These Ordinances, adopted on October 3, 2023, by a vote of 5-2 (Nays: Ohlson, Gutowsky), amend the City's Land Use Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Changes are intended to address one or more of the following Guiding Principles:

1. *Increase overall housing capacity and calibrate market-feasible incentives for affordable housing.*
2. *Enable more affordability, especially near high frequency transit and priority growth areas.*
3. *Allow more diverse housing choices that fit in the existing context and priority place types.*
4. *Make the Code easier to use and understand.*
5. *Improve predictability of the development review process, especially for housing.*

If adopted by Council, staff recommend that the proposed Code changes take effect on January 1, 2024.

In addition to changes to the Land Use Code, updates to City Code references to the revised Land Use Code are proposed.

Finally, because the revised Land Use Code renames the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town zone district with corresponding subdistricts A, B, and C, updates to the zoning map to reflect the name changes are proposed. This change only affects the name of the zone districts and no changes to the boundaries are proposed.

Caryn Champine, Director of Planning, Development, and Transportation, stated there is a suite of adopted plans that serve as the foundation of this work, including City Plan, the Transit Master Plan, the Housing Strategic Plan, and Our Climate Future. She discussed the five guiding principles that were initially developed to inform the work on the Land Use Code and mentioned the regulations that will continue to go forward if this new Code is adopted, including review procedures, specifics pertaining to non-residential uses, historic preservation, and other items such as landscaping and occupancy.

Champine provided a summary of the changes as organized by the five guiding principles: increasing overall housing capacity, enabling more affordability, allow for more diverse housing choices, and a combination of the final two guiding principles which are related to making the Code easier to use and improving predictability.

Paul Sizemore, Community Development and Neighborhood Services Director, commented on the discussion topics from first reading, including the elimination of allowing duplexes in the RL zone. He stated the consultants did some modeling and determined there would be capacity for about 26,000 more residential units to be built in Fort Collins under the existing Code, and under the draft Code, there would be capacity for an additional 13,000 new units. He noted most of the capacity is available in mixed-use zones such as LMN and MMN, some in Commercial zone districts, and only about 6% in lower-density zones such as RL, NCL, NCM, and UE.

In terms of peer city policies for accessory dwelling units, Sizemore stated 85% of 33 front range jurisdictions do allow accessory dwelling units, 70% adopted ADU regulations in the past three years, most allow ADU's as an administrative review, most do allow them for short-term rentals, and about 61% do require owner-occupancy of the property. He discussed a 2021 investor ownership analysis noting about 5% of non-apartment housing in Fort Collins is owned by out-of-state investors, about 90% of the community's landlords own just one property in addition to their own residents, and the number of landlords who own ten or more units make up about 0.2% of the total number of landlords in the community. Sizemore discussed key differences between the current Code, repealed Code, and proposed Code.

PUBLIC COMMENT

Charles Howes shared about asking friends and neighbors about the Land Use Code and many were unaware of the proposed changes; however, most commented on how difficult it is to find housing in the city, also commenting on the importance of protecting open space and the culture of Fort Collins while stopping the evolution of how we use our developed land. Howes stated having more housing inventory of all types will slow rising housing costs and urged Council to adopt the new Code.

Stefanie Berganini, DSA Fort Collins Housing Justice Committee Chair, stated this Code is a compromise on a compromise, but is still a critical and long overdue step to more housing inventory, diversity, and affordability and urged Council to adopt the revised Code.

Wayne Brothers stated most residents of single-family neighborhoods continue to object to the revised Land Use Code as it threatens to destroy single-family neighborhoods for an unneeded 6% increase in housing capacity and imposes subdivision requirements on HOA neighborhoods, which was not part of the repealed Land Development Code and objected to the lack of a requirement for owner-occupancy on a property with an ADU. Brothers requested Council put the item on the ballot.

Anna Mercurio, Urban Land Conservancy Director of Real Estate, spoke in favor of the proposed Land Use Code updates stating they are necessary to improve housing access and increase real estate affordability while advancing smart growth initiatives.

Kristin Fritz, Housing Catalyst Chief Real Estate Officer, and part of One Voice for Housing, expressed support for the proposed Code as it will provide new incentives for the development of affordable housing, including a new streamlined development review process and regulations that will bring down the cost of affordable housing development, also noting the Code supports the concept of transit-oriented development which aids in increasing overall housing affordability and urged Council to adopt the revised Code.

Joe Rowan, commented on instances in which residents were opposed to affordable housing developments in their neighborhoods and then, after development, found that their fears were unfounded, stating decisions cannot be based on fear of the unknown and should be based on what is best for the community, which is additional affordable housing and encouraging Council to adopt the revised Code and refine it over time.

August-Carter Nelson stated the average voter would not be properly informed enough to decide on the Code and we have representative democracy for a reason, stating adopting this Code, while it is not perfect, will be a step in the right direction.

Rich Stave stated the revised Code is repressive rather than progressive and is a misguided use of public policy and could be discriminatory.

Trudy Haines stated individuals who are opposed to the revised Code have been called too old and too white, stating the Council has insulted the people who have worked for years to bring open space, trails, and a beautiful downtown to Fort Collins. Haines stated the revised Code will strip away HOA rights for a very small increase in housing capacity and encouraged the exclusion of existing neighborhoods from the current proposal stating 95% of the desired capacity can be gained by applying the new Code to currently undeveloped areas and along transit corridors.

Glen Colton stated Fort Collins has been unaffordable since he moved here in 1979 and the population was 60,000, stating adopting this revised Code will mean Fort Collins will still be unaffordable twenty years from now when the population is 250,000. Colton stated the proposed additions of housing capacity to existing neighborhoods will do little to help with housing affordability for existing residents and 94% of the sought capacity could be gained solely with

MMN and commercial zone districts, suggesting the tax initiative on the ballot will likely not pass if Council does not remove existing neighborhoods from the Code.

Ross Cuniff stated the largest piece of disinformation in this overall discussion is that the proposed changes are needed to make Fort Collins affordable, stating there has been fundamental dishonesty in how the proposed changes have been presented and encouraged Council to place the revised Code on the ballot or to vote against the Code and instead create true affordability mandates.

Kaori Keyser, Democratic Socialists of America, Fort Collins Treasurer, encouraged Council to adopt the proposed Code, stating Fort Collins will continue to grow and the main threat to the community's character is increased sprawl.

Kyle James Hauser commented on his involvement in the local music community and stated, despite the City's cultural richness, the escalated cost of living equals that of larger music hubs such as New York and Nashville, but without the same industry opportunities. Hauser stated despite being compensated at an above average salary he does not see a path forward for personal home ownership in Fort Collins and urged Council to adopt the revised Code.

Diana Constantin stated it is a misconception that density will create affordability, suggesting ending the U+2 ordinance which would instead create about 10,000 rental units to determine whether that would increase affordability as opposed to revising the entire Land Use Code.

Linda Hall urged Council not to adopt the revised Code, stating morality cannot be legislated and commented on the last repeal effort while stating the marketplace will determine prices.

Tom Farnsworth expressed concern about the revised Code and encouraged Council to rethink the plan or consider phasing it in and involving residents in its development, execution, and approval.

Brian Tracy stated it is worth comparing the size of the problem being created with the size of the benefit that may occur if the revised Code is approved, stating only 5 to 6% of the total number of units would be in existing residential neighborhoods.

Greg Zoda, Democratic Socialists of America, Fort Collins Electoral Chair, stated density promotes community and is better for the environment, affordability, and community values, stating the flow of people into the community cannot be stopped and urging Council to adopt the revised Code.

Matthew Behunin commended staff on their work and stated it is inflammatory to suggest investors will strip mine neighborhoods, stating all should be welcomed in Fort Collins and urging Council to adopt the revised Code.

Public Comment concluded at 8:37 PM.

COUNCIL DISCUSSION

Councilmember Gutowsky stated there is a sentiment among the community that people need to have a say in the Land Use Code.

Councilmember Gutowsky made a motion that City Council refer the Land Use Code as written to the ballot.

The motion failed for lack of a second.

Councilmember Gutowsky expressed disappointment that the possibility of referring the item to the ballot could not be discussed and she stated she takes that as Council's indication that it is not interested in trusting the community to vote on the issue.

Councilmember Julie Pignataro stated there was a lengthy discussion last year about the placement of the issue on the ballot and encouraged anyone who would like to see it go to the ballot look at petition efforts.

Councilmember Canonico requested the City Attorney comment on the previous petition effort. City Attorney Daggett replied that once it was determined there were enough signatures on the petition, the ordinance was presented to Council and Council had two options: place the ordinance on the ballot or to repeal the ordinance, which was Council's ultimate decision.

Councilmember Canonico asked what the Council vote was on repealing the Code ordinance. City Manager DiMartino replied the vote was 7-0 to repeal the ordinance and not place it on the ballot.

Mayor Pro Tem Francis stated the feedback received from the community during the U+2 discussion was that Council was elected to do this work; therefore, Francis is comfortable moving forward without placing the Code item on the ballot.

Councilmember Gutowsky stated she has heard a different sentiment since that original vote which is why she made the motion to place the item on the ballot.

Mayor Pro Tem Francis requested input from staff regarding a possible amendment to the way height in the Old Town zone district is being considered. Noah Beals, Development Review Manager, stated that the proposed height for detached houses in the Old Town district is 35 feet. Beals stated part of the reason it is not 28 feet is because much of Old Town requires buildings to be raised due to floodplain issues. Beals stated one option would be to reduce the height to 28 feet with a note that the height could be exceeded if the building needs to be raised to comply with floodplain regulations. Mayor Pro Tem Francis stated that seems appropriate.

Mayor Arndt commented on the fact that an out-of-state investor could be someone who retires out of state and decides to rent their house in Fort Collins.

Councilmember Canonico asked about the 10% affordable housing inventory goal. Meaghan Overton, Housing Manager, replied the adopted housing affordability goal is for 10% of the City's housing stock to be deed restricted and affordable by 2040. Overton noted that number is currently holding at around 5% and that the stated the goal is regularly revised with each update to the Housing Strategic Plan. Additionally, the 10% number also comes into play when looking at development incentives for affordable housing as a development must have at least 10% of its units as deed restricted affordable units to meet the City's definition of being an affordable housing development. Overton stated a pro forma analysis of the cost of development and value of incentives showed projects could feasibly set aside about 10% of units with the incentives being provided in the Code while still being economically viable to build.

Councilmember Peel requested clarification on whether duplexes would be allowed in the Urban Estate zone. Beals replied both the existing and repealed Land Use Code did allow for duplexes in the UE zone and it remains a permitted use in the proposed Code under a Type I review.

Councilmember Gutowsky stated she would like to amend the resident manager requirement for ADUs to be an owner-occupied requirement.

Councilmember Peel stated Council was generally in favor of an owner-occupied requirement during a work session discussion but there were some legal questions. City Attorney Daggett replied there are some cases around the country regarding owner-occupancy requirements and

there were some staff concerns about the effectiveness of enforcement of such a requirement. She noted the requirement for primary short-term rentals to have an owner occupying the property remains and the requirement being discussed would require an owner of a property with an ADU to reside in either the ADU or main structure. Daggett stated Council could consider making the requirement only for detached ADUs and not internal ADUs.

Mayor Arndt expressed concern that an owner who moves out of state would be required to sell their house if they have an ADU.

Mayor Pro Tem Francis stated she is comfortable with the resident manager requirement and noted the rental registration program and public nuisance ordinance can help to address some of the issues.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations,” on second reading.

Councilmember Canonico stated she ran for office on a policy platform of making Fort Collins work better for residents by facilitating more affordable housing, increasing transit, bike infrastructure, and the walkability of Fort Collins, on promoting climate-forward policies, and on ensuring the future of Fort Collins. Councilmember Canonico stated all those commitments are captured in this Land Use Code update and discussed statistics related to the expense of housing in Fort Collins noting the community is the second highest of non-coastal markets due to supply being limited by zoning and regulations. Councilmember Canonico stated that data shows that supply and density do increase affordability. Additionally, other communities that have allowed ADUs have not seen many built, and while allowing them will not solve affordable housing challenges, it will provide another housing choice for those who want it. Councilmember Canonico went on to state that a climate mitigation work group for the EPA is recommending to the EPA that it can support human health and the environment by supporting local governments highlighting zoning changes and permitting processes that make it easier to adopt climate-smart land use and development patterns, and that the research is clear that land use drives emissions. She stated greater density leads to better transit and bike infrastructure.

Councilmember Canonico stated this Code represents compromise and community engagement. She stated it will allow families to live well in the city today and into the future.

Councilmember Peel stated extensive outreach has been done and commended staff efforts and stated she was sorry accusations were made regarding staff motives and stated she voted in support of the revised Land Development Code and after the repeal, having spent countless hours trying to see all sides of the issue and possible unintended consequences. Councilmember Peel also stated there are still some points that need to be addressed, though she does not want to throw out the good with the controversial; therefore, she will support the revised Code this evening, but remains committed to keep working on the document to ensure it best serves the community.

Councilmember Pignataro thanked the community members for their input and stated that she makes policy decisions based on facts, available data, and experiences from this community and others. Councilmember Pignataro went on to state that every expert in the community who has provided affordable housing is saying this Code is a step in the right direction; in addition to noting that this is a living document and it will continue to be revised.

Mayor Pro Tem Francis thanked the community members for their input and for the placement of trust in Council's vote and stated she ran on affordable housing and, as a public servant, this revised Code will help deliver on her campaign promises of housing, transit, and climate. Mayor Pro Tem Francis also stated it is important to listen to experts and commented on the importance

of leaving behind a better place for the next generation and on ensuring people in the community have homes. Mayor Pro Tem Francis thanked staff for their work.

Councilmember Gutowsky stated she would not support adoption of the revised Code and also stated it contains very few incentives for developers to contribute to the City's affordable housing stock. Councilmember Gutowsky also stated that density will increase and affordability will not change. Additionally, stating that while developers are not being held responsible for affordable housing development, there is an initiative on the ballot that asks taxpayers to fund it. Councilmember Gutowsky went on to state that the proposed Code is a blanket approach to development that disregards the unique nature of the City's neighborhoods and disrupts their way of life and expressed disappointment that Council opted to not give voters a voice in this matter stating it is too big of an issue to not be decided by the people.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to amend the Ordinance to amend height limits for zones OTA and OTB from 35 feet to 28 feet, including a footnote about floodplains.

City Attorney Daggett clarified that would technically be an amendment to exhibit B to the ordinance on page 2-14 regarding height restrictions with a note stating the maximum height may exceed 28 feet if the additional height is required to comply with floodplain regulations.

***The motion to amend Exhibit B to the Ordinance carried 6-0.
Absent: Councilmember Ohlson.***

***The motion to Adopt Ordinance No. 136, 2023, as amended, carried 5-1.
Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Peel, Canonico and Pignataro.***

***Nays: Councilmember Gutowsky.
Absent: Councilmember Ohlson.***

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 137, 2023, Updating City Code References to Align with the Adoption of the Revised Land Use Code, on second reading.

The motion carried 5-1.

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

***Nays: Councilmember Gutowsky.
Absent: Councilmember Ohlson.***

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District In Conjunction With the Adoption of the Land Use Code, on second reading.

The motion carried 5-1.

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

***Nays: Councilmember Gutowsky.
Absent: Councilmember Ohlson.***

Clerk's Note: Mayor Arndt called for a break at 9:16 p.m. The meeting resumed at 9:29 p.m.

14. First Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.

The purpose of this item is to amend the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

Travis Storin, Chief Financial Officer, stated this is the annual appropriation ordinance for the second year of the two-year budget cycle. He stated the appropriations total around \$625 million, which is about a \$6 million increase over the original budget adopted last year.

Lawrance Pollack, Budget Director, noted the second reading of this ordinance would not occur until November 21. He discussed the ongoing programs and services funded in the budget outcome areas and detailed the revisions that were made.

PUBLIC COMMENT

Adam Eggleston stated the budget increase is concerning given potential revenue shortfalls, also stating the realized gains would be lower than projected if Proposition HH passes in November.

Rich Stave concurred with Eggleston's comments, stating increased property values lead to increases in taxes going back to the City and asked if all of those funds are going to FTEs while also expressing concern that the City is requesting tax increases at the November election.

COUNCIL DISCUSSION

Councilmember Pignataro noted this is the first two-year budget since prior to the pandemic and asked if these appropriations are a typical part of a two-year cycle. Storin replied in the affirmative.

Councilmember Pignataro asked if there are also decreases associated with the revisions. Pollack replied the decreases were related to double counting and are not decreases in net expenses. He noted the revisions are fully covered by increases in revenue with the combination of sales tax and the anticipation of lower property taxes if Proposition HH passes.

Storin noted some years do have a net budget cut during the revision cycle, which was the case in 2019.

Councilmember Pignataro asked if the tax items on the ballot are to address anticipated shortfalls in funding of the Transit Master Plan, Climate Action Plan, and Housing Strategic Plan, to make up for deficits in Parks maintenance and replacement, and to fund aquatics. Storin replied Council has referred the items to the ballot to seek resourcing for gaps to aspirations and plans.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024, on first reading.

Councilmember Peel stated she shares some of the concerns mentioned during public comment.

***The motion carried 6-0.
Absent: Councilmember Ohlson.***

15. Items Relating to 2024 Utility Rates, Fee, and Charges.

A. First Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.

B. First Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.

C. First Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.

D. First Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.

The purpose of this item is to propose 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.

Randy Roucher, Utilities Lead Analyst, outlined the proposed rate increases noting they align with the 2024 City Manager's recommended budget. He stated the electric increase is due to the increase in the wholesale rate and to help cover distribution expenses including capital costs. The water, wastewater, and stormwater increases are primarily due to capital project costs. He outlined the impact to a typical utilities customer and compared Fort Collins' rates to other Colorado cities.

Shannon Ashe, Affordability Program Manager, commented on the City's portfolio of affordability program offerings and specifically discussed the income-qualified assistance program (IQAP). She stated staff are proposing direct entry into the program for customers who are not able or eligible to apply for LEAP.

PUBLIC COMMENT

Rich Stave stated net metering should be daily and he expressed concern he cannot read his electric meter in real time. He stated it would be nice to know how much energy is used and how much revenue is generated in each category.

Joe Rowan stated average citizens need to be considered when looking at rates and while achieving climate objectives is very noble, it needs to be done in a manner that people can afford.

COUNCIL DISCUSSION

Councilmember Pignataro thanked staff for developing the IQAP enrollment alternative. She asked how staff will determine whether it is working. Ashe replied programs are always iterative and staff always seek community feedback and feedback from Housing Catalyst which operates the housing voucher program.

Mayor Arndt noted Fort Collins still has a relatively low utilities cost in comparison to other cities.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program, on first reading.

The motion carried 6-0.

Absent: Councilmember Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges, on first reading.

The motion carried 6-0.

Absent: Councilmember Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges, on first reading.

The motion carried 6-0.

Absent: Councilmember Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges, on first reading.

The motion carried 6-0.

Absent: Councilmember Ohlson.

P) OTHER BUSINESS

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

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

Councilmember Gutowsky noted ballots are coming out and negativity is creeping into Council races. She urged voters to thoroughly investigate the candidates.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:06 p.m.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Matt Robenalt, DDA Executive Director
Kristy Klenk, DDA Financial Coordinator
John Duval, Deputy City Attorney
Ryan Malarky, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, sets the Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$6,435,066
DDA Operations & Maintenance	\$1,477,626
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The DDA was created in 1981 with the purpose, according to Colorado state statute, of planning and implementing projects and programs within the boundaries of the DDA. By state statute, the purpose of the ad valorem tax levied on all real and personal property in the downtown development district, not to exceed five (5) mills, shall be for the budgeted operations of the authority. The DDA and the City adopted a Plan of Development that specifies the projects and programs the DDA would undertake. To carry out the purposes of the State statute and the Plan of Development, the City, on behalf of the DDA, has issued various tax increment bonds, which require debt servicing.

The DDA is requesting approval of the DDA Public/Private Investments and Programs budget for fiscal year 2024 in the amount of \$6,435,066 and DDA Operation and Maintenance budget for fiscal year 2024 in the amount of \$1,477,626. It is requesting appropriation of up to \$9,000,000 for the 2024 Line of Credit draws. It is also requesting approval of the DDA debt payment commitments in the amount of \$9,431,611 for 2024 obligations.

The 2024 Public/Private Investments and Program budget is projected as follows:

Uses:

Alley Operations	\$ 94,596
Alley Capital Reserve Replacement	283,218
Alley Construction (Harper Goff, E Myrle, W Olive)	532,652
Alley Design and Construction (E and W Myrtle to Mulberry)	566,722
Alley Trash Enclosure Lease Payments	20,389
Business Marketing and Communications	46,747
Downtown River District Improvements (Willow St)	288,573
Façade Grant Program	527,470
Gateway Entrances	55,000
Land Bank	3,000,000
Nighttime Impact Study	35,000
Oak 140 Project	129,718
Old Town Parking Structure	25,000
Old Town Square Operations	107,232
Old Town Square Capital Reserve Replacement	123,931
Projects and Programs 2023 Reserve	280,911
Tree Canopy Replacement	6,200
Urban Micro-Space Design Plan	113,314
Warehouse Operations	11,255
Other Public/Private Investments & Programs	<u>187,138</u>
Total	\$ 6,435,066

The 2024 Operations and Maintenance budget is projected as follows:

Uses:

Personnel Services	\$1,039,771
Contractual Professional Services	371,416
Purchased Supplies and Commodities	30,400
Other	<u>36,040</u>
Total	\$1,477,626

The 2024 Line of Credit draw, whose debt service payment will be made from the debt service fund, is projected to fund up to \$9,000,000:

Uses:

Old Firehouse Alley Parking Garage IGA Payment	\$ 300,000
Housing Catalyst/FC DDA LLC Loan (Oak140)	121,869
Multi-Year Reimbursement Payments	617,431
Project Management Fees	54,826
Business Marketing and Communications Program	107,000
Capital Asset General Maintenance Obligations	942,589
Capital Asset Replacement Reserve	451,210
Capital Asset Reserve & Replacement Annual Program	189,300
Future Public/Private Investments & Programs	<u>6,215,775</u>
Total	\$9,000,000

The DDA debt service fund is projected to have sufficient revenue to meet the required debt service payments for 2024.

Uses:

Debt Payment: 2024

\$9,431,611

CITY FINANCIAL IMPACTS

Adoption of this Ordinance will have no direct financial impacts on the City and its budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its September 14, 2023, meeting, the Downtown Development Authority Board of Directors adopted its proposed budget for 2024 totaling \$26,344,303 and determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA. The amount of \$26,344,303 meets the reporting criteria of the City accounting standards but the DDA would like Council to be aware that the total amount does not directly reflect the anticipated revenues from Tax Increment or the 5 mills for 2024. The Public/Private Investments and Programs budget of \$6,435,066 are previously appropriated unspent funds of which 63% is dedicated to the design and construction of two additional alleys, and funding of a land bank for future property acquisition. The repayment of the Line of Credit of \$9,000,000 is reported as part of the Debt Service Payment total and is then reported separately for anticipated uses.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 139, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE FISCAL YEAR 2024 BUDGET, AND BEING THE
ANNUAL APPROPRIATION ORDINANCE FOR THE
FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY, AND
FIXING THE MILL LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY
FOR PROPERTY TAXES PAYABLE FISCAL YEAR 2024

WHEREAS, the Fort Collins Downtown Development Authority (the “DDA”) has been duly organized in accordance with the Colorado Revised Statutes (“C.R.S.”) Section 31-25-804; and

WHEREAS, on September 8, 1981, the City Council adopted Resolution 81-129 approving DDA’s original Plan of Development dated July 1981, which Plan has been amended several times since 1981 (the “DDA Plan of Development”); and

WHEREAS, on September 14, 2023, DDA Board of Directors (the “DDA Board”), acting under the provisions of C.R.S. Section 31-25-816, adopted a proposed and recommended DDA budget for the fiscal year beginning January 1, 2024, as reflected in DDA Board Resolutions 2023-05, 2023-06, 2023-07 and 2023-08 (the “Budget”), and determined the mill levy necessary to provide for payment during fiscal year 2024 of properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the DDA anticipates receiving in 2024 tax increment revenues of approximately \$9,007,537 and approximately \$963,944 in revenues from its five-mill property tax for the DDA’s operational and maintenance expenditures; and

WHEREAS, it is the desire of the Council to appropriate the sum of TWENTY-SIX MILLION, THREE HUNDRED FORTY-FOUR THOUSAND, THREE HUNDRED THREE DOLLARS (\$26,344,303) from the DDA Operation and Maintenance Fund and the DDA Debt Service Fund for the fiscal year beginning January 1, 2024, and ending December 31, 2024, to be used as follows:

DDA Public/Private Investments & Programs (O&M Fund)	\$6,435,066
DDA Operations & Maintenance (O&M Fund)	1,477,626
2024 Revolving Line of Credit Draws	9,000,000
DDA Debt Service Fund	<u>9,431,611</u>
Total	\$26,344,303

; and

WHEREAS, the DDA Board, as reflected in DDA Board Resolution 2023-04, has recommended to the Council that pursuant to C.R.S. Section 31-25-817 the Council set a mill levy of five (5) mills upon each dollar of assessed valuation on all taxable property within the DDA District, such levy representing the amount of taxes necessary to provide for payment during the 2024 fiscal year for all properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years and, as such, prior voter approval of the proposed levy is not required under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, if a majority of voters approve the ballot issue identified as Proposition HH and for fiscal year 2024 only, Colorado Revised Statutes (“C.R.S.”) Section 39-5-128(1)(b) requires certification of this tax levy to the Board of County Commissioners no later than January 5, 2024, but beginning fiscal year 2025, such certification shall occur no later than December 15th of that year and by December 15th in all subsequent years; however, if Proposition HH is not approved, the certification of the tax levy shall occur no later than December 15th of each year.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the Budget as provided in C.R.S. Section 31-25-816(1).

Section 3. That there is hereby appropriated for fiscal year 2024 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Public/Private Investments and Programs the sum of SIX MILLION, FOUR HUNDRED THIRTY-FIVE THOUSAND, SIXTY-SIX DOLLARS (\$6,435,066), to be expended to fund the payment of the DDA-related obligations that have been entered into or will be entered into in furtherance of the DDA Plan of Development.

Section 4. That there is also hereby appropriated for fiscal year 2024 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Operation and Maintenance the sum of ONE MILLION, FOUR HUNDRED SEVENTY-SEVEN THOUSAND, SIX HUNDRED TWENTY-SIX DOLLARS (\$1,477,626), to be expended for the authorized purposes of the DDA.

Section 5. That there is hereby appropriated for fiscal year 2024 for expenditure from the Downtown Development Authority 2024 Line of Credit draws the sum of up to NINE MILLION DOLLARS (\$9,000,000), to be used to finance DDA projects or programs in accordance with the DDA Plan of Development including the multi-year reimbursement payments, and capital asset maintenance obligations.

Section 6. That there is hereby appropriated for the fiscal year 2024 for expenditure from the Downtown Development Authority Debt Service Fund the sum of NINE MILLION, FOUR HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED ELEVEN DOLLARS (\$9,431,611), for payment of debt service on a previously issued and outstanding bond, and for payment on the 2024 Line of Credit draws.

Section 7. That the DDA's mill levy rate for the taxation upon each dollar of the assessed valuation of all taxable property within the DDA District shall be five (5) mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2024, which levy represents the amount of taxes necessary to provide for payment during fiscal year 2024 of all properly authorized operational and maintenance expenditures to be incurred by the DDA, as appropriated herein. The City Clerk shall certify said mill levy to the County Assessor and the Board of County Commissioners of Larimer County, Colorado, no later than January 5, 2024, if a majority of voters approve the ballot issue identified as Proposition HH; however, if Proposition HH is not approved, the City Clerk shall certify said mill levy no later than December 5, 2023.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

David Ruppel, Interim Airport Director
Francis Robbins, Airport Operations and Maintenance Manager
Ryan Malarky, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, adopts the 2024 budget for the Northern Colorado Regional Airport and appropriates Fort Collins's share of the 2024 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each city owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each city has an ownership interest in 50% of the Airport revenues, each city must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport's mission is: Serving the region, we are a catalyst for innovation in all modes of transportation, a driving force for innovation in business and training, and a global gateway to magnificent Colorado. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately \$295.97 million annually and supports 1,072 area jobs.

Airport revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the IGA. External funding is also received through grants that are applied for and received by the Airport for eligible projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

This Ordinance appropriates the City's 50% share (\$1,515,493) of the 2024 Airport operating budget (\$3,030,986) and 50% share (\$10,979,000) of the 2024 capital budget (\$21,958,000), for a total appropriation of \$12,494,493 by the City (please refer to Exhibit A). The City of Loveland will be appropriating the other 50% of the total 2024 Airport budget (\$12,494,493). The Airport's operating budget is used to maintain and operate the facility in compliance with all regulatory standards for safety and security and to achieve goals set by the Northern Colorado Regional Airport Commission on behalf of the Cities. The Airport's capital budget will be used to complete improvement projects, including the design and construction to widen the primary runway and repair project, the repaving of an existing aircraft taxiway, and environmental and design of expanded fuel storage facility.

Financial resources for 2024 are expected from the sources listed below. These include external sources, such as federal and state grants and required grant matches, as well as airport revenues and reserves. These resources will provide the necessary funding for the 2024 operating and capital budgets:

FAA Grants	\$15,620,000
State Grants	\$522,000
USDOT	\$750,000
Airport Revenues	\$1,966,908
Airport Reserves	<u>\$2,000,000</u>
Total	\$20,858,908

The \$2,000,000 Airport Reserves item is an appropriation as set forth through the IGA for use by the Northern Colorado Regional Airport Commission consistent with the approved 2024 Budget for high priority projects. This Airport Reserve appropriation does not require any additional funding from the Cities.

The Northern Colorado Regional Airport Commission approved the proposed 2024 Airport Budget and recommended it for approval by the Fort Collins and Loveland Councils on September 21, 2023. Loveland's City Council has considered the 2024 Airport budget, and it was unanimously adopted on second reading on October 17, 2023.

CITY FINANCIAL IMPACTS

The proposed budget does not include any financial contributions from the City's General Fund. This item appropriates the City's 50% share of the annual budget for fiscal year 2024 for the Northern Colorado Regional Airport, which totals \$12,494,493 and is 50% of the \$24,988,986 total combined 2024 Airport operating and capital budget. The City of Loveland manages the Airport's budget and finances under the IGA; however, each Council must approve the annual budget under the IGA and, since the City of Fort Collins owns 50% of the Airport, it is necessary to appropriate its 50% portion of the total Airport budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 140, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2024 BUDGET AND APPROPRIATING THE FORT COLLINS
SHARE OF THE 2024 FISCAL YEAR OPERATING AND CAPITAL IMPROVEMENT
FUNDS FOR THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, under the IGA, the City's share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport; and

WHEREAS, the Airport Manager has submitted for City Council consideration a 2024 Airport budget totaling \$24,988,986 of which the City's 50% share is \$12,494,493 (\$1,515,493 for operations and \$10,979,000 for capital); and

WHEREAS, the City Council is in the process of considering the City's 2024 budget and Ordinance No. 145, 2023, which appropriates \$189,170 in City funds to be transferred to the Airport operating fund in payment of the City's 50% share of rent due under the approved lease of a portion of the Airport property operation of the Northern Colorado Regional Law Enforcement Training Center, which amount is included in the Land Lease revenues set forth in the 2024 Airport Budget; and

WHEREAS, pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the "Airport Fund"); and

WHEREAS, funding for the Airport's 2024 operating and capital improvement budgets has been identified as follows:

FAA Grants	\$15,620,000
State Grants	\$ 522,000
USDOT	\$ 750,000
Airport Revenues	\$ 1,966,908
Airport Reserves	<u>\$ 2,000,000</u>
Total	\$20,858,908

; and

WHEREAS, the City's 50% share of the 2024 Airport operating costs, to be held in the Airport Fund, is \$1,515,493; and

WHEREAS, the City's 50% share of the 2024 Airport capital improvement costs, to be held in the Airport fund, is \$10,979,000; and

WHEREAS, the Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects; and

WHEREAS, City Finance staff has reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves in the 2024 Airport Budget meets the required limits set forth in the IGA; and

WHEREAS, in accordance with Article V, Section 8(b), of the City Charter, any expense or liability entered into by an agent of the City on behalf of the City, shall not be made unless an appropriation for the same has been made by the City Council; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of enhancing transportation and economic welfare of the City and its residents; and

WHEREAS, this appropriation will not require additional funding from the Cities and is consistent with the IGA.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves and adopts the 2024 Airport operating and capital budget totaling \$12,494,493 (\$1,515,493 for operations and \$10,979,000 for capital), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. That the City Council hereby appropriates in the Airport Fund \$1,515,493 to be expended to defray the City's 50% share of the 2024 operating costs of the Airport.

Section 4. That the City Council hereby appropriates in the Airport Fund \$10,979,000 to be expended to defray the City's 50% share of the 2024 capital costs of the Airport.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

The Northern Colorado Regional Airport is a separate entity established by the cities of Fort Collins and Loveland. The City of Loveland does not have absolute authority over this fund. However, per the Intergovernmental Agreement between the cities, it is Loveland's responsibility to legally appropriate the budget for the Airport as part of its administrative responsibilities.

Northern Colorado Regional Airport Fund 600

	2022 Actuals	2023 Adopted	2023 Revised	2024 Proposed	2024 Draft/ 2023 Adopted \$ Change	2024 Draft/ 2023 Adopted % Change
Beginning Fund Balance	\$ 5,778,763	\$ 4,549,433	\$ 6,027,301	\$ 7,477,868	\$ 2,928,436	64.4%
Revenues by Department						
Airport	4,364,645	33,053,534	35,053,534	19,751,508	(13,302,026)	-40.2%
Total Revenues	\$ 4,364,645	\$ 33,053,534	\$ 35,053,534	\$ 19,751,508	\$ (13,302,026)	-40.2%
Revenue By Class						
Gain/Loss on Asset	12,150	-	-	-	-	0.0%
Interest Income	(112,373)	51,000	51,000	49,000	(2,000)	-3.9%
Intergovern	2,482,368	31,248,000	31,248,000	16,890,000	(14,358,000)	-45.9%
Lease Revenue	381,601	391,600	2,391,600	815,600	424,000	108.3%
Miscellaneous	105,724	144,900	144,900	52,600	(92,300)	-63.7%
Operating Revenues	1,495,175	1,218,034	1,218,034	1,944,308	726,274	59.6%
Total Revenues	4,364,645	33,053,534	35,053,534	19,751,508	(13,302,026)	-40.2%
Expenditures by Department						
Airport	4,116,107	33,602,967	33,602,967	24,988,896	(8,614,071)	-25.6%
Total Expenditures & Capital	\$ 4,116,107	\$ 33,602,967	\$ 33,602,967	\$ 24,988,896	\$ (8,614,071)	-25.6%
Expenditures by Class						
Personal Services	771,444	1,089,540	1,089,540	1,147,418	57,878	5.3%
Supplies	99,694	115,400	124,900	123,550	8,150	7.1%
Purchased Services	596,694	1,482,910	1,473,410	1,736,478	253,568	17.1%
Depreciation	1,494,987	-	-	-	-	0.0%
Cost Allocations-Expense	23,450	23,450	23,450	23,450	-	0.0%
Capital Outlay	1,129,838	30,891,667	30,891,667	21,958,000	(8,933,667)	-28.9%
Total Expenditures	\$ 4,116,107	\$ 33,602,967	\$ 33,602,967	\$ 24,988,896	\$ (8,614,071)	-25.6%
Expenditures by Operating vs. Capital						
Operating & Maintenance	1,491,282	2,711,300	2,711,300	3,030,896	319,596	11.8%
Depreciation	1,494,987	-	-	-	-	0.0%
Capital Outlay	1,129,838	30,891,667	30,891,667	21,958,000	(8,933,667)	-28.9%
Total Expenditures	\$ 4,116,107	\$ 33,602,967	\$ 33,602,967	\$ 24,988,896	\$ (8,614,071)	-25.6%
Net Income	248,538	(549,433)	1,450,567	(5,237,388)	(4,687,955)	853.2%
<i>Airport Reserve</i>	-	(2,000,000)	-	(2,000,000)	-	0.0%
Ending Fund Balance	\$ 6,027,301	\$ 2,000,000	\$ 7,477,868	\$ 240,480	\$ (1,759,519)	-88.0%

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Nina Bodenhamer, City Give Director
Sara Arfmann, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates philanthropic revenue designated for the 2023 Parks Independence Day Celebration.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The purpose of this item is to appropriate \$20,000 in philanthropic revenue received from Elevations Credit Union. The award is designated by the donor as \$20,000 for sponsorship of the 2023 Parks Independence Day Celebration.

A sponsorship, also referred to as “underwriting,” is both a community partnership and charitable award. Local businesses sponsor events to invest in community engagement and expand the reach of both organization’s valuable audiences. Per Internal Revenue Service code, businesses can declare portions of a sponsorship as charitable giving. Therefore, the City’s fiduciary responsibility is to steward, track, and report sponsorships as philanthropic revenue.

Each year, the City enters into various sponsorships across departments for events ranging from Kids in the Park to performances at The Lincoln Center, from Open Streets to Gardens of Lights.

Community partnerships and event sponsorships such as support from Elevations Credit Union significantly enhances the City’s service to the community and our residents.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$20,000 in philanthropic revenue received by City Give in the General Fund for the Parks Department.

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from

the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the General Fund during fiscal year 2023.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 141, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE
FOR THE 2023 PARKS INDEPENDENCE DAY CELEBRATION

WHEREAS, in fiscal year 2023, the City received a donation of \$20,000 from Elevations Credit Union through the City Give program; and

WHEREAS, Elevations Credit Union designated that the full donation amount (\$20,000) be used for its sponsorship of the City's 2023 Parks Independence Day Celebration; and

WHEREAS, this appropriation serves the public purpose of funding the City's Independence Day Celebration, which purpose thereby benefits public health, safety and welfare of the citizens of Fort Collins; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new philanthropic revenue in the General Fund the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be expended in the General Fund by the Parks Department for the 2023 Parks Independence Day Celebration.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director
Ted Hewitt, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates \$45,221 in philanthropic revenue received by City Give for the Art in Public Places (APP) program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority (DDA), and the donor, Bohemian Foundation.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Pianos About Town is a collaboration between the City's Art in Public Places program, the Downtown Development Authority's Art in Action program, and Bohemian Foundation. The project involves local artists painting or artistically decorating pianos at the Art in Action tent in Old Town Square where the public can watch the creative process and interact with the artists.

Pianos About Town contributes to the vibrancy of Fort Collins, making art and music fun and accessible for all. These colorfully painted pianos are rotated throughout Fort Collins for the public to enjoy as both musical instruments and works of art.

The \$45,221 in philanthropic revenue is a partial award toward the total 2023/2024 grant of \$92,336.

The first pianos were placed in Old Town in 2010. Since then, more than 130 donated pianos have been decorated and placed into rotation at sites throughout Fort Collins. The painting and decorating of pianos take place throughout the year but is moved to indoor venues during the winter months. Area businesses play a key role in the success of the project by "adopting" the painted pianos and covering them during inclement weather.

The City's responsibilities for the funding include but are not limited to: annually acquiring, repairing, pre-painting, preparing, and tuning twelve to thirteen pianos; the coordination of placement, moving and piano tuning; working with appropriate City departments, the DDA and property owners on logistics for placing

pianos in desired locations; selecting and managing the visual artists; managing logistics with area partners or other entities to cover and uncover pianos; and collaborating with Bohemian Foundation to host Pianos About Town related events.

The grant is awarded by Bohemian Foundation, a Fort Collins-based private family foundation that supports local, national, and global efforts to build strong communities. Funding for Equity Indicators was awarded by Bohemian Foundation's Community Programs which is committed to the care and enrichment of our local community.

CITY FINANCIAL IMPACTS

If adopted, this Ordinance will appropriate \$45,221 in unanticipated philanthropic revenue in the Cultural Services and Facilities Fund for the Art in Public Places program. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager recommends the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues to be received in the Cultural Services and Facilities Fund during this fiscal year.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 142, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH CITY GIVE
FOR THE ART IN PUBLIC PLACES PROGRAM, PIANOS ABOUT TOWN PROJECT

WHEREAS, the Pianos About Town project was started by the City's Art in Public Places (APP) program in 2010 and involved local artists painting or decorating pianos in Old Town Square, with the finished pianos being rotated throughout Fort Collins for the public to enjoy; and

WHEREAS, Pianos About Town is now a collaboration between APP, the Downtown Development Authority's Art in Action Program, and Bohemian Foundation; and

WHEREAS, in 2023, Bohemian Found donated \$45,221 to support Pianos About Town in 2023, and this Ordinance would appropriate the donated funds for that purpose; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of contributing to the vibrancy of Fort Collins by making art and music fun and accessible for all; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for Art in Public Program Places Pianos About Town Project as an appropriation that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new philanthropic revenue in the General Fund the sum of FORTY-FIVE THOUSAND TWO HUNDRED TWENTY-ONE DOLLARS (\$45,221) to be expended in the Cultural Services and Facilities Fund for the Art in Public Places Program Pianos About Town Project.

Section 3. That the appropriation herein for Art in Public Places Program Pianos About Town Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such grant donation.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Cassie Archuleta, Environmental Services
Kerri Ishmael, Grants Administration
Ted Hewitt, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates an award the City received in the amount of \$499,139 for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.

The purpose of this item is to support the *Air Toxics Community Monitoring project* by:

- Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA
- Appropriating \$70,178 from the General Fund reserves
- Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project

This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The primary mission of the EPA grant awarded to the City is to support the City, in partnership with Colorado State University (CSU), Larimer County Department of Health and Environment (LCDHE), Colorado Department of Public Health and Environment (CDPHE) and a suite of community groups, to implement monitoring of select hazardous air pollutants (HAPs), aligned with efforts to inform and engage underserved residents of Northern Colorado through data sharing, and accessible relevant educational activities.

The EPA funds totaling \$499,139, will be combined with staff resources provided by both City and Larimer County personnel, as well as City and Larimer County funds in support of the *Air Toxics Community Monitoring Project*. Total project costs of \$623,977 will be used to: 1) leverage local air monitoring expertise to collect, interpret, and share air toxics data that responds to community pollution concerns; 2) expand the engagement of community groups to establish monitoring priorities so they address specific emission sources or sectors and prioritize the needs of underserved residents; 3) increase awareness and understanding of air pollution and air quality data, including the impacts of air toxics exposures; 4) increase the capacity of residents to engage in policy and regulatory discussions and decisions; and 5) build trust across diverse groups.

Goals of this project will be met through three project tasks:

1. **Forming an Air Quality Monitoring Advisory Committee.** The City and Larimer County will collaborate to form a new community Air Quality Monitoring Advisory Committee (AQ-MAC) to establish the criteria for monitoring deployment and community prioritization of locations/sources of concern. Diverse representation is essential to the Advisory Committee. The committee will be composed of community members and organizations, professionals, air quality experts, and government representatives in Northern Colorado. Committee responsibilities will include establishing monitoring site criteria, reviewing findings, making recommendations to the Project Team, and liaising with constituent organizations/residents.
2. **Air Toxics Monitoring.** The strategy will leverage the existing air quality monitoring expertise at CSU using commercially available instrumentation to measure a suite of high-concern air toxics. We have focused our approach on the problem of oil and gas development encroaching residential areas and high-occupancy buildings in Northern Colorado but will also use mobile survey techniques to identify any large, unknown sources in residential areas.
3. **Community Outreach, Engagement, and Air Quality Education.** CSU's Center for Environmental Justice, in collaboration with the City's Equity, Diversity and Inclusion Office, the Fort Collins Community Action Network (FCCAN) and Fuerza Latina, will organize and host a set of workshops aimed to build storytelling skills among youth, build skillsets for policy and civic engagement, and facilitate educational and public awareness events on air pollution.

The North Front Range of Colorado is home to growing population centers and to rapidly expanding oil and gas production. The Denver/Metro North Front Range region is also designated as a severe nonattainment for ozone (O₃). Community concerns are mounting about the adequacy of existing data monitoring networks to identify potential air quality issues, and the ability of local governments to characterize and address risks. Additionally, climate change is exacerbating these issues along the Northern Colorado Front Range, particularly for Latinx residents, children living near the poverty level, and residents with asthma, diabetes, fair or poor health status, or lacking health insurance.

The project will serve underserved populations in Northern Colorado by providing air toxics monitoring that responds to concerns of residents, increasing residents' awareness and understanding of air pollution and air quality data, including impacts of actual and perceived air toxics exposures, increasing residents' capacity to engage in policy and regulatory discussions and decisions, and building trust across diverse groups.

The EPA grant agreement does not require signature by the authorized representative for the City. As noted therein, by drawing down funds awarded by the EPA, the City agrees to award terms and conditions.

As demonstrated in the grant agreement, the City will provide \$73,408 in required match, which accounts for both City personnel time and costs in support of community engagement activities. Larimer County will provide in-kind services totaling \$51,430. The City will recognize the \$51,430 as in-kind revenue from Larimer County through the life of this project. The combined \$124,838 in local match from the City and Larimer County meets the required 20.01% match under the EPA award.

CITY FINANCIAL IMPACTS

This item appropriates \$569,317 in costs to support the *Air Toxics Community Monitoring project* from:

- \$499,139 in unanticipated grant revenue
- \$70,178 in General Fund reserves to be used towards the required matching funds

Additionally, required matching funds in the amount of \$3,230 have already been appropriated in the 2023 General Fund in the Environmental Services operating Budget. The \$3,230 will be transferred from Environmental Services' 2023 operating budget to the grant project.

This grant from the EPA is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$499,139.

The \$51,430 for in-kind services by Larimer County will be reported in this project as in-kind revenue through the life of the project a/k/a period of performance under the EPA grant, from 10/1/2023 through 9/30/2026.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Air Quality Advisory Board (AQAB) provided a letter of support included in the grant application.

PUBLIC OUTREACH

Prior to and during the writing of the application, the project team consulted with a consortium of community groups, including members of the Latinx community, via several meetings to respond to community concerns. This project has the support and involvement of partners such as the Fort Collins Community Action Network, Northern Colorado Medical Society, League of Women Voters of Larimer County, Sierra Club-Poudre Canyon Group, and the Regional Air Quality Planning Council, as well as others.

Additionally, recruitment for the AQ-MAC has been conducted with a diverse array of stakeholders, community groups, and individuals to ensure the committee is representative of the community that this project will serve. AQ-MAC members will provide their lived experience and expertise to the project team to shape the monitoring plans. The goal is that those most vulnerable to air quality impacts will have a significant voice in this project, leading to more equitable outcomes.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 143, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION, APPROPRIATING PRIOR
YEAR RESERVES, AUTHORIZING TRANSFERS AND AUTHORIZING
INTERGOVERNMENTAL AGREEMENTS FOR
THE AIR TOXICS COMMUNITY MONITORING PROJECT

WHEREAS, the northern Front Range of Colorado is home to growing population centers and expanding oil and gas production; and

WHEREAS, community concerns are mounting about the adequacy of existing monitoring networks to identify potential air quality issues from oil and gas production and other sources; and

WHEREAS, the City applied for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) in collaboration with Colorado State University (CSU) and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and several community organizations; and

WHEREAS, the EPA awarded the City \$499,139 in a three-year Air Toxics Community Monitoring Project Grant (the Grant) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches and empowers residents to engage in policy and regulatory discussions (the Project); and

WHEREAS, funding for the Project would total \$623,977, with the City providing \$73,408 in required matching funds, which includes both City personnel time and costs to support community engagement activities, and Larimer County providing in-kind services worth a total of \$51,430; and

WHEREAS, the City Council has previously appropriated funds through Ordinance No, 126, 2022, the 2023-2024 annual appropriation ordinance, to the Environmental Services operating budget in the General Fund that will be transferred by this Ordinance to contribute to the City's required match for the Project; and

WHEREAS, the Air Toxics Community Monitoring Project Grant agreement with the EPA is attached hereto as Exhibit "A"; and

WHEREAS, City staff seek to enter into an intergovernmental agreement with CSU for CSU to conduct monitoring of select hazardous air pollutants using Grant funds; and

WHEREAS, these appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve the public purposes of improving air quality monitoring in the region, including within the City, and building community understanding of air quality issues; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of \$3,230 from the Environmental Services operating budget in the General Fund to the Air Toxics Community Monitoring Project in the General Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Air Toxics Community Monitoring Project Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant; and

WHEREAS, Section 1-22 of the City Code requires the City Council to approve intergovernmental agreements and cooperative activities with other governmental entities, except in certain enumerated scenarios.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of FOUR HUNDRED NINETY-NINE THOUSAND ONE HUNDRED THIRTY-NINE DOLLARS (\$499,139) to be expended in the General Fund for the Environmental Services Air Toxics Community Monitoring Project.

Section 3. That there is hereby appropriated from prior year reserves in the General Fund the sum of SEVENTY THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$70,178) to be expended in the General Fund for Environmental Services Air Toxics Community Monitoring Project.

Section 4. That the unexpended and unencumbered appropriated amount of THREE THOUSAND TWO HUNDRED THIRTY DOLLARS (\$3,230) is authorized for transfer from the Environmental Services operating budget in the General Fund to the Environmental Services Air Toxics Community Monitoring Project.

Section 5. That the appropriation herein for the Environmental Services Air Toxics Community Monitoring Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 6. That the City Council approves the Air Toxics Community Monitoring Project Grant with the Environmental Protection Agency, which is attached hereto as Exhibit "A".

Section 7. That the City Council authorizes the City Manager, in consultation with the City Attorney, to develop and execute an intergovernmental agreement with Colorado State University to conduct monitoring of select hazardous air pollutants using funds from the Air Toxics Community Monitoring Project Grant.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:


City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 00I09701 MODIFICATION NUMBER: 0 PROGRAM CODE: 5X		DATE OF AWARD 09/13/2023
		TYPE OF ACTION New		MAILING DATE 09/18/2023
		PAYMENT METHOD: ASAP		ACH# 80084
		RECIPIENT TYPE: Municipal		
RECIPIENT: City of Fort Collins P. O. Box 580 Fort Collins, CO 80522-0580 EIN: 84-6000587		PAYEE: City of Fort Collins P. O. Box 580 Fort Collins, CO 80522-0580		
PROJECT MANAGER Emily Olivo 222 Laporte Avenue PO Box 580 Fort Collins, CO 80522-0580 Email: eolivo@fcgov.com Phone: 970-510-6638		EPA PROJECT OFFICER Courtney Johnson 1595 Wynkoop Street Denver, CO 80202-1129 Email: Johnson.Courtney@epa.gov Phone: 303-312-6456		EPA GRANT SPECIALIST Jennifer Hale Grants, Acquisition and IAs Branch 1595 Wynkoop Street Denver, CO 80202-1129 Email: hale.jennifer@epa.gov Phone: 303-312-6330
PROJECT TITLE AND DESCRIPTION Enhancing Monitoring of Air Toxics and Air Quality Education in Underserved Communities in Northern Colorado See Attachment 1 for project description.				
BUDGET PERIOD 10/01/2023 - 09/30/2026	PROJECT PERIOD 10/01/2023 - 09/30/2026	TOTAL BUDGET PERIOD COST \$623,977.00	TOTAL PROJECT PERIOD COST \$623,977.00	
NOTICE OF AWARD <p>Based on your Application dated 03/23/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$499,139.00. EPA agrees to cost-share 79.99% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$499,139.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 8 , Environmental Protection Agency, Region 8 1595 Wynkoop Street Denver, CO 80202-1129		ORGANIZATION / ADDRESS U.S. EPA, Region 8, Air and Radiation Division R8 - Region 8 1595 Wynkoop Street Denver, CO 80202-1129		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Sarah Hulstein - Grant Management Officer				DATE 09/13/2023

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$499,139	\$499,139
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$73,408	\$73,408
State Contribution	\$0	\$0	\$0
Local Contribution	\$0	\$51,430	\$51,430
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$623,977	\$623,977

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2308FID039	2231	E1SFX	08FCO23	000AMTXM1	4183	-	-	\$499,139
									\$499,139

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$86,775
2. Fringe Benefits	\$6,638
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$530,564
9. Total Direct Charges	\$623,977
10. Indirect Costs: 0.00 % Base	\$0
11. Total (Share: Recipient <u>20.01</u> % Federal <u>79.99</u> %)	\$623,977
12. Total Approved Assistance Amount	\$499,139
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$499,139
15. Total EPA Amount Awarded To Date	\$499,139

Attachment 1 - Project Description

The agreement provides funding under Inflation Reduction Act to conduct ambient air monitoring of pollutants of greatest concern in communities with environmental and health outcome disparities stemming from pollution and the COVID-19 pandemic.

The North Front Range of Colorado is home to growing population centers and to rapidly expanding oil and gas production. The Denver/Metro North Front Range region is also designated as serious nonattainment for ozone (O₃) and will soon be downgraded to severe status. Community concerns are mounting about the adequacy of existing monitoring data networks to identify potential air quality issues, and the ability of local governments to characterize and address risks. Additionally, climate change is exacerbating these issues along the Northern Colorado Front Range, particularly for Latinx residents, children living near the poverty level, and residents with asthma, diabetes, fair or poor health status, or lacking health insurance. This project will provide air toxic monitoring that responds to concerns of residents in underserved communities, will increase awareness of air pollution, will build a broader understanding of air quality issues through innovative approaches including story-telling and art, and will hold workshops to further empower residents to engage in policy and regulatory discussions and seeking enforcement actions if warranted. The activities will be used to support community and local efforts to monitor their own air quality and to promote air quality monitoring partnerships between communities and tribal, state, and local governments that: leverage existing air quality expertise, expand use of community monitoring groups and other approaches that give the community a voice in the monitoring of the air quality, increase the capacity of residents to engage in policy and regulatory discussions and decisions, and build a foundation of trusting relationships and enhanced understanding from which sustainable solutions to community air pollution problems can be found.

The anticipated deliverables include an Air Quality Monitoring Advisory Committee (AQ-MAC) membership list and charter, AQ-MAC site selection criteria, initial monitoring site locations, updates to site selection criteria and locations, project Standard Operating Procedures (SOPs) and field plans, project websites, monthly data analysis reports/briefings, public updates, final data analysis report, final data presentations, final data to Colorado State University digital repository, workshop materials, attendance and feedback reports, and final public engagement and art installation report.

The expected outcomes include identifying Environmental Justice (EJ) priority monitoring areas; empower underserved communities to investigate potential concerns; identify acute and chronic air quality issues; increase community engagement in air quality monitoring planning, increase awareness of abundance and impact of air toxics; increase access to air toxics data for a wider range of communities; pursue community action to mitigate air pollution, increase investment in local policy to reduce air toxics; increase connections and trust with government agencies; create workshops focused on 1) storytelling related to environmental injustices 2) discuss civic engagement on air issues 3) complete general outreach and education on air quality fundamentals in northern Colorado (public art events and installations).

The intended beneficiaries include the city of Fort Collins. The City of Fort Collins, in partnership with Colorado State University (CSU), Larimer County Department of Health and Environment (LCDHE), Colorado Department of Public Health and Environment (CDPHE) and a suite of community groups, propose to implement monitoring of select hazardous air pollutants (HAPs), aligned with efforts to inform and engage underserved residents of Northern Colorado through data sharing, and accessible relevant educational activities. The primary goals of the project are to 1) leverage local air monitoring expertise to collect, interpret, and share air toxics data that responds to community pollution concerns, 2) expand the engagement of community groups to establish monitoring priorities so they address specific emission sources or sectors and prioritize the needs of underserved residents, 3) increase awareness and understanding of air pollution and air quality data, including the impacts of air toxics exposures, 4) increase the capacity of residents to engage in policy and regulatory discussions and decisions, and 5) build trust across diverse groups.

Administrative Conditions

National Administrative Terms and Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov and Grant Specialist, Jennifer Hale at hale.jennifer@epa.gov.
- MBE/WBE reports (EPA Form 5700-52A): Grant Specialist, Jennifer Hale at hale.jennifer@epa.gov.
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: Grant Specialist, Jennifer Hale at hale.jennifer@epa.gov and Project Officer Courtney Johnson at johnson.courtyney@epa.gov.
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: Project Officer Courtney Johnson at johnson.courtyney@epa.gov.

B. Leveraging

The recipient agrees to provide the proposed leveraged funding, including any voluntary cost-share contribution or overmatch, that is described in its proposal. If the proposed leveraging does not materialize during the period of award performance, and the recipient does not provide a satisfactory explanation, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the proposed leveraging does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the leveraged funding the recipient described in its proposal, EPA may take action as authorized by 2 CFR Part 200 and/or 2 CFR Part 180 as applicable.

C. Voluntary Cost-Share or Overmatch

This award and the resulting federal funding of \$499,139.00 is based on estimated costs

requested in the recipient's application dated 03/23/2022. Included in these costs is a voluntary cost-share contribution of \$73,408.00 by the recipient and \$51,430.00 from project partner(s) in the form of a voluntary cost-share or overmatch (providing more than any minimum required cost-share) for a total of \$124,838.00 of voluntary cost-share contributions. The recipient must provide this voluntary cost-share contribution during performance of this award unless the EPA agrees otherwise in a modification to this agreement. While actual total costs may differ from the estimates in the recipient's application, EPA's participation shall not exceed the total amount of federal funds awarded.

If the recipient fails to provide the voluntary cost-share contribution during the period of award performance, and EPA does not agree to modify the agreement to reduce the cost share, the recipient is in violation of the terms of the agreement. In addition to other remedies available under 2 CFR Part 200, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the voluntary cost-share contribution does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the voluntary cost-share or overmatch the recipient described in its proposal. EPA may take action as authorized by 2 CFR Part 200 and/or 2 CFR Part 180 as applicable.

Programmatic Conditions

Grant-Specific Programmatic Terms and Conditions (as of 2/01/2023)

A. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports – Content

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs.

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

(See [Grants Policy Issuance 11-03 State Grant Workplans and Progress Reports](#) for more information)

Performance Reports - Frequency

The recipient agrees to submit **quarterly** performance reports electronically to the EPA Project Officer within 30 days after the quarterly reporting period ends. The reporting periods are October - December, January - March, April - June, and July - September. The recipient must submit the final performance report no later than 120 calendar days after the end date of the period of performance.

Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.208 and the 2 CFR Part 200.339 Remedies for Noncompliance.

Note: EPA Project Officers may customize this reporting requirement based on programmatic information needs.

B. Data Reporting

Data and/or related observations must be shared publicly and in a practicable amount of time throughout the lifetime of the project and not only after the project is at or near completion.

C. Cybersecurity Condition

Cybersecurity Grant Condition for Other Recipients, Including Intertribal Consortia

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

D. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

E. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at <https://www.fgdc.gov/>.

F. Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must **not** be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the [Insert Recipient or subrecipient NAME] received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

G. DURC/iDURC

The recipient agrees to not initiate any life sciences research involving agents and toxins identified in Section 6.2.1 of the [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern \(iDURC Policy\)](#) until appropriate review and clearance by the recipient institution's Institutional Review Entity (IRE). The recipient also agrees to temporarily suspend life sciences research in the event that, during the course of the research project, the IRE determines that the life sciences research meets the definition of DURC in the iDURC Policy, and the recipient agrees to notify the EPA Institutional Contact for Dual Use Research (ICDUR) (DURC@epa.gov) of the institution's determination.

H. Competency Policy

Competency of Organizations Generating Environmental Measurement Data

Competency of Organizations Generating Environmental Measurement Data: In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, the recipient agrees to demonstrate competency prior to carrying out any activities under the award involving environmental information operations (*i.e.*, the collection, production, evaluation or use of environmental information and/or the design, construction, operation, or application of environmental technology). The recipient shall maintain competency for the duration of the agreement's period of performance, and this will be documented during the annual reporting process. To access the Policy and other information about the Policy, visit http://www.epa.gov/fem/lab_comp.htm. A copy of the Policy is available directly at <https://www.epa.gov/measurements-modeling/documents-about-measurement-competency-under-assistance-agreements>, or a copy may be requested by contacting the EPA Project Officer for this award.

I. Quality Assurance Project Plan

1. A Quality Assurance Project Plan (QAPP) is a record of determinations made during planning by the organization of the data type, quality, and quantity necessary to meet project objectives and the quality assurance and quality control procedures, specifications, and documentation that the recipient will use to ensure the desired results. This

quality assurance documentation requirement applies to all grants that involve environmental information operations (i.e., the collection, production, evaluation or use of environmental information and/or the design, construction, operation, or application of environmental technology).

2. To be approvable, the grant recipient must develop a QAPP or equivalent QA document that meets all requirements outlined in *EPA QA Project Plan Requirements*, QA/R-5. The term QAPP will be used hence forward in this grant QA Term and Condition (R8 QA T&C) to refer to the QAPP or equivalent QA document.
3. As applicable and in accordance with 2 CFR 1500.12, the recipient agrees to document in a QAPP, the quality assurance (QA), quality control (QC), and technical activities that must be implemented to ensure that the project objectives are met. Multiple QAPPs and/or a multi-year QAPPs may be prepared as directed in the Work Plan and by the EPA Project Officer.
4. Recipients implementing environmental information operations (defined in Section 1) within the scope of the assistance agreement must submit a QAPP to the EPA Project Officer and EPA QA reviewer for review and approval no later than 90 days prior to performing work that includes environmental information operations. Earlier submissions are welcome.
5. The QAPP shall be prepared for each project in accordance with (IAW) [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#). For each QAPP, complete the [Region 8 QA Document Review Crosswalk](#) (QAPP Review Crosswalk). In the QAPP Review Crosswalk the recipient shall identify the specific page number(s) and section(s) of the QAPP that addresses the corresponding required QAPP element in QA/R-5, including a detailed explanation for any elements considered not applicable to the grant. The recipient shall submit the completed crosswalk with the QAPP to the EPA Project Officer and EPA QA contact for review and approval. Each QAPP has a maximum period of performance of 5 years.
6. The recipient agrees to ensure that no environmental information operations (defined in Section 1) occur without a QAPP that is approved by the EPA Regional Quality Assurance Manager or their delegate, except under circumstances requiring immediate action to protect human health and the environment or operations conducted under police powers. In the case of this exception, QAPPs must be approved within 30 days of the recipient's first date responding to the incident.
7. For multi-year QAPPs, the recipient must review the current QAPP annually to reconfirm its suitability and effectiveness and its alignment with the grant's work plan. The recipient shall document the review using the [Region](#)

[8 QA Document Review Crosswalk](#) (QAPP Review Crosswalk). In the QAPP Review Crosswalk the recipient shall identify the specific page number(s) and section(s) of changes to the approved version of the QAPP and include a description of what changed and why in the crosswalk element's comment box. For multi-year QAPPs, the documented annual QAPP review results (using the QAPP Review Crosswalk) must be submitted to EPA Project Officer and QA reviewer annually, no later than 60 days prior to the anniversary date of EPA's approval of the QAPP as a new document. Significant changes to the project require the recipient to modify the QAPP and submit the updated QAPP as a new document as described in Sections 4-5. The recipient must submit the updated QAPP and completed [Region 8 QA Document Review Crosswalk](#) to the EPA Project Officer and QA reviewer for review and approval. Only after the revision has been approved shall the change be implemented.

J. Leveraging:

The recipient agrees to provide the proposed leveraged funding, including any voluntary cost-share contribution or overmatch, that is described in its proposal dated 08/21/2023. If the proposed leveraging does not materialize during the period of award performance, and the recipient does not provide a satisfactory explanation, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the proposed leveraging does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the leveraged funding the recipient described in its proposal dated 08/21/2023 EPA may take action as authorized by 2 CFR Part 200 and/or 2 CFR Part 180 as applicable.

K. Voluntary Cost-Share or Overmatch

This award and the resulting federal funding of \$499,139 is based on estimated costs requested in the recipient's application dated 08/21/2023. Included in these costs is a voluntary cost-share contribution of \$124,838 by the recipient in the form of a voluntary cost-share or overmatch (providing more than any minimum required cost-share) that the recipient included in its proposal dated 08/21/2023. The recipient must provide this voluntary cost-share contribution during performance of this award unless the EPA agrees otherwise in a modification to this agreement. While actual total costs may differ from the estimates in the recipient's application, EPA's participation shall not exceed the total amount of federal funds awarded.

If the recipient fails to provide the voluntary cost-share contribution during the period of award performance, and EPA does not agree to modify the agreement to reduce the cost share, the recipient is in violation of the terms of the agreement. In addition to other remedies available under 2 CFR Part 200, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the voluntary cost-share contribution does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the voluntary cost-share or overmatch the recipient described in its proposal dated 08/21/2023 EPA may take action as authorized by 2 CFR Part 200 and/or 2 CFR Part 180 as applicable.

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Gunnar Hale, Civil Engineer
Brad Buckman, City Engineer
Nancy Nichols, Safe Routes to School Program Manager
Heather Jarvis, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, enables the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3) appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Zach Elementary School is located on the south side of Kechter Road, a high-volume arterial street in southeast Fort Collins. Zach Elementary students who live north of the arterial must cross this road to get to school. Many of the streets and roads in this area either lack sidewalks altogether or have substandard sidewalks, and there is a lack of multi-use trail connectivity in this southeastern area of the City. Zach Elementary has high numbers of students who bike, walk, or roll to school. Those students who live south of the school experience safer routes to school via low-traffic, low-volume residential streets with sidewalks. Other students who live north of the school must cross Kechter to get to school, making their journey much more challenging and riskier due to the existing suboptimal crossings at Kechter Road and Jupiter Drive and at Kechter Road and Cinquefoil Lane. Due to the Jupiter/Kechter intersection not being fully signalized,

a traffic-control contractor is required to keep students safe when crossing Kechter (at both morning arrival time and afternoon dismissal time).

There have been four rear-end crashes reported in this location between 2017 and 2022, one of which occurred during school dismissal time and one that involved a pedestrian who suffered serious injuries.

The improvements proposed for the Project will create space and infrastructure intended to eliminate most of the conflicts that result in crashes in this location. The improvements at the Jupiter/Kechter intersection include a new fully signalized intersection with pedestrian “walk” signals and a new bike-pedestrian crossing. The improvements at the Cinquefoil/Kechter intersection include a median refuge island and flashing signal.

In 2023, a CDOT SRTS grant was awarded to the City for the design and construction of the Project. The SRTS funding became available to the City in the State fiscal year 2024 (which began July 2023). SRTS funding involves an 80%/20% (Federal/Local) match. The funding split for this award is \$745,587 Federal and \$187,397 Local. The City’s local match is being covered by the SRTS School Transportation Safety Studies, Bicycle CCIP, Pedestrian CCIP, and funds that will be received pursuant to an IGA with the PSD.

Per Chapter 23 of the City Code, Article XII (addressing Art in Public Places), Section 23-304, all appropriations for construction projects estimated to a total cost of over \$250,000 shall include an amount equal to one percent of eligible funds for works of art. The appropriation ordinance with this item includes a contribution of \$1,010 to the Art in Public Places Program, which is 1% of the local match from SRTS School Transportation Safety Studies funds of \$101,000. The Bicycle and Pedestrian CCIP 1% was previously appropriated through the 2023/24 Budgeting For Outcomes process. The SRTS grant funds and PSD Funds appropriated via this action are ineligible for use toward public art and, as such, are not subject to the 1% set aside.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design and construction for the Zach Elementary School Crossings Project:

Funds to be Appropriated with this Action	
CDOT SRTS Grant	\$745,587
SRTS School Transportation Safety Studies/Infra. Improvements	\$101,000
Bicycle CCIP	\$46,397
Pedestrian CCIP	\$40,000
Total Funds to be appropriated with this Action:	\$932,984
Transfer to Art in Public Places	(\$1,010)

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff will present this Project to the Transportation Board in 2024 as the plans are developed.

PUBLIC OUTREACH

Staff will present Project details to the public and Zach Elementary community as the Project is developed. As the Project moves forward, a website will be available to the public and staff will develop a comprehensive communication plan. Additionally, per requirements of the CDOT grant agreement, the City's Safe Routes to School program will provide educational activities for Zach Elementary students, staff, and parents relating to how to properly use the new infrastructure provided by the Project.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 144, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM A CDOT SAFE ROUTES TO
SCHOOL GRANT AND AUTHORIZING TRANSFERS FOR THE ZACK ELEMENTARY
SCHOOL CROSSINGS PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, Zach Elementary School is located on the south side of Kechter Road, a high-volume arterial street in southeast Fort Collins; and

WHEREAS, many of the streets and roads in this area either lack sidewalks altogether or have substandard sidewalks, and there is a lack of multi-use trail connectivity in this southeastern area of Fort Collins; and

WHEREAS, Zach Elementary School has high numbers of students who bike, walk, or roll to school; and

WHEREAS, Zach Elementary students who live south of the school experience safer routes to school via low-traffic, low-volume residential streets with sidewalks; and

WHEREAS, Zach Elementary students who live north of the arterial must cross Kechter Road to get to school, making their journey much more challenging and riskier due to the existing suboptimal crossings at Kechter Road and Jupiter Drive and at Kechter Road and Cinquefoil Lane; and

WHEREAS, due to the Jupiter/Kechter intersection not being fully signalized, a traffic-control contractor is required to keep students safe when crossing Kechter at both morning arrival time and afternoon dismissal time; and

WHEREAS, there have been four rear-end crashes reported in this location between 2017 and 2022, one of which occurred during school dismissal time and one that involved a pedestrian who suffered serious injuries; and

WHEREAS, the Zach Elementary School Crossings Project (the “Project”) has been developed to address these safety concerns and eliminate most of the conflicts that result in crashes presented by both the Jupiter/Kechter and Cinquefoil/Kechter intersections; and

WHEREAS, the Project’s proposed improvements at the Jupiter/Kechter intersection will include a new fully signalized intersection with pedestrian “walk” signals and a new bike-pedestrian crossing; and

WHEREAS, the Project’s proposed improvements at the Cinquefoil/Kechter intersection will include a median refuge island and flashing signal; and

WHEREAS, the City was awarded a Colorado Department of Transportation (“CDOT”) Safe Routes to School (“SRTS”) grant for the design and construction of the Project, and the SRTS funding became available to the City in the State fiscal year 2024, which began July 2023; and

WHEREAS, the SRTS grant funds for the Project are to be administered by CDOT with project delivery oversight pursuant to an intergovernmental agreement (the “IGA”) with CDOT that outlines the terms and conditions of the use of the SRTS grant funds, which funds require an eighty percent to twenty percent (“80%/20%”) federal to local funding split; and

WHEREAS, the 80%/20% funding split for this award is \$745,587 in federal funds and \$187,397 in local funds; and

WHEREAS, the City’s local match is being transferred from the SRTS School Transportation Safety Studies business unit in the Transportation Services Fund in the amount of \$101,000 and from the Community Capital Improvement Program Fund Bicycle Community Capital Improvement Program (“Bicycle CCIP”) business unit in the amount of \$46,397 and Pedestrian Community Capital Improvement Program (“Pedestrian CCIP”) business unit in the amount of \$40,000; and

WHEREAS, the City anticipates receiving a \$25,000 contribution for the Project from the Poudre School District pursuant to an IGA, which will reimburse portions of the appropriated Bicycle CCIP and Pedestrian CCIP funds; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the available grant funds and to appropriate those funds; and

WHEREAS, this appropriation benefits public health, safety and welfare of the people of Fort Collins and serves the public purpose of improving transportation infrastructure within the City and accommodating multimodal transportation and safety; and

WHEREAS, this Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program (“APP Program”); and

WHEREAS, the project cost of \$101,000 in this Ordinance contributed by the Transportation Services Fund of prior appropriated monies from the SRTS School Transportation Safety Studies business unit is applicable for contribution to the APP Program; and

WHEREAS, the Bicycle CCIP and Pedestrian CCIP funds APP Program contribution was previously appropriated; and

WHEREAS, the CDOT SRTS grant funds appropriated in this Ordinance for the Zack Elementary School Crossings Project are ineligible for use in the APP Program due to restrictions placed on them by the SRTS grant administered by CDOT; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in

combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Services Fund and the Community Capital Improvement Program Fund and will not cause the total amount appropriated in the Transportation Services Fund and Community Capital Improvement Program Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of \$86,397 from the Community Capital Improvement Program Fund to the Capital Projects Fund for the Project and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer of \$101,000 from the Transportation Services Fund to the Capital Projects Fund for the Project and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer of \$1,010 from the Capital Projects Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein from the SRTS grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds from the Safe Routes to School (SRTS) grant in the Capital Projects Fund the sum of SEVEN HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$745,587) to be expended in the Capital Projects Fund for the Zack Elementary School Crossings project.

Section 3. That the unexpended and unencumbered appropriated amount of ONE HUNDRED ONE THOUSAND DOLLARS (\$101,000) is authorized for transfer from the Transportation Services Fund to the Capital Project Fund and appropriated therein to be expended for the Zack Elementary School Crossings project.

Section 4. That the unexpended and unencumbered appropriated amount of EIGHTY-SIX THOUSAND THREE HUNDRED NINETY-SEVEN DOLLARS (\$86,397) is authorized for transfer from the Community Capital Improvement Program Fund to the Capital Project Fund and appropriated therein to be expended for the Zack Elementary School Crossings project.

Section 5. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED EIGHTY-EIGHT DOLLARS (\$788) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 6. That the unexpended and unencumbered appropriated amount of TWO HUNDRED TWO DOLLARS (\$202) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 7. That the unexpended and unencumbered appropriated amount of TWENTY DOLLARS (\$20) in the Capital Project Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 8. That the appropriation herein from the SRTS grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Kelly DiMartino, City Manager
Travis Storin, Chief Financial Officer
Lawrence Pollack, Budget Director
John Duval, Deputy City Attorney
Ryan Malarky, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 17, 2023, amends the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

On Second Reading, some minor additional edits have been made to the recitals and Section 4 of the Ordinance to identify that budgeted grant funds for Transfort are designated as a non-lapsing appropriation, and that other grants and donations will be separately appropriated when necessary.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Council previously adopted the 2023-24 Biennial Budget and appropriated monies for expenditure in fiscal year 2023. State statutes and the City Charter both require an annual appropriation to cover expenses for the ensuing year (2024) based upon the adopted budget. Per City Charter, Second Reading must occur before the last day of November and is currently scheduled for November 21, 2023.

The Net City Budget, as amended, is broken down as follows:

TOTAL BUDGET (in Millions)			
	Original 2024	Revised 2024	% Change
Operating	\$716.4	\$718.1	0.2%
Debt	45.8	52.0	13.5%
Capital*	64.8	65.2	0.6%
Total City Appropriations**	\$827.0	\$835.3	1.0%
Less			
Internal Service Funds	(\$98.3)	(\$99.4)	1.1%
Transfers to Other Funds	(78.4)	(78.0)	-0.5%
GIDs	(0.3)	(0.3)	1.2%
URAs	(6.1)	(6.1)	0.0%
DDA	(24.3)	(26.3)	8.6%
Total	(\$207.4)	(\$210.2)	1.3%
Net City Budget	\$619.6	\$625.1	0.9%
* Capital in this table includes all capital related items, which will be significantly greater than the sum of Capital Project offers			
** This includes the GID #1, GID #15, URA and DDA all of which are appropriated in separate ordinances			

This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

Overview

The mid-cycle Budget Revision process is different from the biennial Budgeting for Outcomes (BFO) process in that:

1. There is no broad request for new and innovative Offers. This is because the City is operating within the approved 2023-24 Biennial Budget and these revisions should be exceptions based on information not known at the time the budget was adopted in November 2022.
2. Likewise, there is no review by BFO Teams or request for public engagement. However, the Executive Leadership Team and City Manager conducted a comprehensive review to determine which requests should be forwarded for Council's consideration. Revised revenue projections and available fund reserves were carefully considered when making these recommendations.

The 2024 Budget Revisions include offers for Council's consideration based on information that was not available at the time the 2023-24 Budget was adopted, as well as a few administrative adjustments explained below. The following are key objectives which the 2024 Budget Revision recommendations are intended to address:

- Matching appropriations for ongoing expenditures to current ongoing revenue estimates
- Council priorities
- High-priority projects and other needs not known at the time of the adoption of the 2023-24 Budget
- Fiduciary responsibilities and fund balance requirements

The recommended 2024 Budget Revisions meet these goals, as applicable. Recommended Revision Offers to the 2024 Budget must also meet one of the following criteria:

- The request is specifically directed by the City Manager or Council.
- The request is related to a previously approved offer where either revenue shortfalls or unforeseen expenses are significantly impacting the delivery of that program or service.

Revenue

Overall, most significant City revenue sources are coming in at, or above, the 2023 budget. Based on year-to-date actual collections and other information, both Sales Tax and Property Tax forecasts are recommended to be increased for 2024.

Sales tax collection through August is about \$930k over budget. It is estimated that the total 2023 collections will be about \$1.5M over budget, which raises the base of ongoing Sales Tax in 2024 by that same amount. Staff recommend keeping Sales Tax growth on that higher base at the 2.5% growth already included in the adopted 2023-24 Budget. This equates to about \$1.5M of new ongoing revenue for City operations in 2024. Of that amount, about \$1.1M would be available from the General Fund.

Property Tax assessments this year are seeing 25% to 35% growth, or more. This will be realized as increased Property Tax collections in 2024 over the budgeted increase of 13% already included in the 2023-24 Budget. This equates to about \$2.1M of new ongoing revenue for City operations in 2024.

However, there are risks to that new property tax revenue associated with State Proposition HH, which is to be voted on this fall. If Proposition HH passes, the County Assessor is estimating reduced growth to be realized at about 23%. This would equate to about \$1,450,000 of new ongoing revenue for City operations in 2024. This conservative lower amount has been modeled to ensure increased ongoing revenue is available to cover increased ongoing expenses approved by Council in the 2024 Budget Revisions process.

Twenty twenty-two (2022) Year-end reserve balances have been finalized and previously shared with the Council Finance Committee. Unassigned fund balances (i.e., reserves) are available in excess of the requested amounts for the 2024 Budget Revisions.

Summary of 2024 Revenue Changes and Available Reserves

Description	General Fund - Ongoing	General Fund - 1-Time	Cultural Services	Light & Power	Water	Stormwater	Broadband	Equipment	TOTAL
Summary of Revenue Changes & Reserves									
- Increased 2024 Sales Tax forecast for General Fund (ongoing)	\$1,110,390								\$1,110,390
- Increased 2024 Property Tax forecast for General Fund	1,450,000								\$1,450,000
- Increased 2024 Carnegie Center revenue forecast (ongoing)			25,000						\$25,000
- Available Ongoing Revenue from the 2023-24 Budget				3,200,000	360,000	1,200,000	1,159,674	203,947	\$6,123,621
- Available Reserves (1-Time, if requested)		8,100,000							\$8,100,000
- Less: 2023 Reappropriation (1-Time)		(602,754)			(52,500)				(\$655,254)
- Less: 2023 Supplemental Approps (ongoing)	(582,000)								(\$582,000)
- Less: 2023 Supplemental Approps (1-Time)		(1,125,100)							(\$1,125,100)
Subtotal of Funding Changes	1,978,390	6,372,146	25,000	3,200,000	307,500	1,200,000	1,159,674	203,947	14,446,657

The revenue and reserves above are available to fund the recommended additions to the 2024 Budget. The table below summarizes those proposed additions, and the attachment contains the details of those recommended offers. During the reconciliations for First Reading, it was determined that \$63k of funding that had been characterized as General Fund was actually expenses related to the Equipment Fund, so these three tables have been modified to display that update.

Summary of 2024 Recommended Additions

Fund / Revision Requested	FTE	Ongoing \$	One-Time \$	Total
General Fund				
Rental Housing Program with 4.0 FTE	4.00	401,755	78,750	480,505
1.0 FTE Carnegie Center for Creativity Programming	1.00	111,722		111,722
Municipal Court Services - 1.0 FTE Deputy Court Clerk II	1.00	70,419	18,000	88,419
Municipal Court Services - Technology	-	189,201	146,410	335,611
Additional Prosecution Staff	1.00	155,150	19,472	174,622
Waste Contracting Operating Budget plus 2 FTE	2.00	300,896	-	300,896
Bringing the operations of the TRC in-house plus 3 FTE	3.00	232,900	311,476	544,376
Encampment cleaning and prevention additional funds	-	111,000	-	111,000
Expansion of the Enterprise Service Management (ESM) System	-	68,500	87,500	156,000
Household Hazardous Waste	-	-	114,240	114,240
Total General Fund	12.00	\$1,641,543	\$775,848	\$2,417,391
Cultural Services & Facilities				
1.0 FTE Carnegie Center for Creativity Programming	-	25,000	-	25,000
Total Cultural Services & Facilities Fund	0.00	\$25,000	\$0	\$25,000
Light and Power Fund				
Debt service for 2023 Bond Issuance	-	2,954,708	-	2,954,708
Total Light and Power Fund	0.00	2,954,708	0	2,954,708
Water Fund				
Poudre Instream Flows Plan: Early Design and Cost Estimating	-	-	60,000	60,000
Total Water Fund	0.00	0	60,000	60,000
Stormwater Fund				
Encampment cleaning and prevention additional funds	-	64,000	-	64,000
Household Hazardous Waste	-	-	89,760	89,760
Total Stormwater Fund	0.00	\$64,000	\$89,760	\$153,760
Broadband Fund				
Debt service for 2023 Bond Issuance	-	1,159,674	-	1,159,674
Total Broadband Fund	0.00	\$1,159,674	\$0	\$1,159,674
Equipment Fund				
Bringing the operations of the TRC in-house plus 3 FTE	-	63,524	-	63,524
Total Equipment Fund	0.00	\$63,524	\$0	\$63,524
TOTAL ALL FUNDS				
	12.00	5,908,449	925,608	6,834,057

The table below summarizes the available funding (displayed at the bottom of the first table above). The 2024 Budget Revisions are then summarized into ongoing/one-time expenses and then subtracted from the available funding. In all cases, there is enough available funding to support the proposed 2024 Budget Revisions. Additionally, fund balances remain strong and well above minimum fund balance requirements.

Summary of Available Reserves and Revenue after Recommended Additions

Description	General Fund - Ongoing	General Fund - 1-Time	Cultural Services	Light & Power	Water	Stormwater	Broadband	Equipment	TOTAL
Available Revenue and Reserves	1,978,390	6,372,146	25,000	3,200,000	307,500	1,200,000	1,159,674	203,947	14,446,657
2024 Budget Revision Requests									
- Ongoing Requests	(1,641,543)		(25,000)	(2,954,708)		(64,000)	(1,159,674)	(63,524)	(5,908,449)
- One-Time Requests		(775,848)			(60,000)	(89,760)			(925,608)
Total of 2024 Revisions	(1,641,543)	(775,848)	(25,000)	(2,954,708)	(60,000)	(153,760)	(1,159,674)	(63,524)	(6,834,057)
Net Impact (positive = available)	\$336,847	\$5,596,298	\$0	\$245,292	\$247,500	\$1,046,240	\$0	\$140,423	N/A

The 2024 Budget Revisions allow the City to include a small number of additional budget requests in the 2024 Budget, which address Council priorities that benefit our community.

In addition to the recommended budget revisions, there are a few other recommended administrative changes for the 2024 Budget, as follows:

- Modification to 2023-24 Offers 14.4 and 17.1: After the budget was completed, an organizational staffing decision was made to move the Network Engineers from Broadband back to central Information Technology (IT). This removes the need for the transfer of money from IT to Broadband. Instead of being transferred, those funds will now be used to pay the personnel expenses within IT.
 - a. There is no change in expenses for IT.
 - b. The removal of the transfer of funds impacts Broadband by reducing the associated transfer revenue and the previously budgeted expenses by the same amount of \$835k with no net financial impact.
- Modification to 2023-24 Offer 15.6: Police District One is located on the first floor of the Civic Center Parking Structure. In April 2022, when the budget offer was submitted, the building was owned by Post Modern Development, with a rent of \$84k for 2024. In December of 2022, the Civic Center Parking Structure was purchased by the City. Now that the City owns the building, there is no longer any rent to be paid for this facility.
 - a. The removal of the transfer of funds impacts Operations Services by reducing the associated transfer revenue and the previously budgeted expenses by the same amount of \$84k with no net financial impact.
- Modification to 2023-24 Offer 1.42: This offer to update the Water Efficiency Plan was approved for \$100k in 2023 and \$150k in 2024. A Colorado Water Conservation Board (CWCB) grant for this effort was awarded and appropriated with Ordinance No. 034, 2023, thus the \$150K in 2024 no longer needs to be appropriated.
 - a. That budgeted amount of \$150k will remain in Water Fund reserves for future use, as approved by Council.

During the review at the September 26, 2023, Work Session, and unrelated to the City's annual appropriation, a question was asked about what drove such a large use of reserves in the Airport's 2023 operating budget. This was primarily driven by a Purchased Services change related to a Small Community Air Service Development Program Grant for \$750,000 that the Airport applied for and did not get. It showed

as a deficit pending the receipt of the grant. Since the Airport did not receive the grant, the \$750,000 budgeted in Operating Expenses was not spent so there was no deficit. No backfill is needed from the Cities.

CITY FINANCIAL IMPACTS

This Ordinance amends the City Budget for fiscal year 2024 and represents the annual appropriation for fiscal year 2024 in the amount of \$802,507,950, excluding the GID's, URA's and DDA. The Ordinance also sets the City mill levy at 9.797 mills, unchanged since 1991.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The only material changes to the 2024 appropriations are the 2024 Revision Offers which do not go through the Budgeting for Outcomes (BFO) process. Rather, those items that met the specific criteria for the 2024 Revision process were thoroughly vetted by staff, the executive management team, the Council Finance Committee during their meeting on September 7, and then Council during their work session conducted on September 26.

PUBLIC OUTREACH

The various methods of public outreach conducted as part of the 2023-24 Biennial Budget are not applicable to the 2024 Revision process. This process is only intended to revise the previously adopted budget to address items not known at the time it was adopted.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 145, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
BEING THE ANNUAL APPROPRIATION ORDINANCE
RELATING TO THE ANNUAL APPROPRIATIONS
FOR THE FISCAL YEAR 2024; AMENDING THE BUDGET FOR
THE FISCAL YEAR BEGINNING JANUARY 1, 2024, AND ENDING
DECEMBER 31, 2024; AND FIXING THE MILL LEVY FOR
PROPERTY TAXES PAYABLE FISCAL YEAR 2024

WHEREAS, on November 15, 2022, the City Council adopted on second reading Ordinance No. 126, 2022, approving the biennial budget for the years beginning on January 1, 2023, and January 1, 2024; and

WHEREAS, the City Manager has submitted to the City Council proposed amendments to the 2024 budget adopted by the City Council in Ordinance No. 126, 2022; and

WHEREAS, the 2024 fiscal year budgets, fixing of mill levies, and annual appropriations for the City's General Improvement District No. 1 and Skyview South General Improvement District No. 15 are not addressed in this Ordinance, but will be considered by City Council in separate ordinances; and

WHEREAS, Article V, Section 4 of the City Charter requires that, before the last day of November of each fiscal year, the City Council shall appropriate, on a fund basis and by individual project for capital projects and federal or state grant projects, such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year, based upon the budget as approved by the City Council; and

WHEREAS, Article V, Section 5 of the City Charter provides that the annual appropriation ordinance shall also fix the tax levy in mills upon each dollar of the assessed valuation of all taxable real property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance, and the transfers in this Ordinance are being made upon the City Manager's recommendation for one or more of these purposes; and

WHEREAS, Article V, Section 11 of the City Charter provides that all appropriations unexpended or unencumbered at the end of the fiscal year shall lapse to the applicable general or special fund, except that City Council may designate in an ordinance appropriating funds for

capital projects and for federal, state, and private grants and donations that such funds shall not lapse until the completion of the capital project or until the earlier of the expiration of the federal, state, or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, with the exception of grants for Transfort, federal, state, and private grants and donation are not included in the budget and, therefore, are not identified as being non-lapsing in this Ordinance because they are separately appropriated after the City enters into grant agreements or receives donations; and

WHEREAS, the appropriations in the Ordinance also include appropriations as needed to transfer monies from the dedicated funds receiving the revenues to the funds from which those monies will be expended; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare, and therefore, wishes to approve the Proposed 2024 Budget, as hereafter amended, and authorize the expenditures described in this Ordinance for the 2024 fiscal year.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council, having reviewed the City Manager's recommended changes to the 2024 Proposed Appropriations section of the Fort Collins 2023 and 2024 Biennial Budget (the "Biennial Budget"), a copy of which is on file with the office of the City Clerk, and as shown in the 2024 budget revisions submitted to the City Clerk as part of the materials for the City Council's September 26, 2023, Work Session, hereby amends the Biennial Budget to reflect the following changes and adopts said Biennial Budget as amended:

	Existing	Additions	Reductions	As Amended
GENERAL FUND	\$240,354,974	\$2,481,391	(\$83,457)	\$242,752,908
SPECIAL REVENUE FUNDS				
Capital Expansion Fund	\$488,773	\$0	\$0	\$488,773
Cemeteries Fund	\$898,323	\$0	\$0	\$898,323
Cultural Services Fund				
Operating Total	\$7,541,711	\$136,722	\$0	\$7,678,433
Capital				
Art in Public Places	\$74,494	\$0	\$0	\$74,494
Total Cultural Services Fund	\$7,616,205	\$136,722	\$0	\$7,752,927

General Employees' Retirement Fund	\$6,839,500	\$0	\$0	\$6,839,500
Keep Fort Collins Great Fund	\$0	\$0	\$0	\$0
Museum Fund	\$1,190,246	\$0	\$0	\$1,190,246
Natural Areas Fund	\$15,061,361	\$0	\$0	\$15,061,361
Parking Fund	\$2,939,175	\$0	\$0	\$2,939,175
Perpetual Care Fund	\$40,000	\$0	\$0	\$40,000
Recreation Fund	\$10,199,381	\$0	\$0	\$10,199,381
Sales & Use Tax Fund	\$10,670,330	\$0	\$0	\$10,670,330
Transit Service Fund	\$23,154,839	\$0	\$0	\$23,154,839
Transportation CEF Fund	\$1,552,339	\$0	\$0	\$1,552,339
Transportation Fund	\$41,878,918	\$0	\$0	\$41,878,918
Capital Leasing Corp Fund	\$6,536,882	\$0	\$0	\$6,536,882
TOTAL SPECIAL REVENUE & DEBT SERVICE FUNDS	\$129,066,272	\$136,722	\$0	\$129,202,994

CAPITAL IMPROVEMENT FUNDS

General City Capital				
Capital				
CCIP Arterial Intersection Imp	\$1,200,000	\$0	\$0	\$1,200,000
CCIP Bicycle Infrastructure Im	\$800,000	\$0	\$0	\$800,000
CCIP Bike/Ped Grade Sep Cross	\$1,200,000	\$0	\$0	\$1,200,000
CCIP Bus Stop Improvements	\$100,000	\$0	\$0	\$100,000
CCIP Nature in the City	\$400,000	\$0	\$0	\$400,000
CCIP Pedestrian Sidewalk - ADA	\$2,400,000	\$0	\$0	\$2,400,000
City Bridge Program	\$2,800,000	\$0	\$0	\$2,800,000
East Community Park	\$113,773	\$0	\$0	\$113,773
Landfill Grndwater Remed IGA	\$100,000	\$0	\$0	\$100,000
Parks Assets Management	\$65,000	\$0	\$0	\$65,000
Railroad Crossing Replacment	\$125,000	\$0	\$0	\$125,000
Total General City Capital	\$9,303,773	\$0	\$0	\$9,303,773

Community Capital Improvement				
Afford Housing Capital Program	\$500,000	\$0	\$0	\$500,000
Arterial Intersection Imprvmnt	\$1,200,000	\$0	\$0	\$1,200,000
Bicycle Infrastructure Imprvmt	\$800,000	\$0	\$0	\$800,000
Bike/Ped Grade Separated Cross	\$1,200,000	\$0	\$0	\$1,200,000

Bus Stop Improvements	\$100,000	\$0	\$0	\$100,000
Carnegie Bldg				
Renovation	\$25,000	\$0	\$0	\$25,000
Linden St Renovation	\$12,000	\$0	\$0	\$12,000
Nature in the City	\$400,000	\$0	\$0	\$400,000
Pedestrian Sidewalk -				
ADA	\$2,400,000	\$0	\$0	\$2,400,000
Willow Street				
Improvements	\$11,000	\$0	\$0	\$11,000
Total Community Capital Improvement	\$6,648,000	\$0	\$0	\$6,648,000
Conservation Trust Fund				
Operating Total	\$648,743	\$0	\$0	\$648,743
Capital				
Trail Acquisition/				
Development	\$552,020	\$0	\$0	\$552,020
Total Conservation Trust Fund	\$1,200,763	\$0	\$0	\$1,200,763
Neighborhood Parkland Fund				
Operating Total	\$740,639	\$0	\$0	\$740,639
Capital				
New Park Site				
Development	\$3,021,212	\$0	\$0	\$3,021,212
Total Neighborhood Parkland Fund	\$3,761,851	\$0	\$0	\$3,761,851
TOTAL CAPITAL IMPROVEMENT FUNDS	\$20,914,387	\$0	\$0	\$20,914,387
ENTERPRISE FUNDS				
Broadband Fund				
Operating Total	\$29,564,608	\$1,159,674	(\$834,702)	\$29,889,580
Total Broadband Fund	\$29,564,608	\$1,159,674	(\$834,702)	\$29,889,580
Golf Fund				
Operating Total	\$4,902,600	\$0	\$0	\$4,902,600
Total Golf Fund	\$4,902,600	\$0	\$0	\$4,902,600
Light & Power Fund				
Operating Total	\$160,492,863	\$2,954,708	\$0	\$163,447,571
Capital				
Grid Integrated Water				
Heater Installations	\$355,000	\$0	\$0	\$355,000
Direct Install Demand				
Response T-stat				
Replacement	\$100,000	\$0	\$0	\$100,000
Art in Public Places	\$30,260	\$0	\$0	\$30,260

CMMS—Maintenance Management	\$380,000	\$0	\$0	\$380,000
Dist. System Impr. & Replace.	\$381,000	\$0	\$0	\$381,000
Distribution Automation-Parent	\$200,000	\$0	\$0	\$200,000
New Capacity-Circuits Operational	\$1,730,000	\$0	\$0	\$1,730,000
Technology Service Center - L&P Parent	\$250,000	\$0	\$0	\$250,000
Streetlights - Parent	\$400,000	\$0	\$0	\$400,000
Substation Cap Prj - Parent	\$1,106,866	\$0	\$0	\$1,106,866
System Relocations - Parent	\$696,000	\$0	\$0	\$696,000
Transformers - Parent	\$400,000	\$0	\$0	\$400,000
Capital Total	\$2,000,000	\$0	\$0	\$2,000,000
	\$8,029,126	\$0	\$0	\$8,029,126
Total Light & Power Fund	\$168,521,989	\$2,954,708	\$0	\$171,476,697
Stormwater Fund				
Operating Total	\$15,363,452	\$268,000	\$0	\$15,631,452
Capital				
2021-Boxelder Watershed Dams	\$90,000	\$0	\$0	\$90,000
Art in Public Places	\$47,000	\$0	\$0	\$47,000
Poudre River Flow Consolidation Upstream of College Avenue - Conceptual Design	\$250,000	\$0	\$0	\$250,000
Cured in Place Pipe	\$500,000	\$0	\$0	\$500,000
Developer Repays	\$200,000	\$0	\$0	\$200,000
Master Planning	\$200,000	\$0	\$0	\$200,000
Stormwater Basin Improvements	\$2,000,000	\$0	\$0	\$2,000,000
Stream Rehabilitation Program	\$4,000,000	\$0	\$0	\$4,000,000
SW Land Acquisition	\$250,000	\$0	\$0	\$250,000
Utility Service Center Phase 2	\$200,000	\$0	\$0	\$200,000
Capital Total	\$7,737,000	\$0	\$0	\$7,737,000
Total Stormwater Fund	\$23,100,452	\$268,000	\$0	\$23,368,452
Wastewater Fund				
Operating Total	\$21,247,009	\$0	\$0	\$21,247,009
Capital				
Water Reclamation and Biosolids Master Plan	\$150,000	\$0	\$0	\$150,000
Art in Public Places	\$35,500	\$0	\$0	\$35,500
Collection Sys Replace Pgm	\$1,750,000	\$0	\$0	\$1,750,000

DWRF HVAC				
Improvements	\$600,000	\$0	\$0	\$600,000
Operational Technology	\$500,000	\$0	\$0	\$500,000
PARENT-Collect Small				
Projects	\$1,500,000	\$0	\$0	\$1,500,000
PARENT-Cured In				
Place Pipe	\$1,000,000	\$0	\$0	\$1,000,000
PARENT-Serv Center				
Improvemnts	\$200,000	\$0	\$0	\$200,000
PARENT-Water Recl				
Replcmt Prgm	\$530,000	\$0	\$0	\$530,000
Capital Total	\$6,265,500	\$0	\$0	\$6,265,500
Total Wastewater Fund	\$27,512,509	\$0	\$0	\$27,512,509
Water Fund				
Operating Total	\$30,604,500	\$60,000	(\$150,000)	\$30,514,500
Capital				
Joe Wright Reservoir -				
Water Control Gate				
Replacement	\$2,400,000	\$0	\$0	\$2,400,000
Art in Public Places	\$150,850	\$0	\$0	\$150,850
Water Treatment Plant				
Master Plan	\$700,000	\$0	\$0	\$700,000
Distribution Sys Replac	\$1,000,000	\$0	\$0	\$1,000,000
Galvanized Service				
Repl	\$1,200,000	\$0	\$0	\$1,200,000
Halligan Res				
Enlargement Proj	\$8,000,000	\$0	\$0	\$8,000,000
PARENT-Cathodic				
Protection	\$625,000	\$0	\$0	\$625,000
PARENT-Distro Small				
Projects	\$2,000,000	\$0	\$0	\$2,000,000
PARENT-Service Cntr				
Improv'm't	\$300,000	\$0	\$0	\$300,000
PARENT-Water Prod				
Replcmt Prgm	\$1,030,000	\$0	\$0	\$1,030,000
PARENT-Watershed				
Protection	\$140,000	\$0	\$0	\$140,000
PARENT-Wtr Meter				
Replacement	\$850,000	\$0	\$0	\$850,000
Capital Total	\$18,395,850	\$0	\$0	\$18,395,850
Total Water Fund	\$49,000,350	\$60,000	(\$150,000)	\$48,910,350
TOTAL ENTERPRISE FUNDS	\$302,602,508	\$4,442,382	(\$984,702)	\$306,060,188
INTERNAL SERVICE FUNDS				
Benefits Fund	\$40,443,127	\$0	\$0	\$40,443,127
Data & Communications Fund	\$14,142,969	\$156,000	\$0	\$14,298,969
Equipment Fund	\$15,817,038	\$63,524	\$0	\$15,880,562

Self Insurance Fund	\$8,632,596	\$0	\$0	\$8,632,596
Utility CS&A Fund	\$24,322,219	\$0	\$0	\$24,322,219
TOTAL INTERNAL SERVICE FUNDS	\$103,357,949	\$219,524	\$0	\$103,577,473
TOTAL CITY FUNDS	\$796,296,090	\$7,280,019	(\$1,068,159)	\$802,507,950

Section 3. That there is hereby appropriated out of the revenues of the City, for the fiscal year beginning January 1, 2024, and ending December 31, 2024, the sum of EIGHT HUNDRED TWO MILLION FIVE HUNDRED SEVEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$802,507,950) to be raised by taxation and otherwise, which sum is deemed by the City Council to be necessary to defray all expenditures of the City during said budget year, to be divided and appropriated for the purposes shown in Section 2 above.

Section 4. That, as provided by Article V, Section 11 of the City Charter, all appropriations for federal, state, and private grants and donations shall not lapse until the earlier of the expiration of the federal, state, or private grant or donation or the City's expenditure of all funds received from such grant or donation, and that all of the following funds appropriated herein for capital projects shall not lapse until the completion of the capital project:

- a. \$74,494 in the Cultural Services Fund for Art in Public Places;
- b. \$9,303,773 in Capital Improvements Funds for Total General City Capital;
- c. \$6,648,000 in the Community Capital Improvements Fund for Total Community Capital Improvement;
- d. \$552,020 in the Conservation Trust Fund for Capital Trail Acquisition/Development;
- e. \$3,021,212 in the Neighborhood Parkland Fund for Capital New Park Site Development;
- f. \$8,029,126 for Capital in the Light & Power Fund;
- g. \$7,737,000 for Capital in the Stormwater Fund;
- h. \$6,265,500 for Capital in the Wastewater Fund; and
- i. \$18,395,850 for Capital in the Water Fund; and
- j. \$4,438,723 in grants for Transfort in the Transit Services Fund.

Section 5. Mill Levy.

a. That the mill levy rate for the taxation upon each dollar of the assessed valuation of all the taxable real property within the City of Fort Collins shall be 9.797 mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2024, which levy represents the amount of taxes for City purposes is necessary to provide for payment during the 2024 budget year of all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds.

b. That the City Clerk shall certify this levy of 9.797 mills to the County Assessor and the Board of Commissioners of Larimer County, Colorado, in accordance with the applicable provisions of law, as required by Article V, Section 5 of the City Charter and no later than December 15, 2023; provided however, that if a majority of voters approve Proposition HH, the deadline to certify this tax levy shall be no later than January 5, 2024.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Lance Smith, Director of Finance, Planning & Analysis
Randy Reuscher, Lead Analyst, Utility Rates
Eric Potyondy, Assistant City Attorney
Cyril Vidergar, Assistant City Attorney

SUBJECT

Items Relating to 2024 Utility Rates, Fees, and Charges.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.

B. Second Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.

C. Second Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.

D. Second Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.

These Ordinances, unanimously adopted on First Reading on October 17, 2023, proposed the 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION





Proposed Changes to Monthly Utility Rates

The revenues needed to support the ongoing operation and maintenance costs of providing each of the four essential services to customers are collected through monthly utility rates. As costs change over time, it is necessary to adjust rates to reflect those changes. Long-term financial planning is important to ensure revenues are adequate and reserves are available to maintain and replace infrastructure in a timely fashion to continue to provide high quality and reliable services to our customers. Frequent review and updating of

the cost-of-service allocation models behind the monthly utility rates maintains equity across rate classes and helps to reduce the impacts on customers of higher utility rates by providing gradual, modest rate adjustments over time rather than less frequent and larger rate adjustments. These actions help ensure the delivery of current and future utility services occurs in a fiscally responsible manner, balancing both costs and levels of service with affordability and prudent planning and investments.



A summary of the proposed rate increases for the four utility services is shown in the table below:

UTILITY		2024 PROPOSED INCREASE
	ELECTRIC	5%
	WATER	4%
	WASTEWATER	4%
	STORMWATER	3%

Electric

Staff are proposing a 5% retail rate increase for the electric utility enterprise fund in 2024. This increase is driven by a combination of a 5% increase in wholesale electric expenses in 2024, as well as an increase to cover distribution operating and maintenance costs and investments in capital projects. Roughly two-thirds of costs incurred each year to provide electric service are attributable to wholesale expenses (the largest part of which are power supply tariffs charged by Platte River Power Authority), while the other one-third is attributable to costs related to operating and maintaining the distribution system.

Staff have updated financial models to better understand future needs related to growing costs around operating and maintaining the distribution system, including the cost of capital projects. The outcome shows a need for a rate increase to cover future operating and maintenance costs and to continue to invest

updating the system for continued reliability and resiliency. The portion of the proposed 5% increase that is not applied to wholesale cost increases will be used to help fund distribution system needs.

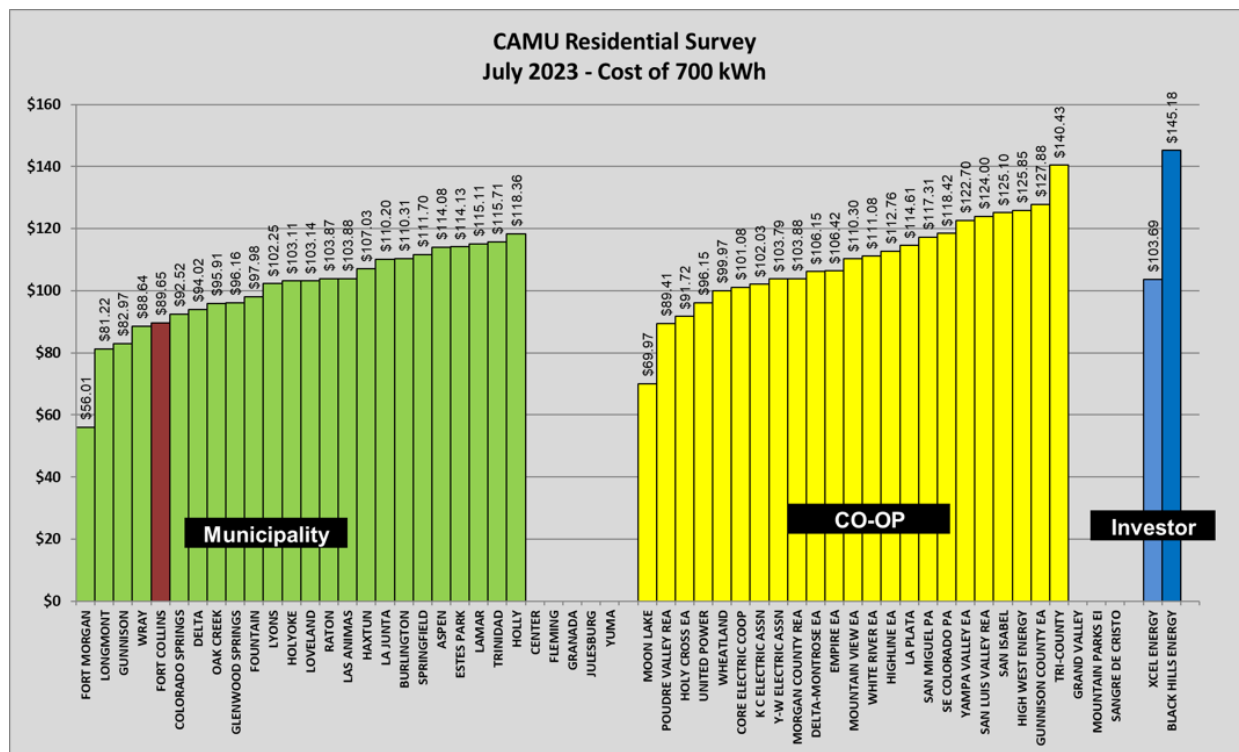
There are multiple capital projects necessary to meet future needs, some of which include feeder cable and transformer replacements, streetlighting upgrades, distribution automation, and demand response technology upgrades. Staff are also in the process of reviewing requirements and in contract negotiations to upgrade the utility billing system, which will occur over the next couple years.

Platte River Power Authority (PRPA) is planning to increase their wholesale blended rate (\$/MWh) by 5% in 2024. There is variability in how the increase is applied to individual component charges. The owner community charge (1.3% decrease) and transmission charge (0.6% decrease) will be slightly lower than 2023. The generation demand charge will increase 7.5% during the summer months and 7.0% during the non-summer. The fixed energy charge will increase 6.0% and the variable energy charge will increase 6.8%.

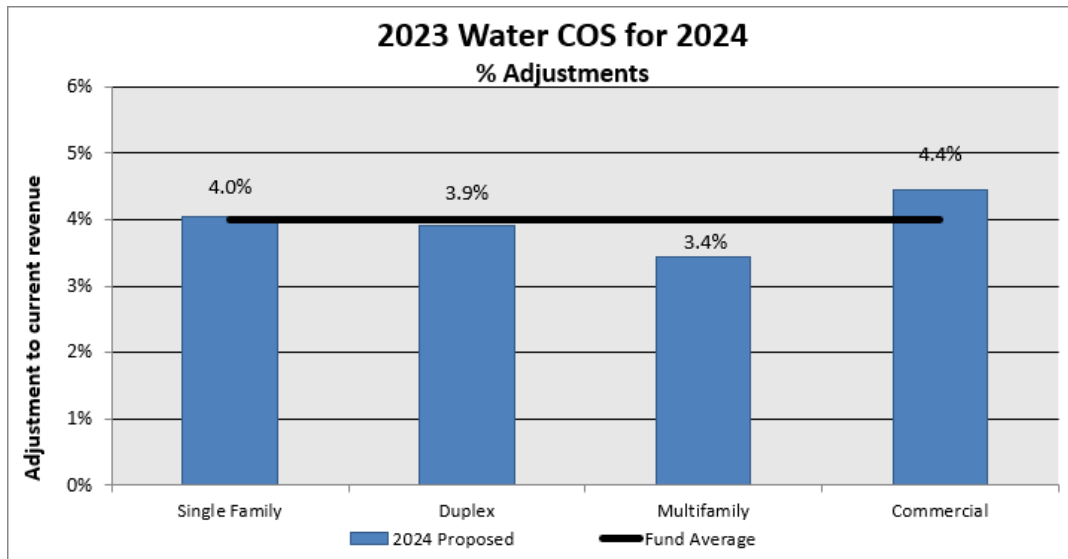
The current rate forecast for the electric fund is shown here:

Utility Rate Forecast										
Fund	Actual 2023	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027	Forecast 2028	Forecast 2029	Forecast 2030	Forecast 2031	Forecast 2032
Electric Fund	5.0%	5.0%	4-5%	4-5%	4-6%	6-8%	6-8%	6-8%	4-7%	4-7%

Fort Collins Utilities participates in the Colorado Association of Municipal Utilities (CAMU) survey each year. Below are the residential electric rate comparisons for the electric utilities in Colorado that responded to the survey. Fort Collins is shown in the maroon colored bar within the graph. Based on the July 2023 survey, Fort Collins Utilities came in towards the lower end of average cost within the state, assuming 700 kWh of consumption in a month, at \$89.65, or 7th lowest overall.



Staff are proposing a 4% retail rate increase for the water fund in 2024. In addition, the cost-of-service model for the water fund has been updated for 2024. Minor rate class specific adjustments are proposed for 2024 based on the model updates. Due to the higher costs of materials and impacts to the cost of borrowing, the amount of interest being paid on any revenue bonds that will be needed in the coming decade for infrastructure investments will increase.

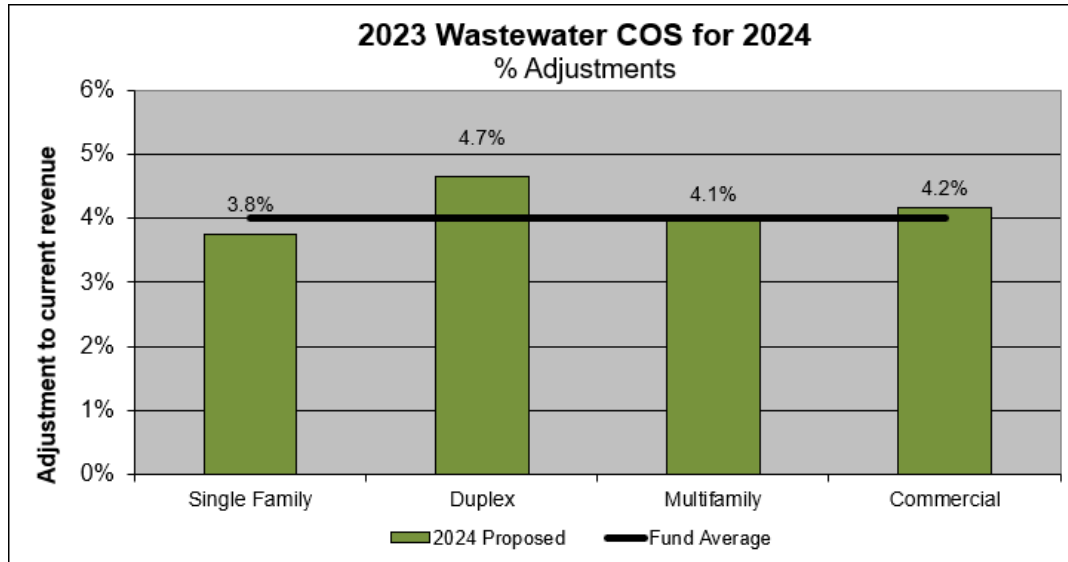


The long-term financial model has been updated for the water utility fund. The current rate forecast for the water fund is shown below. Just as for electric services, it may be necessary to have rate increases in the 5-8% range for a few years, if inflation stays above 5%, as seen the last few years.

Utility Rate Forecast										
Fund	Actual 2023	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027	Forecast 2028	Forecast 2029	Forecast 2030	Forecast 2031	Forecast 2032
Water Fund	4.0%	4.0%	4-7%	5-8%	5-8%	5-8%	4-7%	4-7%	4-7%	4-7%

Wastewater

Staff are proposing a 4% retail rate increase for the wastewater fund in 2024, as well. In addition, the wastewater cost-of-service model was updated for 2024, which is driving the need for minor adjustments by rate class. There has been a trend in recent years of declining operating revenues for this utility. As this utility is not immune to the impacts of inflation on its operating costs, it is necessary to increase operating revenues through rate adjustments to offset these higher costs of providing this service to our community. At this point, the financial model does not indicate a need to exceed 5% in any given year.



The current rate forecast for the wastewater fund is shown here:

Utility Rate Forecast										
Fund	Actual 2023	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027	Forecast 2028	Forecast 2029	Forecast 2030	Forecast 2031	Forecast 2032
Wastewater Fund	4.0%	4.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

Stormwater

Staff are proposing a 3% retail rate increase for the stormwater fund in 2024. This is 1% higher than the December 2021 forecast, which is a smaller incremental increase than what is being proposed for the other utilities. The reasons for this smaller adjustment to the proposed rate increase for this utility are that a larger portion of operating revenues are available in this fund for infrastructure investments than the other utilities. There will be a need to issue revenue bonds for the Oak Street stormwater improvement project this budget cycle.

The current rate forecast for stormwater services is shown here:

Utility Rate Forecast										
Fund	Actual 2023	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027	Forecast 2028	Forecast 2029	Forecast 2030	Forecast 2031	Forecast 2032
Stormwater Fund	3.0%	3.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

The table below shows the impacts of the proposed rate change to the average residential monthly bill. Under the proposed rate changes, a residential customer's total utility bill, for a customer receiving all four municipal utility services, would increase by 4.3%, or \$8.35 per month.

Fort Collins Utilities Comparative Residential Monthly Bill					
Utility	2023		2024		% Change
Electric	\$	84.20	\$	88.41	5.0%
Water	\$	51.00	\$	53.04	4.0%
Wastewater	\$	35.61	\$	37.04	4.0%
Stormwater	\$	22.42	\$	23.09	3.0%
Total Average Bill	\$	193.22	\$	201.57	4.3%

The table below compares typical residential electric, water, wastewater, and stormwater monthly utility bills across neighboring utilities along the Front Range, based on proposed 2024 suggested rate adjustments and charges. In total, Fort Collins Utilities comes in the lowest at \$201.57 for all four services. Including the proposed increases for 2024, Fort Collins will remain the lowest overall, as there are known increases proposed amongst the other utilities for the coming year, with some of them being substantially higher than the percentage increases proposed for our community.

2024 Residential Average Monthly Utility Bill					
Utility	Electric	Water	Wastewater	Stormwater	Total
	2024	2024	2024	2024	2024
Ft Collins	\$ 88.41	\$ 53.04	\$ 37.04	\$ 23.09	\$ 201.57
Longmont	\$ 82.56	\$ 69.33	\$ 41.33	\$ 18.85	\$ 212.07
Loveland	\$ 89.76	\$ 61.16	\$ 43.04	\$ 24.88	\$ 218.84
Greeley	\$ 100.63	\$ 73.90	\$ 36.99	\$ 18.61	\$ 230.13
Colorado Springs	\$ 99.92	\$ 96.95	\$ 30.53	N/A	\$ 227.40
Boulder	\$ 100.63	\$ 66.72	\$ 48.43	\$ 27.10	\$ 242.89

Utilities Affordability Programs

Utilities staff are proposing improving access to the City's Utilities affordability programs. In November 2022, Council requested that staff review affordability programs to ensure they are accessible to the target customers, to reduce barriers to apply, and to add additional ways for customers to apply for the Income-Qualified Assistance Program (IQAP).

Council adopted the IQAP program in 2022. Currently, customers who are approved through the state's Low-income Energy Assistance Program (LEAP) are automatically enrolled in IQAP. While most customers who meet the income requirements are eligible to apply for LEAP, there are two populations that have been identified who are either not eligible to receive LEAP even though their income is within appropriate range, and those who may not be able to take advantage of the program due to additional household

assistance they receive. Customers impacted are those where households with members who are not documented U.S. citizens, and renters who have HUD Housing Choice Vouchers (formerly Section 8) with heat included in their rent. Providing alternative income verification entry points for these customers who have Fort Collins Utilities accounts in their name will allow them to access IQAP, separate from the LEAP income verification process. Staff currently anticipates approximately 400 households impacted by this update. These changes would require amending Secs. 26-724.b, c, and e to remove the LEAP enrollment requirement.

As of August 2023, 1,636 customers were enrolled in IQAP. The average discount customers receive is \$240 per year. Due to fluctuations in the number of customers enrolled, the cost to Utilities has been approximately \$393,000 to \$415,000 per year. Increasing the number of participants to 2,000 could increase the annual cost to Utilities to approximately \$480,000.

CITY FINANCIAL IMPACTS

The 2024 City Manager's Recommended Budget includes these proposed increases in revenues available for the budget. The electric utility rate increase would offset increased wholesale costs for 2024, as well as contribute to increasing distribution system operating and maintenance and capital costs. The water, wastewater, and stormwater rate increases would contribute to operating and maintenance costs, as well as assist in funding future capital costs incorporated in the most recent capital plan update.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Discussion of the proposed changes to the Utility water, wastewater, and stormwater rates, fees, and charges was scheduled for discussion at the Water Commission's September 21, 2023, meeting, which was ultimately cancelled. This item was rescheduled for October 19, 2023. An excerpt of the Commission minutes will be included in a future Council packet for Second Reading.

Discussion of the proposed changes to the Utility electric rates, fees, and charges is scheduled for discussion with the Energy Board at its October 12, 2023, meeting. An excerpt of the Board minutes will be included in a future Council packet for Second Reading.

PUBLIC OUTREACH

The required postcard notice to electric utility customers outside city limits was mailed in early October and a notice was posted in the Coloradoan. Rates and fee presentations were provided to the Council Finance Committee on October 5, 2023, and will be shared at the Business Accounts meeting for all commercial customer accounts on October 24, 2023.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration – Electric Rates
2. Ordinance B for Consideration – Water Rates
3. Ordinance C for Consideration – Wastewater Rates
4. Ordinance D for Consideration – Stormwater Rates
5. Water Commission Draft Minutes, October 19, 2023
6. Energy Board Draft Minutes, October 12, 2023

ORDINANCE NO. 146, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE ELECTRIC RATES, FEES, AND CHARGES AND
UPDATING THE RELATED INCOME-QUALIFIED ASSISTANCE PROGRAM

WHEREAS, the City Council is empowered and directed by City of Fort Collins Charter Article XII, Section 6, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, revenues from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, the City purchases bulk wholesale electric power from Platte River Power Authority ("PRPA") pursuant to an Amended Contract for Supply of Electric Power and Energy, dated May 30, 2019; and

WHEREAS, Utilities staff has determined the increased system costs will require an additional average 5% rate increase at the Electric Utility Enterprise Fund level in 2024 in order to remain consistent with Article XII, Section 6, of the City Charter; and

WHEREAS, on May 1, 2018, City Council adopted Ordinance No. 054, 2018, creating the Income-Qualified Assistance Program ("IQAP") and service discounts for residential water, wastewater, and electric services, codified in City Code Chapter 26, Articles, III, IV, and VI; and

WHEREAS, in addition to adjusting electric rates, Utilities staff has identified formatting and terminology updates for Chapter 26 of the City Code to improve the clarity with which electric rates are stated and applied for billing and customer generation credit purposes and to further align IQAP eligibility with City Council priorities, market efficiencies and utility practices; and

WHEREAS, the Energy Board considered the proposed electric rates and methods of application at its October 12, 2023, regular meeting, and provided recommendations of approval of proposed rate sets and IQAP practices to City Council; and

WHEREAS, the City Council Finance Committee considered the proposed electric rates and methods of application as part of a progressive plan presented at its October 5, 2023, regular meeting, and provided recommendations of approval of proposed rates and IQAP practices to the full City Council; and

WHEREAS, the City Manager and staff recommend to the City Council the following electric rate adjustments and City Code rate language clarifications for all billings issued with meter readings, and applications to participate in IQAP received, on or after January 1, 2024; and

WHEREAS, pursuant to Colorado Revised Statutes Section 40-3.5-104, Utilities staff posted public notice and directly mailed postcard notices of the recommended electric rate changes to all customers living outside the City's corporate boundaries, at least 30 days prior to Council's consideration of this Ordinance; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to revise the electric rates, fees and charges, and the IQAP program as set forth herein.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-464 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

...

(c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2024.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$10.55	\$11.18
c. Distribution facilities charge (applied to energy charges in d.1. and d.2. below)	Per kWh	\$0.0274	
d. Wholesale Energy Charge (combined energy and demand costs)			
1. Summer. For billings based on consumption during the months of May, June, July, August, and September			
(a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2415	\$0.2850

(b) Off-Peak	Per kWh	\$0.0473	\$0.0792
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
(a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2205	\$0.2628
(b) Off-Peak	Per kWh	\$0.0473	\$0.0792
e. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0263	\$0.0279
...	

(d) *Medical assistance program.*

...

- (3) a. Durable Medical Equipment (DME). The discounted monthly rates for customers with electrical durable medical equipment only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2024:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$10.55	\$11.18
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0274	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.1691	\$0.2082
(ii) Off-Peak	Per kWh	\$0.0331	\$0.0641
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1544	\$0.1927

(ii) Off-Peak	Per kWh	\$0.0331	\$0.0641
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0263	\$0.0279

- (4) a. Air Conditioning (A/C). The discounted monthly rates for customers with medical needs requiring air conditioning only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2024:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$10.55	\$11.18
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0274	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0473	\$0.0792
(ii) Off-Peak	Per kWh	\$0.0473	\$0.0792
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2205	\$0.2628
(ii) Off-Peak	Per kWh	\$0.0473	\$0.0792
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0263	\$0.0279

- (5) a. Durable Medical Equipment (DME) & A/C. The discounted monthly rates for customers with electrical durable medical equipment and medical needs requiring air conditioning shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2024:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$10.55	\$11.18
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0274	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0473	\$0.0792
(ii) Off-Peak	Per kWh	\$0.0331	\$0.0641
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1544	\$0.1927
(ii) Off-Peak	Per kWh	\$0.0331	\$0.0641
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0263	\$0.0279

...

- (f) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (f) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

...

Section 3. That Section 26-465 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-465. - All-electric residential service, schedule RE.

...

(c) *Monthly rate.*

- (1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2024.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$10.55	\$11.18
c. Distribution facilities charge (applied to charges in d.1. and d.2. below)	Per kWh	\$0.0347	
d. Energy and demand charge			
1. Summer. For billings based on consumption during the months of May, June, July and August, and September			
a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2415	\$0.2927
b) Off-Peak	Per kWh	\$0.0473	\$0.0869
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2205	\$0.2705
b) Off-Peak	Per kWh	\$0.0473	\$0.0869
...	

...

- (e) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$2.73	\$2.89
For all metered kilowatts in excess of the contracted amount	Per kW	\$8.17	\$8.66

...

Section 4. That Section 26-466 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-466. - General service, schedule GS.

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

Description	Unit	Component Charge	Billed Charge (including PILOT)
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge			
a. Single-phase, two-hundred-ampere service	Per account	\$10.55	\$11.18
b. Single-phase, above two-hundred-ampere service	Per account	\$22.57	\$23.92
c. Three-phase, two-hundred-ampere service	Per account	\$13.75	\$14.58
d. Three-phase, above two-hundred-ampere service	Per account	\$26.63	\$28.23
(3) Distribution facilities charge (added to demand and energy charges below for "Billed Charge" shown in (5))	Per kWh	\$0.0357	
(4) Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0368	
b. Non-summer. For billings based on meter readings in the months of January	Per kWh	\$0.0231	

through May and October through December			
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0473	\$0.1270
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0473	\$0.1125
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			

...

- (e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

...

- (q) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit	Per kWh	\$0.0648

(r) *Net metering—community solar projects.*

...

- (3) Both the customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from Fort Collins Utilities consumed by the customer shall be billed at the applicable seasonal tiered rate as outlined in Subsection (c) of this Section. The energy produced by the customer's portion of the qualifying facility shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit	Per kWh	\$0.0648

...

Section 5. That Section 26-467 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-467. - General service 25, schedule GS25.

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1.Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge			
a. Single-phase, two-hundred-ampere service	Per account	\$10.55	\$11.18
b. Single-phase, above two-hundred-ampere service	Per account	\$22.57	\$23.92
c. Three-phase, two-hundred-ampere service	Per account	\$13.75	\$14.58
d. Three-phase, above two-hundred-ampere service	Per account	\$26.63	\$28.23

3. Distribution facilities charge (applied to energy charges in 5. below)	Per kWh	\$0.0291	
4. Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$11.24	\$11.91
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$6.40	\$6.78
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
5. Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0473	\$0.0810
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0473	\$0.0810

...

- (e) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$4.97	\$5.26
For all metered kilowatts in excess of the contracted amount	Per kW	\$14.90	\$15.79

...

(r) Net metering.

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy and demand credit	Per kWh	\$0.0648

...

Section 6. That Section 26-468 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-468. - General service 50, schedule GS50.

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	

(2) Fixed Charge	Per account	\$28.35	\$30.05
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$16.01	\$16.97
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$13.12	\$13.91
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge	Per kW	\$10.66	\$11.30
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0473	\$0.0501
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0473	\$0.0501

...

- (e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Standby distribution charge.

- a. Monthly standby distribution charge shall be the sum of the following charges:

Description	Unit	Component Charge	Billed Charge (including PILOT)
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$6.36	\$6.74
For all metered kilowatts in excess of the contracted amount	Per kW	\$18.59	\$19.70

...

(g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Monthly charge shall be the sum of the following charges:

Description	Unit	Component Charge	Billed Charge (including PILOT)
Contracted backup capacity per month	Per kW	\$1.29	\$1.37
Metered kilowatts in excess of the contracted amount	Per kW	\$3.92	\$4.15

...

(u) *Net metering.*

...

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

Description	Unit	Bill Credit
a. Energy credit for billings based on generation during the months of June, July, August and September	Per kWh	\$0.0473

Section 7. That Section 26-469 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-469. - General service 750, schedule GS750.

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge	Per account	\$38.85	\$41.18
a. Additional charge for each additional metering point	Per account	\$23.70	\$25.12
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$14.96	\$15.86
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$12.44	\$13.19
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge			
a. First seven hundred fifty (750) kilowatts	Per kW	\$11.63	\$12.33
b. All additional kilowatts	Per kW	\$6.88	\$7.29
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0466	\$0.0494
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0466	\$0.0494

...

- (e) *Excess capacity charge.* The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.71	\$2.87

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Standby distribution charge.

(a) Monthly standby distribution charges shall be paid in the following amounts

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$4.40	\$4.66
For all metered kilowatts in excess of the contracted amount	Per kW	\$13.23	\$14.02

...

- (g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

- (1) Monthly charge.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted backup capacity per month	Per kW	\$0.91	\$0.97
Metered kilowatts in excess of the contracted amount	Per kW	\$2.72	\$2.88

...

(v) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0466

Section 8. That Section 26-470 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-470. - Substation service, schedule SS.

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section.		6 percent	
(2) Fixed Charge	Per account	\$94.50	\$100.17
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$14.70	\$15.58
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$11.65	\$12.35
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			

(4) Distribution facilities charge	Per kW	\$6.00	\$6.36
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0458	\$0.0485
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0458	\$0.0485

...

- (e) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

- (1) Standby distribution charge.

- a. Monthly standby distribution charge:

Description	Unit	Component Charge	Billed Charge (including PILOT)
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$3.28	\$3.47
For all metered kilowatts in excess of the contracted amount	Per kW	\$9.83	\$10.42

...

- (s) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

Description	Unit	Bill Credit
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0458

Section 9. That Section 26-471 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-471. - Special area floodlighting, schedule FL.

...

(b) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) are as follows:

(1) Charge per lamp, mercury vapor:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. One hundred seventy-five (175) watt	\$27.61	\$29.27
b. Two hundred fifty (250) watt	\$37.24	\$39.47
c. Four hundred (400) watt	\$56.60	\$60.00

(2) Charge per lamp, high-pressure sodium:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Seventy (70) watt	\$15.34	\$16.26
b. One hundred (100) watt	\$17.85	\$18.92
c. One hundred fifty (150) watt	\$27.02	\$28.64
d. Two hundred fifty (250) watt	\$41.28	\$43.76
e. Four hundred (400) watt	\$60.90	\$64.55

(3) Charge per lamp, LED:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Fifty-four (54) watt (Cobra)	\$9.97	\$10.57
b. Seventy-two (72) watt (Cobra)	\$12.19	\$12.92
c. Eighty (80) watt (Cobra)	\$13.80	\$14.63
d. Eighty-eight (88) watt (Cobra)	\$13.95	\$14.79
e. Sixty-five (65) watt (Post Top)	\$18.24	\$19.33

...

Section 10. That Section 26-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-472. - Traffic signal service, schedule T.

...

(c) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Fixed charge	Per account	\$93.43	\$99.03
(2) Energy charge	Per kWh	\$0.0868	\$0.092
(3) Service extensions and signal installations made by the utility shall be paid for by the City General Fund, subject to material and installation costs at the time of installation			

Section 11. That Section 26-724 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-724. - Residential income-qualified assistance program.

...

(b) *Qualification.* As set forth in this Section, a discount on certain components of City utility service rates applied under this Chapter shall be available for qualified customers who satisfy the following criteria:

...

(2) Have an annual household income that qualifies for the Larimer County Low-Income Energy Assistance Program (LEAP), and either:

(i) One or more users at the account address apply for and enroll in LEAP during the preceding or current LEAP program year (November 1 through April 30), and when LEAP qualification is based on a member of the household other than the customer, the customer produces proof of lawful presence in the U.S. in the valid forms accepted by LEAP; or

(ii) For households not eligible to enroll in LEAP, the customer has worked directly with a City-approved community partner to verify household income otherwise qualifies for discounts under this Section.

; and

(3) Exercise reasonable efforts to improve the water and energy efficiency of the account premise, participate in Active Energy Management Education sessions, and meet program milestones determined according to guidelines

established by the Utilities Executive Director, which guidelines may include procedures for disenrollment.

(c) *Enrollment.* Customers may begin receiving the discounts described in this Section through the following methods:

(1) *Auto enrollment; opt-out.* Customers identified by the Utility as qualified based on subsection (b)(2)(i) above shall be automatically enrolled in the program on an annual basis and receive the discounted service rates set forth in subsection (d) below. The Utility may rely on current enrollment in LEAP to qualify customers without requiring a program-specific application. Any customer who does not wish to receive such discount may contact the Utility customer service office to request removal from (i.e. "opt-out" of) the program created by this Section; and

(2) *Application.* Customers not otherwise automatically enrolled may enroll in the program via an application, provided the customer, if not eligible for LEAP, is working with a City-approved community partner identified in guidelines adopted by the Utilities Executive Director under Section 26-722(c).

(d) *Rates.* The discounts applied to monthly base and volumetric rates for qualified customers shall be as set forth in Sections 26-127(a), 26-280, 26-464(c), and 26-465(c) of this Code on meter readings on or after January 1, 2024.

(e) *Appeal of decision.* A decision that an applicant does not qualify to participate in this program may be appealed to the Utilities Executive Director, who shall, prior to making their decision, and as they deem appropriate, confer with one (1) or more financial experts in reviewing such appeal, including LEAP officials.

Section 12. That the modifications set forth above shall be effective for all energy consumption on or after January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 147, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE WATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by City of Fort Collins Charter Article XII, Section 6, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article III, Chapter 26 of the City Code establishes the water utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-126 and 26-127 concern various water-related rates, fees, and charges; and

WHEREAS, City Code Section 26-118 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the water-related rates, fees, and charges as set forth herein to be effective January 1, 2024; and

WHEREAS, this Ordinance increases the subject water rates by 4%; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-126. - Schedule A, flat rates for unmetered construction water use.

For residential and nonresidential premises under construction with a planned meter size greater than one (1) inch, no flat unmetered water service will be provided. For residential and nonresidential premises under construction with a planned meter size of one (1) inch or less, the following flat rates will apply per month until the permanent meter is set: The use of construction water, pursuant to this Section, shall exclude the establishment of vegetation, landscape and other appurtenances.

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
¾-inch construction service, flat charge per month	\$32.61	\$34.57
1-inch construction service, flat charge per month	\$62.18	\$65.91

Section 2. That Section 26-127 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-127. - Schedule B, meter rates.*(a) Residential rates.*

- (1) Residential customers with one (1) dwelling unit shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
a. Base monthly charge for residential customers with one (1) dwelling unit	\$18.68	\$19.80
b. Quantity monthly charge for residential customers with one (1) dwelling unit (volumetric)		
Tier 1 - For the first seven thousand (7,000) gallons used per month, per one thousand (1,000) gallons	\$2.891	\$3.065
Tier 2 - For the next six thousand (6,000) gallons used per month, per one thousand (1,000) gallons	\$3.323	\$3.522
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.822	\$4.051
...

- (2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

Category	Component Charge	Billed Charge (with PILOT)
a. Base monthly charge for residential customers with two (2) dwelling units	\$19.71	\$20.89
b. Quantity monthly charge for residential customers with two (2) dwelling units (volumetric)		
Tier 1 - For the first nine thousand (9,000) gallons used per month, per one thousand (1,000) gallons	\$2.502	\$2.653
Tier 2 - For the next four thousand (4,000) gallons used per month, per one thousand (1,000) gallons	\$2.877	\$3.050
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.310	\$3.509
...

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:

Category	Component Charge	Billed Charge (with PILOT)
a. Base monthly charge for residential customers with more than two (2) dwelling units		
First dwelling unit	\$14.10	\$14.95
Second and each additional dwelling unit	\$4.70	\$4.98
b. Quantity monthly charge for residential customers with more than two (2) dwelling units (volumetric)		
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$2.050	\$2.173
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.563	\$2.717
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		
...

(b) *Nonresidential rates.*

- (1) *Base charge.* Nonresidential, except for special users as described in Subsection 26-127(c) below, customers shall pay a base monthly charge based on meter size as follows:

<i>Meter Size (inches)</i>	<i>Monthly Base Charge</i>	<i>Billed Charge (with PILOT)</i>
$\frac{3}{4}$	\$16.67	\$17.67
1	\$46.54	\$49.33
1½	\$126.53	\$134.12
2	\$190.67	\$202.11
3	\$290.82	\$308.27
4	\$456.57	\$483.97
6	\$885.69	\$938.83
8	\$1564.66	\$1658.54

- (2) *Quantity charges.* Nonresidential customers shall pay monthly charges as follows:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$2.320	\$2.459
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.900	\$3.074
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

- (3) *Charges for excess use.* Nonresidential customers shall also pay monthly water use charges in excess of the amounts specified in the following table:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$3.333	\$3.533

Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$4.169	\$4.419
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

...

- (c) *High volume industrial rates.* High volume industrial rates apply to any customer with an average daily demand in excess of two million (2,000,000) gallons per day. The specific rate for any qualifying customer shall be based upon the applicable peaking factor for that customer as follows:

<i>Peaking Factor</i>	<i>Monthly Charge per Thousand Gallons</i>	<i>Billed Charge (with PILOT)</i>
1.00—1.09	\$1.82	\$1.93
1.10—1.19	\$1.88	\$1.99
1.20—1.29	\$1.95	\$2.07
1.30—1.39	\$2.00	\$2.12
1.40—1.49	\$2.08	\$2.20
1.50—1.59	\$2.12	\$2.25
1.60—1.69	\$2.18	\$2.31
1.70—1.79	\$2.24	\$2.38
1.80—1.89	\$2.30	\$2.44
1.90—1.99	\$2.38	\$2.52
> 2.00	\$2.43	\$2.58

...

Section 3. That the modifications set forth above shall be effective for meter readings on or after January 1, 2024, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 148, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE WASTEWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by City of Fort Collins Charter Article XII, Section 6, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article IV, Chapter 26 of the City Code establishes the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-280 and 26-282 concern various wastewater-related rates, fees, and charges; and

WHEREAS, City Code Section 26-277 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the wastewater-related rates, fees, and charges as set forth herein to be effective January 1, 2024; and

WHEREAS, this Ordinance does not increase wastewater rates for the fund as a whole, although there are variations for individual customer rates classes based on recent cost-of-service model updates; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-280. - Service charges established by category.

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)	Per month	\$42.97	\$45.55
	Single-family residential user (metered water use)	1. Per month (base)	\$19.20	\$20.36
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.731	\$3.954
	
		Note: 1. For single family customers who have not yet established a winter quarter water use at the service address, a system average of 4,000 gallons per month shall be billed. 2. After establishment of a winter quarter water use at the service address, the monthly amount billed shall be based on a minimum of 3,000 gallons per month.		
B	Duplex (two-family) residential users (flat rate)	1. Per month (base)	\$60.40	\$64.03
	
	Duplex (two-family) residential users (metered water use)	1. Per month (base)	\$22.36	\$23.71
		2. Plus, per 1,000 gallons per month, to be calculated on a monthly basis (volumetric)	\$3.358	\$3.559
	

		<p>Note:</p> <p>1. For duplex customers who have not yet established a winter quarter water use at the service address, including new construction, a system average 6,200 gallons shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect.</p> <p>2. After establishment of a winter quarter use at the service address, the monthly amount billed shall be based on a minimum of 4,000 gallons per month.</p>		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user	1. Base charge per month per dwelling unit served (base)	\$3.02	\$3.20
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.840	\$4.071
	
		<p>Note:</p> <p>1. For multi-family customers who have not yet established a winter quarter water use at the service address, including new construction, a system average of 3,200 gallons per living unit shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect. However, Category D rates will apply to multi-family residential units under construction during the period of service from the installation of the water meter to the date the certificate of occupancy is issued.</p> <p>2. After establishment of a water quarter use at the service address, the monthly amount billed shall be per 1,000 gallons of winter quarter water use, calculated on a monthly basis.</p>		
D	Minor nonresidential user	1. Per 1,000 gallons of water use, measured sewage flow or winter quarter water use, whichever is applicable, to be calculated on a monthly basis, plus the following applicable base charge:	\$3.622	\$3.839
		2. Size of water meter (inches)	Base charge	
		¾ or smaller	\$10.45	\$11.08

		1	\$24.12	\$25.57
		1½	\$48.55	\$51.46
		2	\$83.08	\$88.06
		3	\$132.75	\$140.72
		4	\$209.65	\$222.23
		6	\$919.04	\$974.19
		8	\$1061.17	\$1124.84
		<p>Note:</p> <p>1. For minor nonresidential customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.</p>		
		User shall pay an amount calculated to include:		
		1. Rate per 1,000 gallons of water use, measured wastewater flow or winter quarter water use per month, whichever is applicable;	\$3.622	\$3.839
		2. PLUS a surcharge per million gallons for each milligram per liter of suspended solids in excess of 235 milligrams per liter;	\$4.212	\$4.464
		3. PLUS a surcharge based on the following criteria, whichever is applicable:		
		a. per million gallons for each milligram per liter of BOD in excess of 265 milligrams per liter; or	\$3.510	\$3.721

E and F	Intermediate nonresidential user and Significant industrial user	b. per million gallons for each milligram per liter of COD in excess of 400 milligrams per liter; or	\$2.215	\$2.348
		c. per million gallons for each milligram per liter of TOC in excess of 130 milligrams per liter.	\$6.558	\$6.952
		The user shall pay the calculated amount based on 1, 2 and 3 above, plus the applicable base charge set forth below:		
		<i>Size of water meter (inches)</i>	<i>Base charge</i>	
		¾ or smaller	\$10.45	\$11.08
		1	\$24.12	\$25.57
		1½	\$48.55	\$51.46
		2	\$83.08	\$88.06
		3	\$132.75	\$140.72
		4	\$209.65	\$222.23
		6	\$919.04	\$974.19
		8	\$1,061.17	\$1,124.84
		Note:		
		1. For intermediate and significant nonindustrial customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.		

G	User outside City limits	The rate for users outside the City limits shall be the same as for like service inside the City limits as is specified in Categories A—F and H in this Section.	
H	Special with agreement	The rate pursuant to a special wastewater services agreement approved by the City Council pursuant to § 26-290 shall be set forth in said agreement.	

Section 3. That Section 26-282(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-282. - Wastewater strength or industrial surcharges and categories established.

(a) A monthly wastewater strength surcharge shall be paid by customers located either inside or outside the City limits in accordance with the following schedule:

<i>Parameter</i>	<i>Excess over (mg/l)</i>	<i>Rate per thousand gallons</i>	<i>Billed Charge (with PILOT)</i>
BOD	355	\$0.003797	\$0.004025
COD	540	\$0.002496	\$0.002645
TOC	170	\$0.007929	\$0.008404
TSS	365	\$0.003821	\$0.004050

...

Section 4. That the modifications set forth above shall be effective for meter readings on or after January 1, 2024, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 149, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE STORMWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by City of Fort Collins Charter Article XII, Section 6, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and citywide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within Fort Collins; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the city benefit by the installation of such stormwater facilities; and

WHEREAS, City Code Section 26-513 imposes stormwater utility fees on all parcels of land within the city to pay for the operation, maintenance, administration and routine functions of the existing and future City stormwater facilities established within the City; and

WHEREAS, City Code Section 26-514 sets forth the manner in which stormwater utility fees are to be determined; and

WHEREAS, the proposed stormwater utility fee adjustment reflects an increase of 3.0%; and

WHEREAS, pursuant to City Code Section 26-511, the City Manager recommends the proposed stormwater utility fee for 2024; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the stormwater utility fee as set forth herein.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-514(a)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-514. - Determination of stormwater utility fee.

- (a) The stormwater utility fee shall be determined as set forth in this Section and shall be based upon the area of each lot or parcel of land and the runoff coefficient of the lot or parcel. For the purposes of this Section, the total lot or parcel area shall include both the actual square footage of the lot or parcel and the square footage of open space and common areas allocated to such lot as provided in Paragraph (4) of this Subsection. The stormwater utility fee shall recover the costs of both operations and maintenance and a portion of capital improvements. The Utilities Executive Director shall determine the rates that shall apply to each specific lot or parcel of land within the guidelines herein set forth and shall establish the utility fee in accordance with the rate together with the other factors set forth as follows:

...

- (3) The base rate for the stormwater utility fee shall be \$0.00481 per square foot per month for all areas of the City.

...

Section 3. That the modifications set forth above shall be effective for all fees accruing on or after January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



DRAFT UNAPPROVED MINUTES WATER COMMISSION

REGULAR MEETING

Oct. 19, 2023, 5:30-7:30 p.m.

Hybrid in person at 222 LaPorte Ave and online via Zoom

The Water Commission advises City Council regarding water, wastewater, and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage, and development criteria. Read more at <https://www.fcgov.com/cityclerk/boards/water>.

CALL TO ORDER

5:30 p.m.

ROLL CALL

- *Commissioners Present In Person:* Jordan Radin (Chairperson), Paul Herman (Vice Chairperson), Kent Bruxvoort, Rick Kahn, Jason Tarry
- *Commissioners Present via Zoom:* Tyler Eldridge, Greg Steed
- *Commissioners Absent - Excused:* James Bishop, John Primsky
- *Staff Members Present In Person:* Jason Graham, Katherine Martinez, Jeremy Woolf, Randy Reuscher, Lance Smith, Kendall Minor, Jill Oropeza, Heather Young
- *Staff Members Present via Zoom:* Katie Collins

NEW BUSINESS

Regular Items

i. 2024 Utilities Rates and Fees

Lead Analyst-Utility Rate Randy Reuscher presented on the proposed rates and answered questions along with Community Engagement Manager Heather Young and Utilities Strategic Finance Director Lance Smith.

This item was rescheduled from the Sept. 21 meeting that was cancelled due to technical difficulties. Staff presented this item to City Council on Oct. 17 (Council approved the proposed rates on first reading of the ordinance) and seek Water Commissioners' recommendation to Council to approve the proposed 2024 Utility Rates and Fees before the second reading on Nov. 21.

This agenda item is related to Strategic Outcome "Economic Health 3.5 Invest in and maintain utility infrastructure and services while ensuring predictable utility rates."

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



DRAFT UNAPPROVED MINUTES WATER COMMISSION

REGULAR MEETING

2024 proposed increases are 5% for Electric, 4% for Water, 4% for Wastewater, and 3% for Stormwater. Ms. Young summarized the assistance provided to income-qualified community members (emergency assistance, efficiency upgrades, and seasonal & monthly assistance).

Discussion Highlights

Commissioners commented on or inquired about various related topics including whether infrastructure replacement is funded by development fees or operations budget (Mr. Reuscher replied that replacements and improvements are funded by operations budget); observation that Utilities is falling short on linear replacement (due to budget restrictions); rate increases will help support rising cost of infrastructure replacement; big infrastructure projects and related upcoming costs (capital improvement projects); Capital Improvement Plan and budget process address the most critical infrastructure improvements first; replacement schedule; majority of capital projects are funded through Utilities rates (Halligan Water Supply Project and other projects are funded by debt issuance/government bonds).

Vice Chairperson Herman moved that the Water Commission recommend City Council adopt the proposed changes to the Utility water, wastewater and stormwater rates as presented.

Commissioner Bruxvoort seconded the motion.

Vote on the Motion: it passed unanimously, 7-0

Minutes will be approved by the Water Commission on Nov. 16, 2023

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

DRAFT – ABRIDGED FOR 2024 RATES & FEES

October 12, 2023 – 5:30 pm
222 Laporte Ave – Colorado Room

ROLL CALL

Board Members Present: Bill Althouse, Thomas Loran, Marge Moore (remote), Alan Braslau, Jeremy Giovando, Brian Smith, Vanessa Paul, Bill Becker, Stephen Tenbrink

Board Members Absent:

OTHERS PRESENT

Staff Members Present: Christie Fredrickson, Phillip Amaya, Brian Tholl, Randy Reuscher, Shannon Ash, Lance Smith, Kendall Minor, Leland Keller, Cyril Vidergar, Rhonda Gatzke

Members of the Public:

2024 RATES & FEES

Randy Reuscher, Lead Analyst, Utility Rates

Shannon Ash, Affordability Programs Manager

Staff are proposing increases across all four utility services in 2024; Electric at 5%, both Water and Wastewater at 4%, and Stormwater at 3%. The Electric increase includes the proposed 5% increase from Platte River Power Authority for wholesale expenses, with the remainder covering distribution system increases. This will equate to roughly an \$8.00 annual increase if the customer has all four services. In 2024, Fort Collins will rank as one of the lowest average utility costs among many other front range utilities, including the cities of Longmont and Loveland.

There was a one-time 9% inflationary adjustment to the Utility Development Fees in 2023. Staff has updated each Utility Fee for 2024 to be reflective of current asset costs, such as substations and transformers. The newly proposed Electric Capacity Fee (ECF) for 2024 is 14.8%, again largely related to the significant increase in asset costs and supply chain issues. Board member Althouse asked how the ECF is assessed. Mr. Reuscher said it is assessed as a dollar per KW fee. When it is assessed on the residential side, it is charged per-panel, so a 200 Amp Panel has a flat charge. Board members discussed the challenge of panel access and upgrade fees could present at the minimum 200 Amp service in currently in City code as the City continues to move toward electrification.

Ms. Ash said Council asked staff to improve access to the Utilities Affordability Program (UAP) and the Income Qualified Assistance Plan (IQAP). The IQAP is an auto-enroll program, Utilities customers must apply for and income qualify through the State's LEAP program. IQAP then provides a 25% rate reduction on electric, water, and wastewater services. Staff found that by moving to an auto-enrollment system, they were unintentionally disqualifying some Utilities customers, because there are some customers who are not eligible or able to apply for LEAP. Staff began looking at alternative entry points, particularly for two specific populations: people with a housing choice voucher (formerly known as Section 8), and households that may have members who are not documented United States Citizens.

Ms. Ash explained that if the customer is on a housing choice voucher the rent has heat included, then the customer would not be eligible to apply for LEAP because it would be considered "double dipping" in federal assistance programming; however, the customer may still have other utility services in their name so then would potentially still be eligible for the City's IQAP. LEAP will only count documented US Citizens on their application, so if there are four people living in a house, but only one person is a documented US Citizen, LEAP will count that as a household of one. This often means that the household will be over the income threshold for the household size because it is not accounting for the

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

REGULAR MEETING

other household members. Staff is working closely with Housing Catalyst and La Familia to connect with some of these missing households, and those external organizations will continue to do the income verification.

Board member Braslau suggested using data from the participants in the School District's free and reduced lunch program.

Vice Chairperson Paul asked if LEAP provides the data of the families who did not qualify for the program? Ms. Ash said she could ask for it, but it is not something they are currently receiving.

Board member Loran asked if the rate increase would be considered "business as usual" to keep the lights on. Mr. Reuscher said he would say yes, due to Platte River's forecasted wholesale rate increases for the next several years. Board member Smith said early in the year, it seemed like the Electric Utility had an excess of reserves that other services were tapping into, but now the Utility wants to raise rates. He wondered if there is a disconnect that he is not understanding, or why this money couldn't be kept to reinvest back into the utility (as opposed to being leant out to Connexion). Mr. Smith said the Utility had reserves marked for use in the Capital Improvement Plan, but that is a 10-year plan, so in the near term that was funding that could be accessed by Connexion, but they were only able to access that money because it's the Light & Power Telecommunications fund; so, if the Water Utility needed funding they could not have accessed that money.

Board member Becker asked if these increases are only for residential rates. Mr. Reuscher said no, the increase is across the electric fund. Staff provides residential examples because they are typically a little easier to understand. There are more components and moving pieces in commercial examples.

Board member Loran said he is very process driven and he is currently unsure if the budget and the Capital Improvement Plan support the community's objectives. He said if he doesn't have all that information, he can't be sure if the 5% increase is sufficient or not. In the future he hopes to see a clearer line drawn between what we are trying to achieve, how much will those cost, and is the increase going to sufficiently cover those costs. Staff agreed, sometimes the alignment of the planning and budgeting processes are not always concurrent to the rates and fees increases, but the rates are factored in as part of the forecasting process of the planning and budgeting process.

Board Member Becker moved the Energy Board support the proposed changes to 2024 Electric Utility rates and fees.

Board Member Smith seconded the motion.

Discussion:

Board member Loran feels the process is backwards, he hopes staff will make the connection between rates and fees and the planning and budgeting processes going forward. Board member Althouse feels that there should be a caveat that the Utility should be considering any and all technology that can lower rates. Board member Braslau wondered if the Utility could consider a similar path as Green Mountain Power in Vermont; they are planning to add residential storage batteries in the homes of all 270,000 of its customers by 2030.

Vote on the Motion: It passed, 7-2

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Lance Smith, Senior Director of Finance for Utilities
Blaine Dunn, Accounting Director
Heather McDowell, Special Projects Manager
Ryan Malarky, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 150, 2023, Making a Supplemental Appropriation for the Oak Street Stormwater Improvements Project.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation to cover the expenses related to the recent bond issuance for the Oak Street Stormwater Improvements Project.

The Stormwater Utility Enterprise Board unanimously adopted Ordinance No. 011 on October 3, 2023, authorizing a bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds' gross proceeds, the amount of \$40.4M have been paid into the Stormwater Fund on October 31, 2023.

This first appropriation request is being brought for your consideration to cover expenses for the recent bond issuance, including closing costs and underwriter's fees associated with closing of the bond. Payment for expenses will be made by the end of 2023.

The total amount being requested for appropriation is: \$375,931.

A second appropriation request will be brought forth once the construction contractor selection process is complete and the construction contract value has been finalized. The anticipated schedule is late December 2023 or January 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Oak Street Stormwater Improvement Project is a priority stormwater project for the City because it will contribute to resolving the urban flooding and stormwater quality issues in downtown Fort Collins. The Oak Street project supports Strategic Objective SAFE 5.5 to address flooding risk for the protection of people, property, and the environment.

The Oak Street project is one of several projects developed as part of the Downtown Stormwater Improvement Program (DSIP). The DSIP was recently created (2017-2019) as a basin-wide evaluation of

existing stormwater systems and is the development of a comprehensive strategy to mitigate flood risk and damages in the Old Town Basin. The project will provide stormwater infrastructure including a combination of grey and green infrastructure to reduce flooding impacts along the Oak Street corridor and adjacent blocks. Large diameter storm pipes ranging in size from 48" to 78" will extend from the previously constructed Oak Street Outfall, starting at Mason Street and extending to Jackson Street near City Park. There will be approximately 8,500 linear feet of new stormwater mains along Oak Street and cross streets that extend north to Mountain Avenue and/or south to Olive Street. Green infrastructure includes water quality ponds, or "rain gardens" in three locations along the Oak Street corridor to filter street runoff.

Addressing flooding issues in downtown Fort Collins will provide resilience for the future of the community, improve public safety, avoid costly flood damages in the future and address recurring street and intersection flooding.

CITY FINANCIAL IMPACTS

As part of the bond issuance the Stormwater Utility borrowed the funds to cover the costs of closing. The total appropriation will be for \$375,931, which will increase total appropriations in the Stormwater Fund by this amount for 2023. This includes \$157,847 for the Cost of Issuance and \$218,084 for the Underwriter's Discount. These amounts are used to pay for the professional services rendered during the issuance of the bonds. This includes items such as legal fees, advisor fees, rating fees, and the fee to the underwriter of the bonds. A breakdown of the total issuance including these fees is below:

SOURCES AND USES OF FUNDS

**City of Fort Collins, Colorado
Stormwater Utility Enterprise Revenue Bonds, Series 2023
Final Numbers**

Dated Date	10/31/2023
Delivery Date	10/31/2023

Sources:

Bond Proceeds:	
Par Amount	38,245,000.00
Net Premium	2,130,931.15
	40,375,931.15

Uses:

Project Fund Deposits:	
Project Fund	40,000,000.00
Delivery Date Expenses:	
Cost of Issuance	157,846.80
Underwriter's Discount	218,084.35
	375,931.15
	40,375,931.15

The appropriation for the debt service on these bonds is included in the 2024 annual appropriation. The appropriation for the project portion of these bonds will come forward in December.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At the August 3, 2023, meeting, the Council Finance Committee supported proceeding to First Reading for the Debt Ordinance with the full Council.

At the Stormwater Utility Enterprise Board meeting on September 19, 2023, the Board unanimously adopted Ordinance No. 011 on First Reading and Resolution No. 002, relating to Authorization and Issuance of Revenue Bonds in the Stormwater Utility Fund and the Determination of Sale of those Bonds.

At the Stormwater Utility Enterprise Board meeting on October 3, 2023, the Board unanimously adopted Ordinance No. 011 on Second Reading.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 150, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR THE OAK STREET
STORMWATER IMPROVEMENTS PROJECT

WHEREAS, on October 3, 2023, the Stormwater Utility Enterprise Board adopted Ordinance No. 011, 2023 authorizing the issuance of bonds in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements Project (the “Project”); and

WHEREAS, the Project is a priority project among several the City has developed as part of the Downtown Stormwater Improvement Program, which is a basin-wide evaluation of existing stormwater systems and the development of a comprehensive strategy to mitigate flood risk and damages in the Old Town Basin; and

WHEREAS, the City closed on the bonds on October 31, 2023, and the gross proceeds of approximately \$40.4 million have been deposited in the Stormwater Fund; and

WHEREAS, this requested appropriation of \$375,931 will allow the City to pay the expenses of professional services rendered during the bond issuance, including closing costs, legal fees, advisor fees, rating fees, and underwriter’s fees; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the Stormwater Utility ratepayers of Fort Collins and serves the public purpose of the City paying the necessary expenses from the bond issuance with the proceeds from said issuance to be used for stormwater improvements in the Old Town Basin that will contribute to mitigating flood risks and damages; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Stormwater Fund and will not cause the total amount appropriated in the Stormwater Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year; and

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the Stormwater Fund the sum of THREE HUNDRED SEVENTY-FIVE THOUSAND NINE HUNDRED THIRTY-ONE DOLLARS (\$375,931) to be expended in the Stormwater Fund for the Oak Street Stormwater Improvements Project.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Mallory Gallegos, Transportation Operations Director
Monica Martinez, PDT FP&A Manager
Aaron Guin, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 151, 2023, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2023 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The 2023 snow budget of \$1,900,000 already has been exceeded by \$600,000 bringing actual costs to a total of \$2,500,000. An additional expenditure of \$1,360,000 is estimated for the 2023 November-December snow season, which is based on the period's historical average of five storms. Should these storms occur, total overspend for the year would equal \$1,980,000, and total actual spend would equal \$3,860,000. While Transportation Fund appropriations are currently sufficient to cover the snow budget overspend, it is anticipated that by year end the Transportation Fund would be overspent in an amount equivalent to the amount requested in this supplemental appropriation. Measures could be taken to offset the anticipated overspend, however, these would require a reduction in other intended services and uses. This situation is not unprecedented, as actual snow costs have exceeded Transportation Fund budget allocations on a yearly basis for over ten years. The average overspend for the past 10 years has been \$1,400,000, and has averaged \$1,700,000 over the last five years.

The three main factors in the increased costs for snow removal are increased operational costs, extremely cold temperatures, and large storms. The presence of extremely cold temperatures and/or ice requires the use of more de-icing material to keep roads safe, and more labor hours to remove ice. Other factors impacting the increased cost of snow removal include increases in personnel costs, material costs, contractor sidewalk snow removal costs, and the increase in the number of lane miles.

underspend in personnel and non-personnel from Planning, Development, and Transportation will be used to offset costs as available. The remaining amount needed for the snow removal budget is being requested from General Fund Reserves.

Additionally, supplemental funds need to be appropriated from Harmony Reserves to cover overspend in the snow budget for Harmony Road - Snow Removal. The 2023 Harmony Road snow budget of \$126,725 already has been exceeded by \$13,000. This amount, plus funding for an anticipated \$80,000 in future expenditures, is requested from Harmony Road Fund Reserves

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$1,980,000 from General Fund prior year reserves. These funds will be expended to cover costs already incurred and any additional costs necessary for snow removal and associated costs. Any amount appropriated above actual costs will revert to the General Fund Reserves Balance.

An amount of \$93,000 from the Harmony Road Fund prior year reserves will also be appropriated by this Ordinance. Any amount appropriated above actual costs will revert to the Harmony Road Fund Reserves Balance.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 151, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND AND
TRANSPORTATION SERVICES FUND FOR SNOW REMOVAL

WHEREAS, the City established a snow removal budget of \$1,900,000 for 2023; and

WHEREAS, the 2023 snow removal budget already has been exceeded by \$600,000; and

WHEREAS, in anticipation of snowstorms in November through December of 2023, snow removal costs for 2023 are projected to exceed the 2023 budget by \$1,980,000, for a total of \$3,860,000; and

WHEREAS, the actual costs of snow removal by the City have exceeded annual budget allocations on a yearly basis for more than ten years; and

WHEREAS, three primary factors in the increase of snow removal costs are increased operational costs, extremely cold temperatures, and large storms; and

WHEREAS, increased operational costs for snow removal include increases in personnel costs, material costs, contractor sidewalk snow removal costs, and the increase in the number of lane miles; and

WHEREAS, the presence of extremely cold temperatures requires the use of greater amounts of de-icing material and more labor hours to remove ice to keep roads safe; and

WHEREAS, large storms drive up costs due to plowing residential roads, removal of downtown snow via truck, and increased costs for sidewalk snow removal; and

WHEREAS, the purpose of this Ordinance is to appropriate \$1,980,000 from General Fund prior year reserves, and \$93,000 from Harmony Road Fund prior year reserves to cover costs already incurred and any additional costs necessary for snow removal and associated costs for the remainder of 2023, to avoid the diversion of funds from other budgeted purposes to cover these costs; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing community-wide snow removal; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and the Harmony Road Reserves in the Transportation Services Fund will not cause the total amount appropriated in the General Fund and the Harmony Road Reserves in the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of ONE MILLION NINE HUNDRED EIGHTY THOUSAND DOLLARS (\$1,980,000) to be expended in the General Fund for Snow Removal.

Section 3. That there is hereby appropriated from prior year reserves in the Harmony Road Reserves in the Transportation Services Fund the sum of NINETY-THREE THOUSAND DOLLARS (\$93,000) to be expended in the Transportation Services Fund for Snow Removal.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, Director, City Give
Sara Arfmann, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 152, 2023, Appropriating Philanthropic Revenue Received by City Give for the 9/11 Memorial, Park Planning and Design for the Construction of the 9/11 Memorial at Spring Park.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$24,870.70 for the designated purpose toward the park planning and design for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Street, Fort Collins, Colorado.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Adjacent to PFA Station 3, abutting Spring Park, the park will serve as the permanent home to the steel World Trade Center (WTC) I-Beam, moved to Fort Collins in 2015. A symbol of resilience, this WTC artifact will draw visitors to reflect on the collective loss and incredible acts of bravery of September 11th.

Colorado Task Force 1 - Urban Search and Rescue, a federal disaster response team, deployed 64 Coloradoans—including nine firefighters from the Poudre Fire Authority—to New York City to assist with urban search and recovery. By telling their story, we acknowledge that the response to tragedy defines a community more than the tragedy itself.

Funding for the memorial is the culmination of generous community donors, Poudre Fire Authority and the City of Fort Collins. This item appropriates \$24,870.70 representing a range of philanthropic gifts designated for the sole purpose of the 9/11 Memorial at Spring Park from individuals, local fundraising campaigns led by PFA firefighters, and businesses including a \$10,000 awarded from Anheuser-Busch. This total amount encompasses \$19,870.70 received in 2023 and a \$5,000 donation received in 2022.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$24,870.70 in philanthropic revenue received by City Give for Park, Planning and Design. The donated funds have been received and accepted per the City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2023.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 152, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE
FOR THE 9/11 MEMORIAL, PARK PLANNING AND DESIGN FOR THE
CONSTRUCTION OF THE 9/11 MEMORIAL AT SPRING PARK

WHEREAS, the City of Fort Collins and Poudre Fire Authority have collaborated to construct a memorial to the events of September 11, 2001, at Spring Creek Park, adjacent to Poudre Fire Authority Station 3 (the “Memorial”); and

WHEREAS, the Memorial will serve as the permanent home for a Steel World Trade Center I-beam; and

WHEREAS, the Memorial will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2011; and

WHEREAS, the City has received in 2023 \$19,870.70 in donations for the park planning and design for the construction of the Memorial and in 2022 received a \$5,000 donation for such planning and design; and

WHEREAS, as acknowledged by Section 2.5 for the City’s Fiscal Management Policy 2 - Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City (the “City Give Policy”); and

WHEREAS, Section 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area the donor intends to benefit; and

WHEREAS, as so authorized, the City Give Director has accepted for the City the donations to be appropriated in this Ordinance to be used solely as directed by each donor for the park planning and design for the construction of the Memorial; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of facilitating the construction of a public memorial to the tragic events of September 11, 2001; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any

time during the fiscal year of such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described in Section 3 of this Ordinance and determined that the amount of this appropriation is available and previously unappropriated in the fund named in Section 3 and will not cause the total amount appropriated in such fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds from a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriations herein for various City Give donations for the Memorial as appropriations that shall not lapse until the earlier of the expiration of the donations or the City's expenditure of all funds received from such or donations.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from the prior year reserves in the Capital Projects Fund the FIVE THOUSAND DOLLARS (\$5,000) private donation received by City Give in 2022, to be expended for the park planning and design for the construction of the Memorial as described in the Agenda Item Summary for this Ordinance.

Section 3. That there is hereby appropriated from the Capital Projects Fund NINETEEN THOUSAND EIGHT HUNDRED SEVENTY AND 70/100 DOLLARS (\$19,870.70) in private donations received by City Give in 2023, to be expended for the park planning and design for the construction of the Memorial as described in the Agenda Item Summary for this Ordinance.

Section 4. That these appropriations for the Memorial are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the donations or the City's expenditure of all funds received from such donations.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director
Dawn Downs, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 153, 2023, Appropriating Philanthropic Revenue by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024. This three-day event will bring law enforcement leaders together from across the country to cast a vision for the future of community policing.

The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit from the Community Foundation of Northern Colorado.

Located in Fort Collins, The Community Foundation of Northern Colorado fosters regional collaboration, serves as a catalyst for community projects, and is a trusted steward and service provider to philanthropists and nonprofit organizations.

Effective police leaders are adept at responding to challenges. Agencies must balance constancy and predictability with adaptation and change to meet the needs of communities they serve. The Police Leadership Summit ensures a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century.

Early in the planning stages, the Fort Collins-based summit will address topics such as Community Policing, Recruiting and Retention, Innovations in Technology, the Science behind Crime Prevention, and Homelessness Response. Invitees will represent municipalities, federal law agencies, sheriffs, representatives from The Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern).

The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services from the community Foundation of Northern Colorado. The charitable support represents a valued local investment in Fort Collins Police Services' national leadership.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services. The funds have been received and accepted per the City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2023.

These donations have been received and accepted per the City Give Administrative and Financial Policy.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 153, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE BY CITY GIVE FOR
FORT COLLINS POLICE SERVICES FOR THE 2024 POLICE LEADERS' SUMMIT

WHEREAS, Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024 in a three-day event that will bring law enforcement leaders together from across the country to cast a vision for the future of community policing; and

WHEREAS, attendees at the Police Leadership Summit will represent municipalities, federal law agencies, sheriffs, representatives from The Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern); and

WHEREAS, the Fort Collins-based summit will address topics such as Community Policing, Recruiting and Retention, Innovations in Technology, the Science behind Crime Prevention, and Homelessness Response; and

WHEREAS, the Police Leadership Summit ensures a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century; and

WHEREAS, the City of Ft. Collins, City Give received a donation of \$5,850 in philanthropic revenue to be used for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor; and

WHEREAS, the purpose of this item is to appropriate the supplemental revenue to enhance the local investment in Fort Collins Police Services' national leadership; and

WHEREAS, this appropriation benefits the public health, safety, and welfare of the citizens of Fort Collins and serves the public purpose of collaborating with agencies across the country to discuss and develop innovative ideas to support our police department and enhance community safety; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new philanthropic revenue in the General Fund the sum of FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$5,850) to be expended in the General Fund by Fort Collins Police Services for the 2024 Leaders Summit.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Monica Martinez, FP&A Manager
Kaley Zeisel, Interim Transfort Director
Heather N. Jarvis, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 154, 2023, Making Supplemental Appropriations of Unanticipated Grant Revenue and Authorizing Transfers for Transfort and Ebus Charging Equipment.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate unanticipated grant funding for Transfort operational and capital needs.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

FEDERAL FUNDS

The timing of annual federal apportionments from the Federal Transit Administration (FTA) to Transfort requires that federal funding amounts used in the City's budget process be forecasted amounts based on historical federal apportionments. Official annual apportionments are released each spring by the FTA, and Transfort staff has identified annual budget revisions as an opportunity to update forecasted amounts to final apportionment amounts, which will improve grant tracking and reporting. In 2022, Transfort successfully completed its FTA Triennial review audit with no financial findings.

5307 (Urbanized Area) Federal Formula Funds: Transfort requests appropriation of \$600,000 of unanticipated grant revenue. In this case, FTA apportionments were higher than anticipated, and the additional unanticipated revenue needs to be appropriated. The additional funding will be used to support operations, the microtransit, or bus-stop-to-bus-stop taxi service that is being offered on suspended routes, Americans with Disabilities Act (ADA) bus stop upgrades, snow removal increases due to changes in the advertising contract, additional classifications that were offered to bus operators to improve recruitment and retention, and increased costs of onboarding and training as a result of amplified efforts to increase bus operator staffing levels.

5310 (Enhanced Mobility of Seniors and Individuals with Disabilities) Federal Formula Funds: 5310 funds are received annually by Transfort from the FTA to be used exclusively for projects that benefit seniors or individuals with disabilities. Grant fund amounts were originally appropriated into lapsing

business units that expired at each year end. As part of a Transfort, clean-up process the funds in this appropriation were identified as being unused. This Ordinance requests to reappropriate the following unused grant funds into non-lapsing business units:

- Fiscal Year 2020 5310: \$188,847 federal grant funds, \$9,288 local match funds
- Fiscal Year 2021 5310: \$132,539 federal grant funds, \$88,799 local match funds
- Fiscal Year 2022 5310: \$236,067 federal grant funds, \$34,501 local match funds
- Fiscal Year 2023 5310: \$257,608 federal grant funds, \$34,100 local match funds

All local match amounts will be budget transfers from the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021.

In future years, Transfort finance staff anticipates a yearly appropriation updating grant amounts to match final FTA award amounts.

FY23 5337 (State of Good Repair Formula Funding): Transfort requests appropriation of \$613,739 in unanticipated grant revenue. This is a new federal funding source dedicated to maintaining the MAX fixed guideway in a state of good repair. This includes projects that replace and/or repair rolling stock, structures, signals and communications, passenger stations and terminals, security equipment and systems, and maintenance facilities and equipment. In future years, the grant award amount will be estimated and appropriated during the BFO Cycle. A local match of \$153,435 will be met with the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021.

Congressionally Directed Spending: Transfort requests appropriation of \$1.5M in unanticipated grant revenue. These funds will be used with the Transit Maintenance Facility Upgrades Project including HVAC and electrical updates, gas detection system, and garage door replacements. A local match of \$375,000 will be met with the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021.

All the U.S. Department of Transportation Formula Grant Funding funds and the Congressionally Directed Spending funds above are pursuant to the annual Certifications and Certifications and Assurances for FTA Assistance Programs executed by the City Manager and then individual grant agreements. Resolution 2011-111 established the process for these FTA grants.

STATE FUNDS

CDOT Fiscal Year 2023 FASTER (Funding Advancements for Surface Transportation and Economic Recovery Act of 2009) Capital Funds: Transfort requests appropriation of \$200,000 in unanticipated grant revenue. These funds will be used to install electric bus charging equipment. A local match of \$50,000 will be met with the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021.

The 2023 FASTER Grant Agreement #23-HTR-ZL-00296/PO# 491003011 was executed by the City Manager on November 18, 2022, and furthers the Council-adopted Our Climate Future through Resolution 2021-031 and the Transportation Master Plan through Resolution 2019-049 and Ordinance No. 040, 2020; both plans support the procurement of electric vehicles and charging infrastructure.

CITY FINANCIAL IMPACTS

All funds are unanticipated grant funds with local match requirements that can be met using previously appropriated funds.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Ordinance No. 073, 2021

ORDINANCE NO. 154, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF
UNANTICIPATED GRANT REVENUE AND AUTHORIZING
TRANSFERS FOR TRANSFERT AND EBUS CHARGING EQUIPMENT

WHEREAS, the Federal Transit Administration (FTA) annual federal apportionments to Transfort requires that federal funding amounts used in the City's budget process be forecasted amounts based on historical federal apportionments; and

WHEREAS, Transfort staff has identified annual budget revisions as an opportunity to update forecasted amounts to final apportionment amounts, which will improve grant tracking and reporting; and

WHEREAS, of Federal Formula Funds for urbanized areas labeled 5307, FTA apportionments were higher than anticipated, and the additional unanticipated revenue needs to be appropriated and will be used to support operations, microtransit, or bus-stop-to-bus-stop taxi service that is being offered on suspended routes, ADA bus stop upgrades, snow removal increases due to changes in the advertising contract, additional classifications that were offered to bus operators to improve recruitment and retention, and increased costs of onboarding and training as a result of amplified efforts to increase bus operator staffing levels; and

WHEREAS, of the 5307 funds, Transfort requests appropriation of \$600,000 of unanticipated grant revenue; and

WHEREAS, of annual FTA Federal Formula Funds for enhanced mobility of seniors and individuals with disabilities labeled 5310, grant fund amounts were originally appropriated into lapsing business units that expired at each year end, and as part of a Transfort, clean-up process the funds in this appropriation were identified as being unused; and

WHEREAS, this Ordinance requests to reappropriate unused 5310 grant funds into non-lapsing business units for fiscal years as follows:

- Fiscal Year 2020 5310: \$188,847 federal grant funds, \$9,288 local match funds;
- Fiscal Year 2021 5310: \$132,539 federal grant funds, \$88,799 local match funds;
- Fiscal Year 2022 5310: \$236,067 federal grant funds, \$34,501 local match funds;
- Fiscal Year 2023 5310: \$257,608 federal grant funds, \$34,100 local match funds;

and

WHEREAS, of Federal State of Good Repair Formula Funds labeled 5337, which is a new federal funding source for maintenance, replacement, and rehabilitation of transit projects, Transfort requests appropriation of \$613,739 in unanticipated grant revenue, with a local match of \$153,435, dedicated to maintaining the MAX fixed guideway in a state of good repair, including projects that replace and/or repair rolling stock, structures, signals and communications, passenger stations and terminals, security equipment and systems, and maintenance facilities and equipment; and

WHEREAS, of Congressionally Directed Spending, Transfort requests appropriation of \$1,500,000 in unanticipated grant revenue, with a local match of \$375,000, to be used in association with the Transit Maintenance Facility Upgrades Project including HVAC and electrical updates, gas detection system, and garage door replacements; and

WHEREAS, all the U.S. Department of Transportation Formula Grant Funding funds and the Congressionally Directed Spending funds above are pursuant to the annual Certifications and Assurances for FTA Assistance Programs executed by the City Manager and then individual grant agreements following a process established by Resolution 2011-111 for FTA grants; and

WHEREAS, of Colorado Department of Transportation FASTER (Funding Advancements for Surface Transportation and Economic Recovery Act of 2009) Capital Funds, Transfort requests appropriation of \$200,000 in unanticipated grant revenue, with a local match of \$50,000, to install electric bus charging equipment; and

WHEREAS, the 2023 FASTER Grant Agreement #23-HTR-ZL-00296/PO 491003011 was executed by the City Manager on November 18, 2022, and furthers the Council-adopted Our Climate Future as approved in Resolution 2021-031 and the Transportation Master Plan as approved in Resolution 2019-049 and Ordinance No. 040, 2020; with both plans supporting the procurement of electric vehicles and charging infrastructure; and

WHEREAS, all local match amounts for the Federal and State funds will be budget transfers from the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021; and

WHEREAS, these appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve the public purpose of supporting the essential transportation services that many transit-dependent members of the community rely on to get to and from work, buy groceries and other essentials, to receive medical care, and to care for family or friends; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transit Services Fund and will not cause the total amount appropriated in the Transit Services Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended

remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of \$216,688 from Transfort operating budget in the Transit Services Fund to the Transfort project budgets in the Transit Services Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Department of Transportation as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of SIX HUNDRED THOUSAND DOLLARS (\$600,000) to be expended in the Transit Services Fund to support operations, microtransit, ADA bus stop upgrades, snow removal increases.

Section 3. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of EIGHT HUNDRED FIFTEEN THOUSAND SIXTY-ONE DOLLARS (\$815,061) to be expended in the Transit Services Fund to for projects that benefit seniors and individuals with disabilities.

Section 4. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the Transit Services Fund to install Ebus charging equipment.

Section 5. That the unexpended and unencumbered appropriated amount of TWO HUNDRED SIXTEEN THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS (\$216,688) is authorized for transfer from the Transfort operating budget in the Transit Services Fund to various Transfort project budgets that support microtransit, seniors and individuals with disabilities, and the installation of Ebus charging equipment.

Section 6. That the appropriation herein from the 5307 Federal Formula Funds, 5310 Federal Formula funds, and Colorado Department of Transportation are hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 073, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF AMERICAN RESCUE
PLAN (ARP) ACT AND CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
APPROPRIATIONS ACT (CRRSA) FUNDING

WHEREAS, the City's Transportation Department received federal funding from the American Rescue Plan Act of 2021 ("ARP") and 2021 Corona Virus Response and Relief Supplemental Appropriations Act ("CRRSAA") for Transport operation assistance, preventative maintenance, contracted services costs, and mobility for seniors and individuals with disabilities related to preparation for and response to the COVID-19 pandemic; and

WHEREAS, the City's Transport Department is also the designated recipient of these funds for the geographical Transportation Management Area ("TMA"), and thus, is responsible for allocating dedicated funds to smaller transit agencies and metropolitan planning organizations in the TMA; including the Berthoud Area Transportation System ("BATS") and the North Front Range Metropolitan Planning Organization ("NFRMPO"); and

WHEREAS, the City's Transport Department received total Federal Transit Authority ("FTA") grant revenue in the following amounts:

- \$1,509,248 in CRRSAA Section 5307 & 5310 funding;
- \$8,964,773 in ARP Section 5307 and 5310 funding; and

WHEREAS, through existing FTA-approved agreements with BATS and NFRMPO, the City retains 38% of BATS' and NFRMPO's funding allocation to exchange their federal share with local funds; and

WHEREAS, as the TMA manager, the City's Transport Department is obliged to pass along the remaining 62% of the grant funding through allocations as follows:

- \$1,377,623 to NFRMPO;
- \$185,111 to BATS; and

WHEREAS, the City's net grant revenue is:

- \$1,284,514 in CRRSAA Section 5207 & 5310 funding;
- \$7,626,773 in ARP Section 5307 and 5310 funding; and

WHEREAS, the City Council recognizes that its Transport Department has been competitively disadvantaged when seeking grant funding due primarily to not having funds appropriated for local match at the time grant applications are submitted; and

WHEREAS, City Council finds it appropriate to allow \$1.2M of the net \$8,911,287 FTA funding to be designated as local funds to be used as a source of Transport grant matches for additional opportunities that may arise throughout the fiscal year; and

WHEREAS, Council finds it appropriate to allocate the remainder of the net CRRSAA and ARP funds to repay a portion of the funds previously budgeted and appropriated in the 2021 Transfort budget for:

- continuation of fixed route services, including preventative maintenance activities;
- capital projects for rolling stock;
- facilities;
- IT equipment;
- Contracted services costs;
- to support Transfort's ADA paratransit services;
- programs that improve mobility for seniors and individuals with disabilities;

WHEREAS, these appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of supporting the essential transportation services that many transit-dependent members of the community rely on to get to and from work, buy groceries and other essentials, to receive medical care, and to care for family or friends; and

WHEREAS, Article V, Section 9, of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transit Services Fund and will not cause the total amount appropriated in the Transit Services Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in that fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of \$1,200,000 from the Transfort operating budget in the Transit Services Fund to a newly established Transfort budget, also in the Transit Services Fund, to be used specifically as local match funding for grants that Transfort will apply for in the future, and has determined that the proposed transfer is from a budget in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from unanticipated grant revenue in the Transit Services Fund the sum of TEN MILLION FOUR HUNDRED SEVENTY-FOUR THOUSAND TWENTY-ONE DOLLARS (\$10,474,021) for expenditure from the Transit Services Fund for operating assistance, preventative maintenance, contracted service costs, mobility for seniors and individuals with disabilities related to preparation for and response to the COVID-19 pandemic (\$8,911,287), grant match local funding (\$1,200,000) and to cover pass through money due to NFRMPO (\$1,377,623) and BATS (\$185,111).

Section 3. That the unexpended and unencumbered appropriated amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) is hereby authorized for transfer from the Transfort operating budget to a newly established Transfort budget to be used specifically as local match funding for grants that Transfort will apply for in the future and appropriated therein.

Introduced, considered favorably on first reading, and ordered published this 1st day of June, A.D. 2021, and to be presented for final passage on the 15th day of June, A.D. 2021.


Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 15th day of June, A.D. 2021.


Mayor

ATTEST:


City Clerk Deputy



FORT COLLINS COLORADOAN

Invoice Text

NOTICE IS HEREBY GIVEN that the Fort Collins City Council

STATE OF COLORADO)

) ss: AFFIDAVIT OF PUBLICATION

COUNTY OF LARIMER)

CITY OF FC-CLERK-LEGALS
300 LAPORTE AVE

FORT COLLINS CO 80521

I, being duly sworn, deposes and says that said is the legal clerk of the Fort Collins Coloradoan; that the same is a daily newspaper of general circulation and printed and published in the City of Fort Collins, in said county and state; that the notice or advertisement, of which the annexed is a true copy, has been published in said daily newspaper and that the notice was published in the regular and entire issue of every number of said newspaper during the period and time of publication of said notice, and in the newspaper proper and not in a supplement thereof; that the publication of said notice was contained in the issue of said newspaper on

06/06/21

that said Fort Collins Coloradoan has been published continuously and uninterruptedly during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on Tuesday, June 1, 2021, passed and adopted the following ordinances on first reading. These ordinances will be presented for final passage on Tuesday, June 15, 2021:

ORDINANCE NO. 073, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING SUPPLEMENTAL APPROPRIATIONS OF AMERICAN RESCUE PLAN (ARP) ACT AND CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSA) FUNDING

ORDINANCE NO. 074, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AWARD AND COMPLY WITH THE TERMS OF THE GRANT AND APPROPRIATING UNANTICIPATED BLACK AND GREY MARKET MARIJUANA ENFORCEMENT PROGRAM GRANT REVENUE IN THE GENERAL FUND FOR POLICE SERVICES

ORDINANCE NO. 075, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING PRIOR YEAR RESERVES IN THE COMMUNITY CAPITAL IMPROVEMENT PROGRAM FUND FOR PUBLIC ENGAGEMENT FOR THE SOUTH EAST COMMUNITY INNOVATION CENTER AND POOL

ORDINANCE NO. 076, 2021
OF THE COUNCIL OF THE CITY OF

FORT COLLINS APPROPRIATING UNANTICIPATED REVENUE IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND

ORDINANCE NO. 077, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING UNANTICIPATED REVENUE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM

ORDINANCE NO. 078, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING EMERGENCY RULE AND REGULATION NO. 2021-01 PERMITTING UTILITY BILLING PAYMENT PLANS FOR PAST DUE AMOUNTS ON TERMS OTHER THAN THOSE SET FORTH IN THE FORT COLLINS MUNICIPAL CODE AND ENACTED BY THE CITY MANAGER PURSUANT TO THE LOCAL COVID-19 EMERGENCY AND TEMPORARILY SUSPENDING IN PART THE APPLICATION OF CITY CODE SECTION 26-713(e)

The full text of these ordinances can be found at: <http://fcgov.com/publicnotices> or by calling the City Clerk's Office at (970) 221-6515.

0004763950
Coloradoan
June 6, 2021

Amy Kolrott

Legal Clerk

Subscribed and sworn to before me, within the County of Brown, State of Wisconsin this 6th of June 2021.

Vicky Felty

Notary Public

9/19/21

Notary Expires

Legal No.0004763950

Affidavit Prepared
Sunday, June 6, 2021 2:48 am

Ad#:0004763950
P O : First Reading Ordinances
This is not an invoice
of Affidavits 1

VICKY FELTY
Notary Public
State of Wisconsin

FORT COLLINS
COLORADOAN

Invoice Text

NOTICE IS HEREBY GIVEN that the Fort Collins City Council

STATE OF COLORADO)

) ss: AFFIDAVIT OF PUBLICATION

COUNTY OF LARIMER)

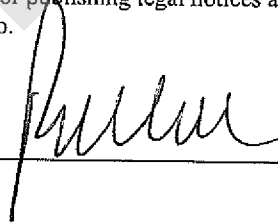
CITY OF FC-CLERK-LEGALS
300 LAPORTE AVE

FORT COLLINS CO 80521

I, being duly sworn, deposes and says that said is the legal clerk of the Fort Collins Coloradoan; that the same is a daily newspaper of general circulation and printed and published in the City of Fort Collins, in said county and state; that the notice or advertisement, of which the annexed is a true copy, has been published in said daily newspaper and that the notice was published in the regular and entire issue of every number of said newspaper during the period and time of publication of said notice, and in the newspaper proper and not in a supplement thereof; that the publication of said notice was contained in the issue of said newspaper on

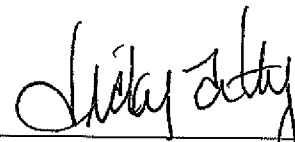
06/20/21

that said Fort Collins Coloradoan has been published continuously and uninterruptedly during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.



Legal Clerk

Subscribed and sworn to before me, within the County of Brown, State of Wisconsin this
20th of June 2021.



Notary Public

919.21

Notary Expires

VICKY FELTY
Notary Public
State of Wisconsin

Legal No. 0004786276

Ad#: 0004786276

P O : Ords 2

This is not an invoice

of Affidavits 1

Affidavit Prepared
Sunday, June 20, 2021 2:48 am

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on Tuesday, June 15, 2021, passed and adopted the following ordinances on second reading:

ORDINANCE NO. 073, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF AMERICAN RESCUE PLAN (ARP) ACT AND CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSA) FUNDING

ORDINANCE NO. 074, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AWARD AND COMPLY WITH THE TERMS OF THE GRANT AND APPROPRIATING UNANTICIPATED BLACK AND GREY MARKET MARIJUANA ENFORCEMENT PROGRAM GRANT REVENUE IN THE GENERAL FUND FOR POLICE SERVICES

ORDINANCE NO. 075, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE COMMUNITY CAPITAL IMPROVEMENT PROGRAM FUND FOR PUBLIC ENGAGEMENT FOR THE SOUTHEAST COMMUNITY INNOVATION CENTER AND POOL

ORDINANCE NO. 076, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND

ORDINANCE NO. 077, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM

ORDINANCE NO. 078, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING EMERGENCY RULE AND REGULATION NO. 2021-01 PERMITTING UTILITY BILLING PAYMENT PLANS FOR PAST DUE AMOUNTS ON TERMS OTHER THAN THOSE SET FORTH IN THE FORT COLLINS MUNICIPAL CODE AND ENACTED BY THE CITY MANAGER PURSUANT TO THE LOCAL COVID-19 EMERGENCY AND TEMPORARILY SUSPENDING IN PART THE APPLICATION OF CITY CODE SECTION 26-713(e)

The full text of these ordinances can be found at: <http://fcgov.com/publicnotices> or by calling the City Clerk's Office at (970) 221-6515.
0004776448
Coloradoan
June 20, 2021

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Amy Gage, FC Moves
Kerri Ishmael, Grants Administration
Aaron Guin, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 155, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for Replacement of Bicycle Racks in Downtown Fort Collins.

EXECUTIVE SUMMARY

The purpose of this item is to support replacement of aged and corroded bike racks with new bike racks that provide improved accessibility along downtown sidewalks by:

- Appropriating \$15,050 of unanticipated grant revenue awarded by Colorado Department of Transportation (CDOT); and
- Utilizing matching funds in the amount of \$1,672 from existing 2023 appropriations for this new grant project.

Pursuant to the State of Colorado Small Dollar Grant Terms and Conditions (Attachment 3), and in accordance with Section 1-22 of the City Code, the City Manager has accepted this grant agreement.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

One of the major objectives identified in the 2014 Bicycle Master Plan is to "provide high quality bicycle parking at key destinations across the City." FC Moves is replacing 20 aging and corroded bike racks in downtown Fort Collins with newer infrastructure to achieve that objective. The City applied for and was awarded \$15,050 in grant funds from the CDOT Revitalizing Main Streets grant program for this project (Attachment 2). The grant award requires local matching funds from the City in the amount of \$1,672.

The newer bike racks will bring a uniform look to our downtown center, and will have a reduced footprint in the right-of-way, making more room for pedestrians and improving accessibility along the downtown sidewalks. The inverted U-style of the rack has been chosen for both its high level of security, ease of use, and general aesthetics. The new racks will have the City of Fort Collins FC Moves logo on them.

Please note that, pursuant to the State of Colorado Small Dollar Grant Terms and Conditions (Attachment 3) and in accordance with Section 1-22 of the City Code, the City Manager has accepted the grant agreement.

CITY FINANCIAL IMPACTS

This item appropriates \$15,050 in grant funds for project costs to support the replacement of aged and corroded bike racks in downtown Fort Collins.

Additionally, required matching funds in the amount of \$1,672 already have been appropriated in the Transportation fund, specifically in the 2023 operating budget for FC Moves. The \$1,672 will be transferred to this grant project.

This grant is a reimbursement type grant, meaning Transportation Fund expenses for this project will be reimbursed up to \$15,050.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. CDOT Award Notice
3. Purchase Order and Corresponding State of Colorado
Small Dollar Grant Terms and Conditions

ORDINANCE NO. 155, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE AND
AUTHORIZING TRANSFERS FOR REPLACEMENT OF
BICYCLE RACKS IN DOWNTOWN FORT COLLINS

WHEREAS, the FC Moves department is housed in the City's Planning, Development, and Transportation division and exists to advance mobility solutions to increase walking, bicycling, transit use, and shared and environmentally sustainable transportation modes; and

WHEREAS, one of the major objectives identified in the 2014 Bicycle Master Plan is to provide high quality bicycle parking at key destinations across the City; and

WHEREAS, FC Moves plans to replace twenty aging and corroded bike racks in downtown Fort Collins with newer infrastructure to achieve that objective; and

WHEREAS, the Colorado Department of Transportation (CDOT), through its Revitalizing Main Streets grant program, recently awarded a grant to the City in support of its project to replace these aging and corroded bike racks in downtown Fort Collins; and

WHEREAS, the Revitalizing Main Streets grant is based on total project costs of \$16,722, with CDOT providing \$15,050 in funds and the remaining \$1,672 being provided by the City's FC Moves department as a local match; and

WHEREAS, the replacement bike racks will help to bring a uniform look to our downtown center, and will have a reduced footprint in the right-of-way, making more room for pedestrians and improving accessibility along the downtown sidewalks; and

WHEREAS, the inverted U-style of the new bicycle racks provides a high level of security, ease of use, and improved general aesthetics; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of promoting environmentally sustainable transportation solutions; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Services and will not cause the total amount appropriated in the Transportation Services Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of \$1,672 from the FC Moves Operating Budget in the Transportation Services Fund to the FC Moves Revitalizing Mainstreet Project Budget in the Transportation Services Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for the CDOT Revitalizing Main Streets grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the Transportation Services Fund the sum of FIFTEEN THOUSAND FIFTY DOLLARS (\$15,050) to be expended in the Transportation Services Fund for replacing bicycle racks in downtown Fort Collins.

Section 3. That the unexpended and unencumbered appropriated amount of ONE THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS (\$1,672) is authorized for transfer from the FC Moves operating budget in the Transportation Services Fund to the FC Moves Main Streets Revitalization Grant Project in the Transportation Services Fund and appropriated therein to be expended on the replacing bicycle racks in downtown Fort Collins.

Section 4. That the appropriation herein for the Colorado Department of Transportation Revitalizing Main Streets grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk



COLORADO

Department of Transportation

Division of Transportation Development

Multimodal Planning Branch
2829 W. Howard Pl., Denver, CO 80204

City of Fort Collins

November 6, 2023

Dear Amy & Kerri,

Congratulations. The Colorado Department of Transportation (CDOT) has reviewed the application submitted by the City of Fort Collins for the Revitalizing Main Streets (RMS) Opportunity 2 funds. This letter provides the official notification for approval of the award. This letter provides information regarding the execution of the grant. Please return the signed affidavit after reading all materials shared with you.

Funds

The Downtown Fort Collins Bike Parking Improvement Project has been awarded funding, in the funding amount of \$15,050.00. Please note the following detailed regarding these funds:

1. This grant requires the use of your local match minimum amount: \$1,672.00.
2. For the project being awarded funding, the allocation is for the reimbursement of funds up to, and not to exceed, the RMS Funding Amount listed above. If project costs overrun, exceeding the grant award, and committed match, those costs are the responsibility of the local agency, no additional RMS grant funds are guaranteed for your project.
3. RMS funding operates on a reimbursable basis; therefore, the grantee is required to capture all invoices for work within the scope of the project as well as copies of proof of payment for those invoices. Those will be submitted to CDOT along with the invoice cover sheet for reimbursement. Note reimbursement is not immediate. Once the invoices and cover sheets are validated to be accurate, the process for reimbursement can take weeks to process. A CDOT Local Agency Billing Form is attached to this email.

Timeline:

The timeline for which your award has been granted is: 10/26/23 to 12/31/24. Please note the following detailed regarding this timeline:

1. If delays arise that impact project readiness and subsequent project completion, please reach out to us at minimum 4 months before your expiration date.
2. If an extension request is not submitted and approved within four months of the end date of the Purchase Order, CDOT may not be able to extend the current contract. This could result in a work stop period. In addition, CDOT reserves the right to remove this award and reallocate funding to the next ranked application.

Next Steps

After reading the small grant terms & conditions and your Purchase Order document, please return the signed affidavit before your project begins. In addition, determine your





COLORADO
Department of Transportation
Division of Transportation Development

organizational structure for keeping all records for this grant to ensure you can execute successfully.

Please be prepared to complete a Close Out Report and submit 'after' images once the project is completed.

Again, congratulations on your awarded project and we look forward to working with you.

Sincerely,

Morgan Olsen

Morgan Olsen

Revitalizing Main Streets Grant Administer

cdotmainstreets@state.co.us

Attachments:

- *Purchase Order*
- *Billing Invoice*
- *Small Dollar Grant Terms & Conditions*
- *Affidavit*
- *Close Out Report*



Colorado Dept of Transportation
28 Howard Place
Denver, CO 80204

DATE: 10/26/2023



Purchase Order
State of Colorado

Buyer: Phillip Caldwell
Phone Number: 303-757-9756
Agency Contact: KAREN Rand (Peterson)
Phone Number: 303-757-9760

IMPORTANT
The PO# and Line# must appear on all invoices, packing slips, cartons and correspondence

PO# 411036923
Award#:
BID#:



Page# 1 of 1

Vendor Master#: 2000023
Phone: 970-221-6770
Vendor Contact:

V
E
N
D
O
R
CITY OF FORT COLLINS
PO BOX 580
FORT COLLINS CO 80522-0580

Invoice
TO: CDOT DTD Business Office
2829 W. Howard Place
Denver CO 80204

Payment will be made by this agency

Ship
TO: Colorado Dept of Transportation
2829 W. Howard Place
Denver CO 80204

Delivery/Installation Date: 12/31/2024

INSTRUCTIONS TO VENDOR

1. If for any reason, delivery of this order is delayed beyond the delivery/Installation date shown, please notify the agency contact named at the top left (Right of cancellation is reserved in instances in which timely delivery is not made). 2. All chemicals, equipment and materials must conform to the standards required by OSHA. 3. NOTE: Additional terms and conditions on reverse side or at address shown in Special Instructions.

SPECIAL INSTRUCTIONS

*The Small Dollar Grant Award Terms and Conditions supersede CDOT's Standard Terms and Conditions and can be found on our website: <https://www.codot.gov/business/procurement-and-contract-services> or directly at: https://drive.google.com/file/d/1SPHvQQpes69ghjik3Gf_aOBUoCGjBo2B/view

LINE	PRODUCT NUMBER PRODUCT CATEGORY DESCRIPTION	UOM PLANT	QUANTITY	UNIT COST	TOTAL ITEM COST
00001	96100 24-HTD-ZB- 01494_RMSFtCollBikePrkn gImpr	AU 7001	15,050.00	1.00	15,050.00

FY23 Revitalizing Main Streets Program Project
Project Manager: Morgan Olsen / Neysa Bermingham

The Revitalizing Main Streets grant is intended to help the City of Fort Collins - Bike Parking Improvement project.

Purchase Order number must be shown on all invoices. The amount shown on the Purchase Order is the total grant amount awarded by CDOT and shall be the maximum amount reimbursable to the Grantee. The Grantee is responsible for the minimum 10% required local match and any overage in project cost.

Project End Date: 12/31/2024

DOCUMENT TOTAL: 15,050.00

THIS PO IS ISSUED IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS

FOR THE STATE OF COLORADO

<https://osc.colorado.gov/spco/central-contracts-unit/purchase-order-terms-conditions>

DP-01 (R-02/06)

Authorized Signature

Date

State of Colorado Small Dollar Grant Award Terms and Conditions

1. **Offer/Acceptance.** This Small Dollar Grant Award, together with these terms and conditions (including, if applicable, Addendum 1: Additional Terms and Conditions for Information Technology below), and any other attachments, exhibits, specifications, or appendices, whether attached or incorporated by reference (collectively the "Agreement") shall represent the entire and exclusive agreement between the State of Colorado, by and through the agency identified on the face of the Small Dollar Grant Award ("State") and the Subrecipient identified on the face of the Small Dollar Grant Award ("Grantee"). If this Agreement refers to Grantee's bid or proposal, this Agreement is an ACCEPTANCE of Grantee's OFFER TO PERFORM in accordance with the terms and conditions of this Agreement. If a bid or proposal is not referenced, this Agreement is an OFFER TO ENTER INTO AGREEMENT, subject to Grantee's acceptance, demonstrated by Grantee's beginning performance or written acceptance of this Agreement. Any COUNTER-OFFER automatically CANCELS this Agreement, unless a change order is issued by the State accepting a counter-offer. Except as provided herein, the State shall not be responsible or liable for any Work performed prior to issuance of this Agreement. The State's financial obligations to the Grantee are limited by the amount of Grant Funds awarded as reflected on the face of the Small Dollar Grant Award.
2. **Order of Precedence.** In the event of a conflict or inconsistency within this Agreement, such conflict or inconsistency shall be resolved by giving preference to the documents in the following order of priority: **(1)** the Small dollar Grant Award document; **(2)** these terms and conditions (including, if applicable, Addendum 1 below); and **(3)** any attachments, exhibits, specifications, or appendices, whether attached or incorporated by reference. Notwithstanding the above, if this Agreement has been funded, in whole or in part, with a Federal Award, in the event of a conflict between the Federal Grant and this Agreement, the provisions of the Federal Grant shall control. Grantee shall comply with all applicable Federal provisions at all times during the term of this Agreement. Any terms and conditions included on Grantee's forms or invoices not included in this Agreement are void.
3. **Changes.** Once accepted in accordance with **§1**, this Agreement shall not be modified, superseded or otherwise altered, except in writing by the State and accepted by Grantee.
4. **Definitions.** The following terms shall be construed and interpreted as follows: **(a) "Award"** means an award by a Recipient to a Subrecipient; **(b) "Budget"** means the budget for the Work described in this Agreement; **(c) "Business Day"** means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in CRS §24-11-101(1); **(d) "UCC"** means the Uniform Commercial Code in CRS Title 4; **(e) "Effective Date"** means the date on which this Agreement is issued as shown on the face of the Small Dollar Grant Award; **(f) "Federal Award"** means an award of federal financial assistance or a cost-reimbursement contract, by a Federal Awarding Agency to the Recipient. "Federal Award" also means an agreement setting forth the terms and conditions of the Federal Award, which terms and conditions shall flow down to the Award unless such terms and conditions specifically indicate otherwise. The term does not include payments to a vendor or payments to an individual that is a beneficiary of a Federal program; **(g) "Federal Awarding Agency"** means a Federal agency providing a Federal Award to a Recipient; **(h) "Grant Funds"** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Agreement; **(i) "Matching Funds"** mean the funds provided by the Grantee to meet cost sharing requirements described in this Agreement; **(j) "Recipient"** means the State agency identified on the face of the Small Dollar Grant Award; **(k) "Subcontractor"** means

State of Colorado Small Dollar Grant Award Terms and Conditions

third parties, if any, engaged by Grantee to aid in performance of the Work; (l) **“Subrecipient”** means a non-Federal entity that receives a sub-award from a Recipient to carry out part of a program, but does not include an individual that is a beneficiary of such program; (m) **“Uniform Guidance”** means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, identified as the 2 C.F.R. (Code of Federal Regulations) Part 200, commonly known as the “Super Circular,” which supersedes requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, and A-133, and the guidance in Circular a-50 on Single Audit Act follow-up; and (n) **“Work”** means the goods delivered or services, or both, performed pursuant to this Agreement and identified as Line Items on the face of the Small Dollar Grant Award.

5. **Delivery.** Grantee shall furnish the Work in strict accordance with the specifications and price set forth in this Agreement. The State shall have no liability to compensate Grantee for the performance of any Work not specifically set forth in the Agreement.
6. **Rights to Materials.** *[Not Applicable to Agreements issued either in whole in part for Information Technology, as defined in CRS § 24-37.5-102(2); in which case Addendum 1 §2 applies in lieu of this section.]* Unless specifically stated otherwise in this Agreement, all materials, including without limitation supplies, equipment, documents, content, information, or other material of any type, whether tangible or intangible (collectively “Materials”), furnished by the State to Grantee or delivered by Grantee to the State in performance of its obligations under this Agreement shall be the exclusive property the State. Grantee shall return or deliver all Materials to the State upon completion or termination of this Agreement.
7. **Grantee Records.** Grantee shall make, keep, maintain, and allow inspection and monitoring by the State of a complete file of all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to the Work (including, but not limited to the operation of programs) performed under this Agreement (collectively “Grantee Records”). Unless otherwise specified by the State, the Grantee shall retain Grantee Records for a period (the “Record Retention Period”) of three years following the date of submission to the State of the final expenditure report, or if this Award is renewed quarterly or annually, from the date of the submission of each quarterly or annual report, respectively. If any litigation, claim, or audit related to this Award starts before expiration of the Record Retention Period, the Record Retention Period shall extend until all litigation, claims or audit finding have been resolved and final action taken by the State or Federal Awarding Agency. The Federal Awarding Agency, a cognizant agency for audit, oversight, or indirect costs, and the State, may notify Grantee in writing that the Record Retention Period shall be extended. For records for real property and equipment, the Record Retention Period shall extend three years following final disposition of such property. Grantee shall permit the State, the federal government, and any other duly authorized agent of a governmental agency to audit, inspect, examine, excerpt, copy and transcribe Grantee Records during the Record Retention Period. Grantee shall make Grantee Records available during normal business hours at Grantee’s office or place of business, or at other mutually agreed upon times or locations, upon no fewer than two Business Days’ notice from the State, unless the State determines that a shorter period of notice, or no notice, is necessary to protect the interests of the State. The State, in its discretion, may monitor Grantee’s performance of its obligations under this Agreement using procedures as determined by the State. The federal government and any other duly authorized agent of a governmental

State of Colorado Small Dollar Grant Award Terms and Conditions

agency, in its discretion, Grantee shall allow the State to perform all monitoring required by the Uniform Guidance, based on the State's risk analysis of Grantee and this Agreement, and the State shall have the right, in its discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State will monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee Records that relates to or affects this Agreement or the Work, whether the audit is conducted by Grantee, a State agency or the State's authorized representative, or a third party. If applicable, the Grantee may be required to perform a single audit under 2 CFR 200.501, *et seq.* Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

8. **Reporting.** If Grantee is served with a pleading or other document in connection with an action before a court or other administrative decision making body, and such pleading or document relates to this Agreement or may affect Grantee's ability to perform its obligations under this Agreement, Grantee shall, within 10 days after being served, notify the State of such action and deliver copies of such pleading or document to the State. Grantee shall disclose, in a timely manner, in writing to the State and the Federal Awarding Agency, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting the Award. The State or the Federal Awarding Agency may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.
9. **Conflicts of Interest.** Grantee acknowledges that with respect to this Agreement, even the appearance of a conflict of interest is harmful to the State's interests. Absent the State's prior written approval, Grantee shall refrain from any practices, activities, or relationships that reasonably may appear to be in conflict with the full performance of Grantee's obligations to the State under this Agreement. If a conflict or appearance of a conflict of interest exists, or if Grantee is uncertain as to such, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of this Agreement. Grantee certifies that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Agreement. Grantee has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Grantee's Services and Grantee shall not employ any person having such known interests. Grantee acknowledges that all State employees are subject to the ethical principles described in §24-18-105, C.R.S. Grantee further acknowledges that State employees may be subject to the requirements of §24-18-105, C.R.S. with regard to this Grant.
10. **Taxes.** The State is exempt from federal excise taxes and from State and local sales and use taxes. The State shall not be liable for the payment of any excise, sales, or use taxes imposed on Grantee. A tax exemption certificate will be made available upon Grantee's request. Grantee shall be solely responsible for any exemptions from the collection of excise, sales or use taxes that Grantee may wish to have in place in connection with this Agreement.
11. **Payment.** Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Agreement that exceeds the

State of Colorado Small Dollar Grant Award Terms and Conditions

Document Total shown on the face of the Small Dollar Grant Award. The State shall pay Grantee in the amounts and in accordance with the schedule and other conditions set forth in this Agreement. Grantee shall initiate payment requests by invoice to the State, in a form and manner approved by the State. The State shall pay Grantee for all amounts due within 45 days after receipt of an Awarding Agency's approved invoicing request, or in instances of reimbursement grant programs a request for reimbursement, compliant with Generally Accepted Accounting Principles (GAAP) and, if applicable Government Accounting Standards Board (GASB) of amount requested. Amounts not paid by the State within 45 days of the State's acceptance of the invoice shall bear interest on the unpaid balance beginning on the 45th day at the rate set forth in CRS §24-30-202(24) until paid in full. Interest shall not accrue if a good faith dispute exists as to the State's obligation to pay all or a portion of the amount due. Grantee shall invoice the State separately for interest on delinquent amounts due, referencing the delinquent payment, number of day's interest to be paid, and applicable interest rate. The acceptance of an invoice shall not constitute acceptance of any Work performed under this Agreement. Except as specifically agreed in this Agreement, Grantee shall be solely responsible for all costs, expenses, and other charges it incurs in connection with its performance under this Grantee.

12. **Term.** The parties' respective performances under this Agreement shall commence on the "Service From" date identified on the face of the Small Dollar Grant Award, unless otherwise specified, and shall terminate on the "Service To" date identified on the face of the Small Dollar Grant Award unless sooner terminated in accordance with the terms of this Agreement.
13. **Payment Disputes.** If Grantee disputes any calculation, determination or amount of any payment, Grantee shall notify the State in writing of its dispute within 30 days following the earlier to occur of Grantee's receipt of the payment or notification of the determination or calculation of the payment by the State. The State will review the information presented by Grantee and may make changes to its determination based on this review. The calculation, determination or payment amount that results from the State's review shall not be subject to additional dispute under this subsection. No payment subject to a dispute under this subsection shall be due until after the State has concluded its review, and the State shall not pay any interest on any amount during the period it is subject to dispute under this subsection.
14. **Matching Funds.** Grantee shall provide Matching Funds, if required by this Agreement. If permitted under the terms of the grant and per this Agreement, Grantee may be permitted to provide Matching Funds prior to or during the course of the project or the match will be an in-kind match. Grantee shall report to the State regarding the status of such funds upon request. Grantee's obligation to pay all or any part of any Matching Funds, whether direct or contingent, only extend to funds duly and lawfully appropriated for the purposes of this Agreement by the authorized representatives of Grantee and paid into Grantee's treasury or bank account. Grantee represents to the State that the amount designated "Grantee's Matching Funds" pursuant to this Agreement, has been legally appropriated for the purposes of this Agreement by its authorized representatives and paid into its treasury or bank account. Grantee does not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and this Agreement is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late

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charges, fees, taxes or penalties of any nature, except as required by Grantee's laws or policies.

15. **Reimbursement of Grantee Costs.** If applicable, the State shall reimburse Grantee's allowable costs, not exceeding the maximum total amount described in this Agreement for all allowable costs described in the grant except that Grantee may adjust the amounts between each line item of the Budget without formal modification to this Agreement as long as the Grantee provides notice to, and received approval from the State of the change, the change does not modify the total maximum amount of this Agreement, and the change does not modify any requirements of the Work. If applicable, the State shall reimburse Grantee for the properly documented allowable costs related to the Work after review and approval thereof, subject to the provisions of this Agreement. However, any costs incurred by Grantee prior to the Effective Date shall not be reimbursed absent specific allowance of pre-award costs. Grantee's costs for Work performed after the "Service To" date identified on the face of the Small Dollar Grant Award, or after any phase performance period end date for a respective phase of the Work, shall not be reimbursable. The State shall only reimburse allowable costs described in this Agreement and shown in the Budget if those costs are **(a)** reasonable and necessary to accomplish the Work, and **(b)** equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the costs actually incurred).
16. **Close-Out.** Grantee shall close out this Award within 45 days after the "Service To" date identified on the face of the Small Dollar Grant Award, including any modifications. To complete close-out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Agreement and Grantee's final reimbursement request or invoice. In accordance with the Agreement, the State may withhold a percentage of allowable costs until all final documentation has been submitted and accepted by the State as substantially complete.
17. **Assignment.** Grantee's rights and obligations under this Agreement may not be transferred or assigned without the prior, written consent of the State and execution of a new agreement. Any attempt at assignment or transfer without such consent and new agreement shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Agreement.
18. **Subcontracts.** Grantee shall not enter into any subcontract in connection with its obligations under this Agreement without the prior, written approval of the State. Grantee shall submit to the State a copy of each subcontract upon request by the State. All subcontracts entered into by Grantee in connection with this Agreement shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Agreement.
19. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations in accordance with the intent of the Agreement.
20. **Survival of Certain Agreement Terms.** Any provision of this Agreement that imposes an obligation on a party after termination or expiration of the Agreement shall survive the termination or expiration of the Agreement and shall be enforceable by the other party.

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21. **Third Party Beneficiaries.** Except for the parties' respective successors and assigns, this Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to the Agreement, and do not create any rights for such third parties.
22. **Waiver.** A party's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.
23. **Indemnification. [Not Applicable to Inter-governmental agreements]** Grantee shall indemnify, save, and hold harmless the State, its employees, agents and assignees (the "Indemnified Parties"), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to any act or omission by Grantee, or its employees, agents, Subcontractors, or assignees in connection with this Agreement. This shall include, without limitation, any and all costs, expenses, claims, damages, liabilities, court awards and other amounts incurred by the Indemnified Parties in relation to any claim that any work infringes a patent, copyright, trademark, trade secret, or any other intellectual property right or any claim for loss or improper disclosure of any confidential information or personally identifiable information. If Grantee is a public agency prohibited by applicable law from indemnifying any party, then this section shall not apply.
24. **Notice.** All notices given under this Agreement shall be in writing, and shall be delivered to the contacts for each party listed on the face of the Small Dollar Grant Award. Either party may change its contact or contact information by notice submitted in accordance with this section without a formal modification to this Agreement.
25. **Insurance.** Except as otherwise specifically stated in this Agreement or any attachment or exhibit to this Agreement, Grantee shall obtain and maintain insurance as specified in this section at all times during the term of the Agreement: (a) workers' compensation insurance as required by state statute, and employers' liability insurance covering all Grantee employees acting within the course and scope of their employment, (b) Commercial general liability insurance written on an Insurance Services Office occurrence form, covering premises operations, fire damage, independent vendors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows: \$1,000,000 each occurrence; \$1,000,000 general aggregate; \$1,000,000 products and completed operations aggregate; and \$50,000 any one fire, and (c) Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit. If Grantee will or may have access to any protected information, then Grantee shall also obtain and maintain insurance covering loss and disclosure of protected information and claims based on alleged violations of privacy right through improper use and disclosure of protected information with limits of \$1,000,000 each occurrence and \$1,000,000 general aggregate at all times during the term of the Small Dollar Grant Award. Additional insurance may be required as provided elsewhere in this Agreement or any attachment or exhibit to this Agreement. All insurance policies required by this Agreement shall be issued by insurance companies with an AM Best

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rating of A-VIII or better. If Grantee is a public agency within the meaning of the Colorado Governmental Immunity Act, then this section shall not apply and Grantee shall instead comply with the Colorado Governmental Immunity Act. The State shall be named as additional insured on all commercial general liability policies required of Vendor. All insurance policies secured or maintained by Vendor in relation to this Purchase Order shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Vendor or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

26. **Termination Prior to Grantee Acceptance.** If Grantee has not begun performance under this Agreement, the State may cancel this Agreement by providing written notice to the Grantee.
27. **Termination for Cause.** If Grantee refuses or fails to timely and properly perform any of its obligations under this Agreement with such diligence as will ensure its completion within the time specified in this Agreement, the State may notify Grantee in writing of non-performance and, if not corrected by Grantee within the time specified in the notice, terminate Grantee's right to proceed with the Agreement or such part thereof as to which there has been delay or a failure. Grantee shall continue performance of this Agreement to the extent not terminated. Grantee shall be liable for excess costs incurred by the State in procuring similar Work and the State may withhold such amounts, as the State deems necessary. If after rejection, revocation, or other termination of Grantee's right to proceed under the Colorado Uniform Commercial Code (CUCC) or this clause, the State determines for any reason that Grantee was not in default or the delay was excusable, the rights and obligations of the State and Grantee shall be the same as if the notice of termination had been issued pursuant to termination under **§28**.
28. **Termination in Public Interest.** The State is entering into this Agreement for the purpose of carrying out the public interest of the State, as determined by its Governor, General Assembly, Courts, or Federal Awarding Agency. If this Agreement ceases to further the public interest of the State as determined by its Governor, General Assembly, Courts, or Federal Awarding Agency, the State, in its sole discretion, may terminate this Agreement in whole or in part and such termination shall not be deemed to be a breach of the State's obligations hereunder. This section shall not apply to a termination for cause, which shall be governed by **§27**. A determination that this Small Dollar Grant Award should be terminated in the public interest shall not be equivalent to a State right to terminate for convenience. The State shall give written notice of termination to Grantee specifying the part of the Agreement terminated and when termination becomes effective. Upon receipt of notice of termination, Grantee shall not incur further obligations except as necessary to mitigate costs of performance. The State shall pay the Agreement price or rate for Work performed and accepted by State prior to the effective date of the notice of termination. The State's termination liability under this section shall not exceed the total Agreement price.
29. **Termination for Funds Availability.** The State is prohibited by law from making commitments beyond the term of the current State Fiscal Year. Payment to Grantee beyond the current State Fiscal Year is contingent on the appropriation and continuing availability of Grant Funds in any subsequent year (as provided in the Colorado Special Provisions). If federal funds or funds from any other non-State funds constitute all or some of the Grant Funds, the State's obligation to pay Grantee shall be contingent upon such non-State

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funding continuing to be made available for payment. Payments to be made pursuant to this Agreement shall be made only from Grant Funds, and the State's liability for such payments shall be limited to the amount remaining of such Grant Funds. If State, federal or other funds are not appropriated, or otherwise become unavailable to fund this Agreement, the State may, upon written notice, terminate this Agreement, in whole or in part, without incurring further liability. The State shall, however, remain obligated to pay for Work performed and accepted prior to the effective date of notice of termination, and this termination shall otherwise be treated as if this Agreement were terminated in the public interest as described in §28.

30. **Grantee's Termination Under Federal Requirements.** If the Grant Funds include any federal funds, then Grantee may request termination of this Grant by sending notice to the State, or to the Federal Awarding Agency with a copy to the State, which includes the reasons for the termination and the effective date of the termination. If this Grant is terminated in this manner, then Grantee shall return any advanced payments made for Work that will not be performed prior to the effective date of the termination.
31. **Governmental Immunity.** Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, CRS §24-10-101, *et seq.*, the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, CRS §§24-30-1501, *et seq.* No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.
32. **Grant Recipient.** Grantee shall perform its duties hereunder as a grant recipient and not as an employee. Neither Grantee nor any agent or employee of Grantee shall be deemed to be an agent or employee of the State. Grantee shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. **Grantee and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Grantee or any of its agents or employees. Grantee shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Agreement. Grantee shall (a) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (b) provide proof thereof when requested by the State, and (c) be solely responsible for its acts and those of its employees and agents.**
33. **Compliance with Law.** Grantee shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.
34. **Choice of Law, Jurisdiction and Venue. [Not Applicable to Inter-governmental agreements]** Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Agreement shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and

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County of Denver. Any provision incorporated herein by reference which purports to negate this or any other provision in this Agreement in whole or in part shall not be valid or enforceable or available in any action at law, whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision or for any other reason shall not invalidate the remainder of this Agreement, to the extent capable of execution. Grantee shall exhaust administrative remedies in CRS §24-109-106, prior to commencing any judicial action against the State regardless of whether the Colorado Procurement Code applies to this Agreement.

35. **Prohibited Terms.** Nothing in this Agreement shall be construed as a waiver of any provision of CRS §24-106-109. Any term included in this Agreement that requires the State to indemnify or hold Grantee harmless; requires the State to agree to binding arbitration; limits Grantee's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with that statute in any way shall be void ab initio.

ADDENDUM 1: Additional Terms & Conditions for Information Technology

IF ANY PART OF THE SUBJECT MATTER OF THIS AGREEMENT IS INFORMATION TECHNOLOGY, AS DEFINED IN CRS § 24-37.5-102 (2), THE FOLLOWING PROVISIONS ALSO APPLY TO THIS AGREEMENT.

- A. **Definitions.** The following terms shall be construed and interpreted as follows: **(a) “CJI”** means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended, and all Criminal Justice Records as defined under CRS §24-72-302; **(b) “Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of any communications or information resources of the State, pursuant to CRS §§24-37.5-401 *et seq.*; **(c) “PCI”** means payment card information including any data related to credit card holders’ names, credit card numbers, or the other credit card information as may be protected by state or federal law; **(d) “PHI”** means any protected health information, including, without limitation any information whether oral or recorded in any form or medium that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual including, without limitation, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act; **(e) “PII”** means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records, including, without limitation, all information defined as personally identifiable information in CRS §24-72-501. . “PII” shall also mean “personal identifying information” as set forth at § 24-74-102, *et. seq.*, C.R.S. ; **(f) “State Confidential Information”** means any and all State Records not subject to disclosure under the Colorado Open Records Act and includes, without limitation, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under the Colorado Open Records Act, **(g) “State Fiscal Rules”** means those fiscal rules promulgated by the Colorado State Controller pursuant to CRS §24-30-202(13)(a); **(h) “State Fiscal Year”** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year; **(i) “State Records”** means any and all State data, information, and records, regardless of physical form; **(j) “Tax Information”** means federal and State of Colorado tax information including, without limitation, federal and State tax returns, return information, and such other tax-related information as may be protected by federal and State law and regulation, including, without limitation all information defined as federal tax information in Internal Revenue Service Publication 1075; and **(k) “Work Product”** means the tangible and intangible results of the delivery of goods and performance of services, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports,

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proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, information, and any other results of the Work, but does not include any material that was developed prior to the Effective Date that is used, without modification, in the performance of the Work.

B. Intellectual Property. Except to the extent specifically provided elsewhere in this Agreement, any State information, including without limitation pre-existing State software, research, reports, studies, data, photographs, negatives or other documents, drawings, models, materials; or Work Product prepared by Grantee in the performance of its obligations under this Agreement shall be the exclusive property of the State (collectively, "State Materials"). All State Materials shall be delivered to the State by Grantee upon completion or termination of this Agreement. The State's exclusive rights in any Work Product prepared by Grantee shall include, but not be limited to, the right to copy, publish, display, transfer, and prepare derivative works. Grantee shall not use, willingly allow, cause or permit any State Materials to be used for any purpose other than the performance of Grantee's obligations hereunder without the prior written consent of the State. The State shall maintain complete and accurate records relating to **(a)** its use of all Grantee and third party software licenses and rights to use any Grantee or third party software granted under this Agreement and its attachments to which the State is a party and **(b)** all amounts payable to Grantee pursuant to this Agreement and its attachments and the State's obligations under this Agreement or any amounts payable to Grantee in relation to this Agreement, which records shall contain sufficient information to permit Grantee to confirm the State's compliance with the use restrictions and payment obligations under this Agreement or to any third party use restrictions to which the State is a party. Grantee retains the exclusive rights, title and ownership to any and all pre-existing materials owned or licensed to Grantee including, but not limited to all pre-existing software, licensed products, associated source code, machine code, text images, audio, video, and third party materials, delivered by Grantee under the Agreement, whether incorporated in a deliverable or necessary to use a deliverable (collectively, "Grantee Property"). Grantee Property shall be licensed to the State as set forth in a State-approved license agreement **(a)** entered into as exhibits or attachments to this Agreement, **(b)** obtained by the State from the applicable third party Grantee, or **(c)** in the case of open source software, the license terms set forth in the applicable open source license agreement. Notwithstanding anything to the contrary herein, the State shall not be subject to any provision incorporated in any exhibit or attachment attached hereto, any provision incorporated in any terms and conditions appearing on any website, any provision incorporated into any click through or online agreements, or any provision incorporated into any other document or agreement between the parties that **(a)** requires the State or the State to indemnify Grantee or any other party, **(b)** is in violation of State laws, regulations, rules, State Fiscal Rules, policies, or other State requirements as deemed solely by the State, or **(c)** is contrary to this Agreement.

C. Information Confidentiality. Grantee shall keep confidential, and cause all Subcontractors to keep confidential, all State Records, unless those State Records are publicly available. Grantee shall not, without prior written approval of the State, use, publish, copy, disclose to any third party, or permit the use by any third party of any State Records, except as otherwise stated in this Agreement, permitted by law, or approved in writing by the State. If

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Additional Terms & Conditions for Information Technology

Grantee will or may have access to any State Confidential Information or any other protected information, Grantee shall provide for the security of all State Confidential Information in accordance with all applicable laws, rules, policies, publications, and guidelines. Grantee shall comply with all Colorado Office of Information Security ("OIS") policies and procedures which OIS has issued pursuant to CRS §§24-37.5-401 through 406 and 8 CCR §1501-5 and posted at <https://oit.colorado.gov/standards-policies-guides/technical-standards-policies>, all information security and privacy obligations imposed by any federal, state, or local statute or regulation, or by any industry standards or guidelines, as applicable based on the classification of the data relevant to Grantee's performance under this Agreement. Such obligations may arise from: Health Information Portability and Accountability Act (HIPAA); IRS Publication 1075; Payment Card Industry Data Security Standard (PCI-DSS); FBI Criminal Justice Information Service Security Addendum; Centers for Medicare & Medicaid Services (CMS) Minimum Acceptable Risk Standards for Exchanges; and Electronic Information Exchange Security Requirements and Procedures for State and Local Agencies Exchanging Electronic Information with The Social Security Administration. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

D. Other Entity Access and Nondisclosure Agreements. Grantee may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the work, but shall restrict access to State Confidential Information to those agents, employees, assigns, and Subcontractors who require access to perform their obligations under this Agreement. Grantee shall ensure all such agents, employees, assigns, and Subcontractors sign agreements containing nondisclosure provisions at least as protective as those in this Agreement, and that the nondisclosure provisions are in force at all times the agent, employee, assign, or Subcontractors has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure provisions to the State upon execution of the nondisclosure provisions if requested by the State.

E. Use, Security, and Retention. Grantee shall use, hold, and maintain State Confidential Information in compliance with any and all applicable laws and regulations only in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Agreement, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

F. Incident Notice and Remediation. If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. Unless Grantee can establish none of Grantee or any of its agents, employees, assigns or Subcontractors are the cause or source of the Incident, Grantee shall be responsible for the cost of notifying each person who may have been impacted by the Incident. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State,

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which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State. The State may adjust or direct modifications to this plan, in its sole discretion and Grantee shall make all modifications as directed by the State. If Grantee cannot produce its analysis and plan within the allotted time, the State, in its sole discretion, may perform such analysis and produce a remediation plan, and Grantee shall reimburse the State for the reasonable actual costs thereof.

G. **Data Protection and Handling.** Grantee shall ensure that all State Records and Work Product in the possession of Grantee or any Subcontractors are protected and handled in accordance with the requirements of this Agreement at all times. Upon request by the State made any time prior to 60 days following the termination of this Agreement for any reason, whether or not this Agreement is expiring or terminating, Grantee shall make available to the State a complete and secure download file of all data that is encrypted and appropriately authenticated. This download file shall be made available to the State within 10 Business Days following the State's request, and shall contain, without limitation, all State Records, Work Product, and any other information belonging to the State. Upon the termination of Grantee's services under this Agreement, Grantee shall, as directed by the State, return all State Records provided by the State to Grantee, and the copies thereof, to the State or destroy all such State Records and certify to the State that it has done so. If legal obligations imposed upon Grantee prevent Grantee from returning or destroying all or part of the State Records provided by the State, Grantee shall guarantee the confidentiality of all State Records in Grantee's possession and will not actively process such data. The State retains the right to use the established operational services to access and retrieve State Records stored on Grantee's infrastructure at its sole discretion and at any time.

H. **Compliance.** If applicable, Grantee shall review, on a semi-annual basis, all OIS policies and procedures which OIS has promulgated pursuant to CRS §§ 24-37.5-401 through 406 and 8 CCR § 1501-5 and posted at <https://oit.colorado.gov/standards-policies-guides/technical-standards-policies>, to ensure compliance with the standards and guidelines published therein. Grantee shall cooperate, and shall cause its Subcontractors to cooperate, with the performance of security audit and penetration tests by OIS or its designee.

I. **Safeguarding PII.** If Grantee or any of its Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, all State requirements relating to non-disclosure, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall take full responsibility for the security of all PII in its possession or in the possession of its Subcontractors, and shall hold the State harmless for any damages or liabilities resulting from the unauthorized disclosure or loss thereof. Grantee shall be a "Third-Party Service Provider" as defined in CRS §24-73-103(1)(i) and shall maintain security procedures and practices consistent with CRS §§24-73-101 *et seq.* In addition, as set forth in § 24-74-102, *et. seq.*, C.R.S., Vendor, including, but not limited to, Vendor's employees, agents and Subcontractors, agrees not to share any PII with any third parties for the purpose of investigating for, participating in, cooperating with, or assisting with Federal immigration enforcement. If

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Vendor is given direct access to any State databases containing PII, Vendor shall execute, on behalf of itself and its employees, the certification [PII Individual Certification Form](#) or [PII Entity Certification Form](#) [Download form from Hyperlink] on an annual basis and Vendor's duty shall continue as long as Vendor has direct access to any State databases containing PII. If Vendor uses any Subcontractors to perform services requiring direct access to State databases containing PII, the Vendor shall require such Subcontractors to execute and deliver the certification to the State on an annual basis, so long as the Subcontractor has access to State databases containing PII.

J. Software Piracy Prohibition. The State or other public funds payable under this Agreement shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Grantee hereby certifies and warrants that, during the term of this Agreement and any extensions, Grantee has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Grantee is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Agreement, including, without limitation, immediate termination of this Agreement and any remedy consistent with federal copyright laws or applicable licensing restrictions.

K. Information Technology. To the extent that Grantee provides physical or logical storage of State Records; Grantee creates, uses, processes, discloses, transmits, or disposes of State Records; or Grantee is otherwise given physical or logical access to State Records in order to perform Grantee's obligations under this Agreement, the following terms shall apply. Grantee shall, and shall cause its Subcontractors, to: Provide physical and logical protection for all hardware, software, applications, and data that meets or exceeds industry standards and the requirements of this Agreement; Maintain network, system, and application security, which includes, but is not limited to, network firewalls, intrusion detection (host and network), annual security testing, and improvements or enhancements consistent with evolving industry standards; Comply with State and federal rules and regulations related to overall security, privacy, confidentiality, integrity, availability, and auditing; Provide that security is not compromised by unauthorized access to workspaces, computers, networks, software, databases, or other physical or electronic environments; Promptly report all Incidents, including Incidents that do not result in unauthorized disclosure or loss of data integrity, to a designated representative of the OIS; Comply with all rules, policies, procedures, and standards issued by the Governor's Office of Information Technology (OIT), including project lifecycle methodology and governance, technical standards, documentation, and other requirements posted at <https://oit.colorado.gov/standards-policies-guides/technical-standards-policies>. Grantee shall not allow remote access to State Records from outside the United States, including access by Grantee's employees or agents, without the prior express written consent of OIS. Grantee shall communicate any request regarding non-U.S. access to State Records to the State. The State, acting by and through OIS, shall have sole discretion to grant or deny any such request.

L. Accessibility. Grantee shall comply with and the Work Product provided under this PO shall be in compliance with all applicable provisions of §§24-85-101, *et seq.*, C.R.S., and the *Accessibility Standards for Individuals with a Disability*, as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S. Grantee shall also comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current

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version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards. Grantee shall indemnify, save, and hold harmless the Indemnified Parties against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to Grantee's failure to comply with §§24-85-101, *et seq.*, C.R.S., or the *Accessibility Standards for Individuals with a Disability* as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S. The State may require Grantee's compliance to the State's Accessibility Standards to be determined by a third party selected by the State to attest to Grantee's Work Product and software is in compliance with §§24-85-101, *et seq.*, C.R.S., and the *Accessibility Standards for Individuals with a Disability* as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S.

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Perrie McMillen, Manager, Restorative Justice Services
Aaron Guin, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 156, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services.

Additional grant funds in the amount of \$12,000 have been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The \$12,000 in grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$57,356, bringing the total amount of the awarded grant to \$69,356. No match is required and the grant period is July 1, 2023, to June 30, 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Restorative Justice Services has been partially grant-funded since its inception in 2000. Annually, the City accepts grant funds from DCJ to support Restorative Justice Services' three programs: RESTORE, RJCP, and the Reflect Program, which assist youth referred to the program from the Eighth Judicial District Attorney's Office. Since it began, Restorative Justice Services has provided restorative justice alternatives to more than 3,200 young people who have committed chargeable offenses in our community.

Restorative Justice is an alternative method of holding a young offender accountable by facilitating a meeting with the offender, the victim/victim representative and members of the community to determine the harm done by the crime, and how to address and repair the harm. By identifying and seeking to repair the harm caused by the crime, Criminal Justice Officials are optimistic that repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed.

These programs help young people understand how family, friends, victims and the community are harmed by their actions and hold them accountable for the harm they caused. The intention is that these young

people will make better future decisions and not commit the same or similar crime again. Reducing future criminal behavior and keeping young people out of the justice system, both contribute positively to a safer and healthier community. Addressing the needs and concerns of victims and community members also has a positive effect on the overall health and safety of the community. As part of the programs, youth and families are referred to appropriate community resources based on needs identified during program participation.

Without grant funding and the support of the City, Restorative Justice Services would not be able to provide this service to young people and their families, victims, the courts, law enforcement and our community.

CITY FINANCIAL IMPACTS

These DCJ grant funds totaling \$12,000, are in addition to a \$57,356 grant from DCJ already received and appropriated earlier this year and will provide added funding for personnel to support the continuation of Restorative Justice Services. Funds are distributed to the City on a reimbursement basis.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 156, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM THE
COLORADO DIVISION OF CRIMINAL JUSTICE OF UNANTICIPATED GRANT
REVENUE FOR VARIOUS RESTORATIVE JUSTICE SERVICES PROGRAMS

WHEREAS, Restorative Justice Services is a division within the Neighborhood Services department that operates three programs: RESTORE for shoplifting offenses, the Restorative Justice Conferencing Program and the Reflect Program for all other offenses; and

WHEREAS, Restorative Justice Services programs hold young offenders accountable by helping understand how family, friends, victims, and the community are harmed by their actions, and seek to hold offenders accountable for the harm they caused, to help them make better decisions in the future; and

WHEREAS, since its inception, Restorative Justice Services has provided restorative justice alternatives to more than 3,200 young people who have committed chargeable offenses in our community; and

WHEREAS, Restorative Justice Services has been partially grant-funded since its inception in 2000, and the City has accepted grant funds on an annual basis from the Colorado Division of Criminal Justice (DCJ) to support Restorative Justice Services programs; and

WHEREAS, a grant in the amount of \$12,000 has been awarded to Restorative Justice Services from DCJ's Juvenile Diversion fund for the continued operation of Restorative Justice Services; and

WHEREAS, the grant period is from July 1, 2023, to June 30, 2024, and no local match from the City is required; and

WHEREAS, this grant helps fund Restorative Justice Services programs to assist youth referred to the program from the 8th Judicial District Attorney's Office; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing restorative justice alternatives to youth in an effort to reduce recidivism and build a safer and healthier community; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current

estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Division of Criminal Justice as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of TWELVE THOUSAND DOLLARS (\$12,000) to be expended in the General Fund for Various Restorative Justice Programs.

Section 3. That the appropriation herein from the Colorado Division of Criminal Justice is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Brad Smith, Energy Services
Kerri Ishmael, Grants Administration
Cyril Vidergar, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.

EXECUTIVE SUMMARY

The purpose of this item is to support the *Zero Carbon Performance Code Project* by:

- Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);
- Appropriating \$152,127 from Light and Power Fund reserves;
- Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and
- Appropriating \$46,842 from General Fund reserves.

In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

This project directly aligns with Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings." It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.

While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to begin spending resources toward the City's anticipated match. The City's \$206,569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,595 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City's match support total project costs of \$900,164.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The DOE introduced the RECI funding opportunity as the first roll out of funds from both the Bipartisan Infrastructure Law and from the Inflation Reduction Act. The City was the only local government out of the 27 awardees selected from the highly competitive RECI program. A primary reason for the City's selection was our proposal to implement a performance-based building energy code framework that reaches zero carbon/zero energy in new construction by 2030. This approach is viewed in the energy code community as the likely path forward for jurisdictions with ambitious climate goals. The performance-based building energy code framework requires the use of software to model and achieve building energy performance targets in the design and construction of new buildings. City Code currently offers a performance path option for building energy code compliance but it is focused on modeling related to energy cost, which is not fully aligned with the 2030 Our Climate Future goals.

The *Zero Carbon Performance Code Project* will modify the existing City approach by establishing required targets for energy use and carbon reduction of a building or home when built to the 2030 zero carbon code. It will then use the two interim code cycles in 2024 and 2027 as increased steps in efficiency that ultimately achieve 2030 code targets. The performance-based building energy code framework will allow builders flexibility in construction approaches and materials in achieving targets and provides transparency in future code and beyond the typical three-year update cadence.

Critical to the success of this work will be ongoing input from a local, diverse stakeholder group with a vested interest in new construction, building code, and affordability. To ensure a smooth transition to this new code in future code cycles, the project will establish an implementation guide, education materials and training offerings developed through stakeholder engagement.

The City will collaborate with other subject matter experts from project partners Florida Solar Energy Center, New Buildings Institute, and the International Code Council (ICC). The Colorado Energy Office is also serving as a supporting partner, providing review and evaluation of project outcomes and guidance as needed.

The proposed project approach follows the three-year code cycle established by the ICC. This cycle will continue with the City's adoption of the 2024, 2027 and 2030 body of ICC codes. Considering City policy to adopt updated energy codes within a year of issuance by the ICC and that the 2024 code year is about to begin, the *Zero Carbon Performance Code Project* needs to commence as soon as possible to avoid a delay in the target code adoption process, including adoption of the 2024 body of ICC codes.

The DOE notified the City in a July 12, 2023 Selection Notification Letter (Attachment 2) that our application in support of the *Zero Carbon Performance Code Project* was recommended for RECI funding. The City subsequently received the Assistance Agreement, i.e., draft grant agreement (Attachment 3; also attached as Exhibit "A" to the Ordinance) demonstrating the \$693,595 in DOE funds obligated for this project with a Period of Performance commencing October 1, 2023. As described in the Assistance Agreement, the \$900,164 in total project costs is subject to a cooperative agreement, which provides the DOE participating in the project, working closely with the City to ensure outcomes are met and during the proposed project timeframe.

Per the draft cooperative agreement, DOE is providing \$693,595 for reimbursement of costs for activities presented in the Budget (Attachment 4), with the City funding \$206,569 of project costs. The conditional status of the award in the Assistance Agreement will be lifted upon completion of the Cooperative Agreement negotiations. The negotiations pertain to the final statement of project objectives (SOPO) and Budget, on which staff and DOE have worked for several months this fall to finalize. As noted in a November 5, 2023, email communication with DOE (Attachment 5), DOE representatives supporting this project have

approved the SOPO and Budget that are currently under review with the DOE Financial Assistance unit. Staff anticipates notice from DOE on Assistance Agreement conditions being lifted by second reading of this item on December 5, 2023.

Considering the need for City staff to commence work on this project to support:

- (1) Meeting project objective timelines as outlined in the SOPO; and
- (2) to ensure no delay by the City in adopting the 2024 code;

staff is seeking adoption of this Ordinance ahead of the final DOE action, allowing commencement of work on the project in 2023. All such work by staff will be funded from existing unencumbered annual appropriations and support the required \$206,569 local cost share.

Upon DOE lifting remaining Assistance Agreement conditions, the City will finalize subaward agreements with partners Florida Solar Energy Center, New Buildings Institute, and the ICC, supporting work by these partners under the *Zero Carbon Performance Code Project* for which allowable costs for such work will be submitted for reimbursement by DOE pursuant to the Assistance Agreement.

Though the DOE did not provide the final cooperative grant agreement before first reading of this Ordinance, staff is seeking Council approval to begin spending City match resources in the form of Energy Services and Building Services staff time. Starting preparations and initial grant work ahead of signing the Assistance Agreement will ensure the full scope of work can be completed during the proposed project timeframe. Staff anticipates the DOE will provide the final grant agreement and confirmation of award by or before second reading of the proposed Ordinance.

CITY FINANCIAL IMPACTS

This item appropriates \$892,564 in costs to support the *Zero Carbon Performance Code Project* from:

- \$693,595 in unanticipated grant revenue from DOE
- \$152,127 in Light & Power Fund reserves to be used toward required local matching funds
- \$46,842 in General Fund reserves to be used for the final portion of the required matching funds

Required matching funds in the amount of \$7,600 have already been appropriated in the 2023 Light & Power Fund in the Energy Services operating budget. The \$7,600 will be transferred from Energy Services 2023 operating budget to the grant/cooperative assistance project. This serves to support tracking of personnel time in meeting the City's match obligation.

The DOE award is a reimbursement type award, meaning Light & Power Fund expenses will be reimbursed up to \$693,595.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

On February 9, and June 8, 2023, the Energy Board received updates, and expressed general support, regarding planning for advancing building code performance and the pending DOE grant opportunity.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. DOE July 12, 2023, Selection Notification Letter
3. DOE Assistance Agreement
4. *Zero Carbon Performance Code Project* Budget
5. November 6, 2023, Email Communication Between Staff and DOE

ORDINANCE NO. 157, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION, APPROPRIATING
PRIOR YEAR RESERVES, AUTHORIZING TRANSFERS AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
FOR THE ZERO CARBON PERFORMANCE CODE PROJECT

WHEREAS, on March 16, 2021, City Council approved Resolution 2021-031 in which it adopted the City's Our Climate Future Plan, setting local climate, energy and waste reduction goals focused on improving community equity and resilience outcomes, and a commitment to mitigate climate change with a systems-based approach; and

WHEREAS, in June 2023, the U.S. Department of Energy (DOE) awarded the City a \$693,595 grant under the 2023 Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation funding (RECI) to support the City's development of an updated Energy Code framework that sets energy use and carbon emission reduction targets by 2030 ("Zero Carbon Performance Code Project"); and

WHEREAS, the Zero Carbon Performance Code Project directly aligns with the City's Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings" component, which seeks to ensure all City residents live and work in healthy efficient buildings that can transition to become emissions free; and

WHEREAS, to begin work on the Zero Carbon Performance Code Project, Utilities staff proposes appropriation and transfer of the following amounts for expenditure in the project fund:

- Appropriation of:
 - \$693,595 of unanticipated DOE RECI grant revenue;
 - \$152,127 from current Light & Power Fund reserves;
 - \$46,842 from current General Fund reserves; and
- Transfer of \$7,600 from unencumbered 2023 Budget appropriations in the Light & Power Fund to satisfy the City's local matching obligation under the DOE RECI grant; and

WHEREAS, the DOE RECI grant is conditioned on the City entering into an agreement through which the DOE will work with the City to ensure completion of project outcomes contained in an approved statement of project objectives (SOPO), a draft assistance agreement with special terms are attached hereto as Exhibit "A;" and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Light & Power Fund and will not cause the total amount appropriated in the Light & Power Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

~~WHEREAS, the City Manager has recommended the transfer of \$46,842 from the General Fund to the Light & Power Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and~~

WHEREAS, the City Manager has recommended the transfer of \$7,600 from the Energy Services operating budget in the Light & Power Fund to the Zero Carbon Performance Code Project budget in the Light & Power Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Light & Power Fund and the General Fund and will not cause the total amount appropriated in the Light & Power Fund and the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of facilitating adoption of modern energy-efficient building and construction codes that improve the health, safety, and comfort of community buildings; and

WHEREAS, the proposed appropriation also furthers the Zero Carbon Performance Code Project which benefits electric utility ratepayers by expediting development of building codes focused on improving climate resilience and reducing energy costs in the City's built environment; and

WHEREAS, the City Council wishes to designate the appropriation herein for the DOE Resilient and Efficient Codes Implementation grant project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the Light & Power Fund the sum of SIX HUNDRED NINETY-THREE THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$693,595) to be expended in the Light & Power Fund for the Zero Carbon Performance Code Project.

Section 3. That there is hereby appropriated from prior year reserves in the Light & Power Fund the sum of ONE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED TWENTY-SEVEN DOLLARS (\$152,127) to be expended in the Light & Power Fund for the Zero Carbon Performance Code Project.

Section 4. That there is hereby appropriated from prior year reserves in the General Fund the sum of FORTY-SIX THOUSAND EIGHT HUNDRED FORTY-TWO DOLLARS (\$46,842) ~~is authorized for transfer from the General Fund to the Light & Power Fund~~ to be expended in the General Fund for the Zero Carbon Performance Code Project.

Section 5. That the unexpended and unencumbered appropriated amount of SEVEN THOUSAND SIX HUNDRED DOLLARS (\$7,600) is authorized for transfer from the Energy Services operating budget in the Light & Power Fund to the Zero Carbon Performance Code Project budget in the Light & Power Fund and appropriated therein to be expended for the Zero Carbon Performance Code Project.

Section 6. That the appropriation herein for the U.S. Department of Energy Resilient and Efficient Codes Implementation (RECI) grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but will continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 7. That the City Manager is authorized to enter into a cooperative agreement with the U.S. Department of Energy for the RECI grant, with such additional or modified terms and conditions as the City Manager may, in consultation with the City Attorney, determine necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk


Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

ASSISTANCE AGREEMENT

1. Award No. DE-EE0010948		2. Modification No.		3. Effective Date 10/01/2023		4. CFDA No. 81.117	
5. Awarded To CITY OF FORT COLLINS Attn: Blaine Dunn P. O. BOX 580 Attn: Blaine Dunn, Accounting Director FORT COLLINS CO 805220580				6. Sponsoring Office Energy Effcy & Renewable Energy EE-1 U.S. Department of Energy 1000 Independence Avenue, S.W. Washington DC 20585			7. Period of Performance 10/01/2023 through 09/30/2024
8. Type of Agreement <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other		9. Authority IIJA PL 117-58, 2021 PL 109-58 EPACT, 2005			10. Purchase Request or Funding Document No. See Schedule		
11. Remittance Address CITY OF FORT COLLINS Attn: CITY OF FORT COLLINS P. O. BOX 580 ATTN: BLAINE DUNN, ACCOUNTING DIRECTOR FORT COLLINS CO 805220580				12. Total Amount Govt. Share: \$693,595.00 Cost Share : \$206,569.00 Total : \$900,164.00		13. Funds Obligated This action: \$693,595.00 Total : \$693,595.00	
14. Principal Investigator		15. Program Manager Christina Volpi Phone: 240-562-1430			16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401		
17. Submit Payment Requests To VIPERS https://vipers.doe.gov Any questions, please contact by call/email 855-384-7377 or VipersSupport@hq.doe.gov				18. Paying Office VIPERS https://vipers.doe.gov Any questions, please contact by call/email 855-384-7377 or VipersSupport@hq.doe.gov			19. Submit Reports To
20. Accounting and Appropriation Data 05461-2023-31-200835-41020-1005891-0000000-0000000-0000000							
21. Research Title and/or Description of Project Zero Carbon Performance Code Implementation							
For the Recipient				For the United States of America			
22. Signature of Person Authorized to Sign				25. Signature of Grants/Agreements Officer 			
23. Name and Title		24. Date Signed		26. Name of Officer Elizabeth A. Parrish		27. Date Signed 09/16/2023	

CO Item 17.	ON SHEET	REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-EE0010948	PAGE OF 2 3
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NAME OF OFFEROR OR CONTRACTOR
CITY OF FORT COLLINS

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>UEI: VEJ3BS5GK5G1</p> <p>This is a conditional award, comprised of this Assistance Agreement and the Special Terms and Conditions. Upon successful completion of negotiations, this award will be modified to lift its conditional status, to revise the Special Terms and Conditions, and to add additional attachments, such as Attachment 1, Statement of Project Objectives and Milestone Summary Table; Attachment 2, Federal Assistance Reporting Checklist and Instructions; Attachment 3, Budget Information SF-424A; Attachment 4, Intellectual Property Provisions; and Attachment 5 Community Benefits Plan.</p> <p>1. The award was prepared using the proposed budget information in the Recipient's application. Term 1 of the Special Terms and Conditions states that the Recipient is prohibited from spending Federal funds at this time. DOE will not release the funding obligated by this award until successful completion of negotiations are reached to the satisfaction of the Contracting Officer. Performance against this award is, therefore, at the</p> <p>2. Recipient's own risk, and payments for costs incurred for Recipient's project will not be made until the parties complete negotiations and the Contracting Officer issues a modification to this award.</p> <p>3. A representative of the DOE office will contact the Recipient to request additional and/or revised information needed to supplement and clarify the Recipient's application, to complete the negotiations of an amended award.</p> <p>In Block 7 of the Assistance Agreement, the Period of Performance reflects the beginning of the Project Period through the end of the current Budget Period. Additional future DOE funding and additional budget periods are not contemplated under this award. Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.</p> <p>DOE Award Administrator: Abdulwahab Salih</p> <p>Continued ...</p>				

CO Item 17.	ON SHEET REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-EE0010948	PAGE OF 3 3
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NAME OF OFFEROR OR CONTRACTOR
CITY OF FORT COLLINS

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>E-mail: abdulwahab.salih@ee.doe.gov Phone: 720-360-5552</p> <p>DOE Project Officer: Christina Volpi E-mail: christina.volpi@ee.doe.gov Phone: 720-813-9293</p> <p>Recipient Business Officer: Brad Smith E-mail: brsmith@fcgov.com Phone: 970-416-4321</p> <p>Recipient Principal Investigator: Kerri Ishmael E-mail: kishmael@fcgov.com Phone: 970-416-4222</p> <p>"Electronic signature or signatures as used in this document means a method of signing an electronic message that— (A) Identifies and authenticates a particular person as the source of the electronic message; (B) Indicates such person's approval of the information contained in the electronic message; and, (C) Submission via FedConnect constitutes electronically signed documents." ASAP: NO: STD IMMEDIATE Extent Competed: COMPETED Davis-Bacon Act: YES PI: Smith, Brad Fund: 05461 Appr Year: 2023 Allottee: 31 Report Entity: 200835 Object Class: 41020 Program: 1005891 Project: 0000000 WFO: 0000000 Local Use: 0000000</p>				

Item 17.

Special Terms and Conditions

The Recipient, which is identified in Block 5 of the Assistance Agreement, and the Office of Energy Efficiency and Renewable Energy (“EERE”), an office within the United States Department of Energy (“DOE”), enter into this Award, referenced in Block 1 of the Assistance Agreement.

This Award consists of the Assistance Agreement and the Special Terms and Conditions. When the parties have completed negotiations for this Award, the Contracting Officer will issue an award modification, and the following documents will be added to the Award:

	Assistance Agreement
	Special Terms and Conditions
Attachment 1	Statement of Project Objectives and Milestone Summary Table
Attachment 2	Federal Assistance Reporting Checklist and Instructions
Attachment 3	Budget Information SF-424A
Attachment 4	Intellectual Property Provisions
Attachment 5	Community Benefits Plan

The following are incorporated into this Award by reference:

- DOE Assistance Regulations, 2 CFR Part 200 as amended by 2 CFR Part 910 at <http://www.eCFR.gov>.
- Research Terms & Conditions (November 12, 2020) and the DOE Agency Specific Requirements (November 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp> (Applicable if the Award is for research and development).
- National Policy Requirements (November 12, 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp>.
- Public Law 117-58, also known as the Bipartisan Infrastructure Law (BIL).
- Public Law 117-169, also known as the Inflation Reduction Act (IRA).
- The Recipient’s application/proposal as approved by EERE.

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Subpart A. General Provisions

Term 1. Conditional Availability of Funds

Notwithstanding the obligation of funds shown on the Assistance Agreement, the parties hereby agree that the availability of funds to the Recipient for payment of costs incurred by the Recipient is conditioned upon the Contracting Officer's review and approval of the Recipient's application and the completion of negotiations. The Recipient is prohibited from spending federal funds at this time. No funds shall be made available to the Recipient for payment and DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient during the negotiation process.

When the parties have completed negotiations for this award, the Contracting Officer will issue a modification to this award making available the obligated amount for payment in accordance with the payment terms contained in the Special Terms and Conditions of this award. The Recipient may then receive payment for allowable incurred costs or recognize incurred costs toward cost share requirements, as applicable, in accordance with the negotiated payment terms.

Many of the terms and conditions that appear herein will appear in the same form in the fully executed award terms and conditions, but are not necessarily applicable until the award is fully negotiated and executed by the Contracting Officer. They are provided in order to allow the applicant to begin reviewing them in furtherance of understanding the obligations and duties applicable to the Federal award. Some terms reference attachments; however, Attachments 1-6 will not be included in the Award unless and until the parties successfully complete negotiations. Upon execution of the award, some of the terms that appear herein may be superseded by updated terms applicable to the particular applicant or award; some terms—such as this “Conditional Availability of Funds” term—may be removed; and others may be added, depending on the specific circumstances pertaining to the particular applicant or award.

Failure by the Recipient to provide an application with supporting documentation acceptable to the Contracting Officer, or failure to complete negotiations, may be deemed noncompliance pursuant to 2 CFR 200.338 or 2 CFR 910.120 and 2 CFR 910.128 and subject to the remedies for noncompliance contained in 2 CFR 200.338. Based on such noncompliance, the Contracting Officer may unilaterally terminate or suspend this award and deobligate the amounts obligated. In such case, the Recipient shall not be reimbursed for costs incurred at the Recipient's risk, as described above.

Term 2. Legal Authority and Effect

A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

The Recipient may accept or reject the Award. A request to draw down DOE funds or acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by DOE, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of this Award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

Term 3. Flow Down Requirement

The Recipient agrees to apply the terms and conditions of this Award, as applicable, including the Intellectual Property Provisions, to all subrecipients (and subcontractors, as appropriate), as required by 2 CFR 200.101, and to require their strict compliance therewith. Further, the Recipient must apply the Award terms as required by 2 CFR 200.327 to all subrecipients (and subcontractors, as appropriate), and to require their strict compliance therewith.

Term 4. Compliance with Federal, State, and Municipal Law

The Recipient is required to comply with applicable federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

Term 5. Inconsistency with Federal Law

Any apparent inconsistency between federal statutes and regulations and the terms and conditions contained in this Award must be referred to the DOE Award Administrator for guidance.

Term 6. Federal Stewardship

EERE will exercise normal federal stewardship in overseeing the project activities performed under this Award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to address deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

Term 7. Substantial Involvement

EERE has substantial involvement in work performed under this Award. EERE does not limit its involvement to the administrative requirements of this Award. Instead, EERE has substantial involvement in the direction and redirection of the technical aspects of the project as a whole. Substantial involvement includes the following:

- EERE shares responsibility with the Recipient for the management, control, direction, and performance of the Project.
- EERE may intervene in the conduct or performance of work under this Award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.
- EERE may redirect or discontinue funding the Project based on the outcome of EERE's evaluation of the Project at the Go/No Go decision point.
- EERE participates in major project decision-making processes.

Term 8. Federal Involvement**A. Review Meetings**

The Recipient, including but not limited to, the principal investigator (or, if applicable, co-principal investigators), is required to participate in periodic review meetings with EERE. Review meetings enable EERE to assess the work performed under this Award and determine whether the Recipient has timely achieved the

technical milestones and deliverables stated in Attachment 1 to this Award.

EERE shall determine the frequency of review meetings and select the day, time, and location of each review meeting and shall do so in a reasonable and good faith manner. EERE will provide the Recipient with reasonable notice of the review meetings.

For each review meeting, the Recipient is required to provide a comprehensive overview of the project, including:

- The Recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 to this Award.
- The Recipient's actual expenditures compared to the approved budget in Attachment 3 to this Award.
- Other subject matter specified by the DOE Technology Manager/Project Officer.

B. Project Meetings

The Recipient is required to notify EERE in advance of scheduled tests and internal project meetings that would entail discussion of topics that could result in major changes to the baseline project technical scope/approach, cost, or schedule. Upon request by EERE, the Recipient is required to provide EERE with reasonable access (by telephone, webinar, or otherwise) to the tests and project meetings. The Recipient is not expected to delay any work under this Award for the purpose of government insight.

C. Site Visits

EERE's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. The Recipient must provide, and must require subrecipients to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

D. Go/No Go Decisions

Attachment 1 to this Award establishes Go/No Go decision points. For each Go/No Go decision point, EERE must determine whether the Recipient has fully and satisfactorily completed the work described in Attachment 1 to this Award. As a result of a Go/No Go review, in its discretion, EERE may take one of the following actions:

- Authorize federal funding for the next budget period for the Project.
- Recommend redirection of work under the Project.
- Place a hold on the federal funding for the Project, pending further supporting data.
- Discontinue providing federal funding for the Project beyond the current budget period as the result of insufficient progress, change in strategic

direction, or lack of available funding.

E. Technical Milestones and Deliverables

Attachment 1 to this Award establishes technical milestones and deliverables. If the Recipient fails to achieve two or more technical milestones and deliverables, EERE may renegotiate the Statement of Project Objectives and/or Milestone Summary Table in Attachment 1 to this Award. In the alternative, EERE may deem the Recipient's failure to achieve these technical milestones and deliverables to be material noncompliance with the terms and conditions of this Award and take action to suspend or terminate the Award.

F. EERE Access

The Recipient must provide any information, documents, site access, or other assistance requested by EERE for the purpose of its federal stewardship or substantial involvement.

Term 9. NEPA Requirements

DOE must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of federal funds. Based on information available, DOE has not issued a final NEPA determination for this project.

Notwithstanding the obligation of funds shown on the Assistance Agreement, the parties hereby agree that the availability of funds to the Recipient for payment of costs incurred by the Recipient is conditioned upon the final NEPA determination. The Recipient is prohibited from spending federal funds at this time. No funds, therefore, shall be made available to the Recipient for payment, and DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient prior to written authorization from the Contracting Officer.

Should the Recipient elect to undertake activities or change locations prior to authorization from the Contracting Officer, the Recipient does so at risk of not receiving federal funding for those activities and such costs may not be recognized as allowable cost share.

Term 10. Performance of Work in United States

A. Requirement

All work performed under this Award must be performed in the United States unless the Contracting Officer provides a waiver. This requirement does not apply to the purchase of supplies and equipment; however, the Recipient should make every effort to purchase supplies and equipment within the United States. The Recipient must flow down this requirement to its subrecipients.

B. Failure to Comply

If the Recipient fails to comply with the Performance of Work in the United States requirement, the Contracting Officer may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable Recipient cost share regardless of if the work is performed by the Recipient, subrecipients, vendors or other project partners.

C. Waiver for Work Outside the U.S.

All work performed under this Award must be performed in the United States. However, the Contracting Officer may approve the Recipient to perform a portion of the work outside the United States under limited circumstances. The Recipient must obtain a waiver from the Contracting Officer prior to conducting any work outside the U.S. To request a waiver, the Recipient must submit a written waiver request to the Contracting Officer, which includes the information as required in the FOA that the Award was selected under.

For the rationale, the Recipient must demonstrate to the satisfaction of the Contracting Officer that the performance of work outside the United States would further the purposes of the FOA that the Award was selected under and is in the economic interests of the United States. The Contracting Officer may require additional information before considering such request.

Term 11. Foreign National Participation

A “foreign national” is defined as any person who is not a U.S. citizen by birth or naturalization.

If the Recipient (including any of its subrecipients and contractors) anticipates involving foreign nationals in the performance of the Award, the Recipient must, upon DOE’s request, provide DOE with specific information about each foreign national to ensure compliance with the requirements for participation and access approval. The volume and type of information required may depend on various factors associated with the Award. The DOE Contracting Officer will notify the Recipient if this information is required.

DOE may elect to deny a foreign national’s participation in the Award. Likewise, DOE may elect to deny a foreign national’s access to a DOE sites, information, technologies, equipment, programs, or personnel. DOE’s determination to deny participation or access is not appealable.

Term 12. Post-Award Due Diligence Reviews

During the period of performance of the Award, DOE may conduct ongoing due diligence reviews, through Government resources, to identify potential risks of undue foreign influence. In the event, a risk is identified, DOE may require risk mitigation measures, including but not limited to, requiring an individual or entity not participate in the Award.

Term 13. Notice Regarding the Purchase of American-Made Equipment and Products – Sense of Congress

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Award should be American-made.

Term 14. Reporting Requirements**A. Requirements**

The reporting requirements for this Award are identified on the Federal Assistance Reporting Checklist, attached to this Award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the Award. Noncompliance may result in withholding of future payments, suspension, or

termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by federal agencies.

B. Dissemination of Scientific and Technical Information

Scientific and Technical Information (STI) generated under this Award will be submitted to DOE via the Office of Scientific and Technical Information's Energy Link ([E-Link](#)) system. STI submitted under this Award will be disseminated via DOE's [OSTI.gov](#) website subject to approved access limitations. Citations for journal articles produced under the Award will appear on the [DOE PAGES](#) website.

C. Restrictions

Scientific and Technical Information submitted to E-Link must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

Term 15. Lobbying

By accepting funds under this Award, the Recipient agrees that none of the funds obligated on the Award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

Term 16. Publications

The Recipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- *Acknowledgment:* "This material is based upon work supported by the U.S. Department of Energy's, Industrial Efficiency & Decarbonization Office (IEDO) under Award Number DE-EE0010865."
- *Full Legal Disclaimer:* "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

Abridged Legal Disclaimer: "The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government."

Recipients should make every effort to include the full Legal Disclaimer. However, in the

event that recipients are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

The Award may be subject to a Data Management Plan as part of the Intellectual Property clause set that explains how data generated in the course of the work performed under this Award will be shared or preserved or, when justified, explains why data sharing or preservation is not possible or scientifically appropriate.

Term 17. No-Cost Extension

As provided in 2 CFR 200.308, the Recipient must provide the Contracting Officer with notice in advance if it intends to utilize a one-time, no-cost extension of this Award. The notification must include the supporting reasons and the revised period of performance. The Recipient must submit this notification in writing to the Contracting Officer and DOE Technology Manager/ Project Officer at least 30 days before the end of the current budget period.

Any no-cost extension will not alter the project scope, milestones, deliverables, or budget of this Award.

Term 18. Property Standards

The complete text of the Property Standards can be found at 2 CFR 200.310 through 200.316. Also see 2 CFR 910.360 for additional requirements for real property and equipment for For-Profit recipients.

Term 19. Insurance Coverage

See 2 CFR 200.310 for insurance requirements for real property and equipment acquired or improved with federal funds. Also see 2 CFR 910.360(d) for additional requirements for real property and equipment for For-Profit recipients.

Term 20. Real Property

Subject to the conditions set forth in 2 CFR 200.311, title to real property acquired or improved under a federal award will conditionally vest upon acquisition in the non-federal entity. The non-federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.311 before disposing of the property.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose. When real property is no longer needed for the originally authorized purpose, the non-federal entity must obtain disposition instructions from DOE or pass-through entity. The instructions must provide for one of the following alternatives: (1) retain title after compensating DOE as described in 2 CFR 200.311(c)(1); (2) Sell the property and compensate DOE as specified in 2 CFR 200.311(c)(2); or (3) transfer title to DOE or to a third party designated/approved by DOE as specified in 2 CFR 200.311(c)(3).

See 2 CFR 200.311 for additional requirements pertaining to real property acquired or improved under a federal award. Also see 2 CFR 910.360 for additional requirements for real property for For-Profit recipients.

Term 21. Federally-Owned Property (Government-Furnished)

Title to federally-owned property remains vested in the federal government. Federally-owned property shall be managed in accordance with 2 CFR 200.312 and reported as prescribed in the Federal Assistance Reporting Checklist and Instructions.

Term 22. Equipment

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a federal award will conditionally vest upon acquisition with the non-federal entity. The non-federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

A state must use equipment acquired under a federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a federal award is no longer needed, the non-federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) non-federal entity may retain title or sell the equipment after compensating DOE as described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

Term 23. Supplies

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

Term 24. Property Trust Relationship

Real property, equipment, and intangible property, that are acquired or improved with a federal award must be held in trust by the non-federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a federal award.

Term 25. Record Retention

Consistent with 2 CFR 200.334 through 200.338, the Recipient is required to retain records relating to this Award.

Term 26. Audits**A. Government-Initiated Audits**

The Recipient must provide any information, documents, site access, or other assistance requested by EERE, DOE or federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this Award.

Consistent with 2 CFR Part 200 as amended by 2 CFR Part 910, DOE may audit the Recipient's financial records or administrative records relating to this Award at any time. Government-initiated audits are generally paid for by DOE.

DOE may conduct a final audit at the end of the project period (or the termination of the Award, if applicable). Upon completion of the audit, the Recipient is required to refund to DOE any payments for costs that were determined to be unallowable. If the audit has not been performed or completed prior to the closeout of the award, DOE retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

DOE will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.

B. Annual Independent Audits (Single Audit or Compliance Audit)

The Recipient must comply with the annual independent audit requirements in 2 CFR 200.500 through .521 for institutions of higher education, nonprofit organizations, and state and local governments (Single audit), and 2 CFR 910.500 through .521 for for-profit entities (Compliance audit).

The annual independent audits are separate from Government-initiated audits discussed in part A. of this Term and must be paid for by the Recipient. To minimize expense, the Recipient may have a Compliance audit in conjunction with its annual audit of financial statements. The financial statement audit is **not** a substitute for the Compliance audit. If the audit (Single audit or Compliance audit, depending on Recipient entity type) has not been performed or completed prior to the closeout of the award, DOE may impose one or more of the actions outlined in 2 CFR 200.339, Remedies for Noncompliance.

Term 27. Indemnity

The Recipient shall indemnify DOE and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or

negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

Subpart B. Financial Provisions

Term 28. Maximum Obligation

The maximum obligation of DOE for this Award is the total “Funds Obligated” stated in Block 13 of the Assistance Agreement to this Award.

Term 29. Funding of Budget Periods

EERE has obligated funding as shown in Block 13 of the Assistance Agreement for completion of the Project. However, only the federal share of costs associated with the current Period of Performance is available for work performed by the Recipient. The federal share of costs is shown on Attachment 3. The current Period of Performance is shown in Block 7 of the Assistance Agreement.

The remainder of funding is contingent upon: (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) Recipient’s technical progress compared to the Milestone Summary Table stated in Attachment 1 to this Award; (4) Recipient’s submittal of required reports; (5) Recipient’s compliance with the terms and conditions of the Award; (6) EERE’s Go/No-Go decision; (7) the Recipient’s submission of a continuation application; and (8) written approval of the continuation application by the Contracting Officer.

In the event that the Recipient does not submit a continuation application for subsequent Budget Periods, or EERE disapproves a continuation application for subsequent Budget Periods, the maximum EERE liability to the Recipient is the funds that are available for the current approved Budget Period(s). In such event, EERE reserves the right to deobligate any remaining federal funds.

Term 30. Continuation Application and Funding

A. Continuation Application

A continuation application is a non-competitive application for an additional budget period within a previously approved project period. At least 90 calendar days before the end of each budget period, the Recipient must submit its continuation application as required in Attachment 2, Federal Assistance Reporting Checklist, with written notification to the DOE Technology Manager/Project Officer and the DOE Award Administrator that it has been submitted. The continuation application includes the following information:

- i. A report on the Recipient’s progress towards meeting the milestones and objectives of the project set forth in the SOPO and the Community Benefits Plan, any significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period. The

report must also address the Recipient's progress towards meeting the objectives and milestones set forth in the Community Benefits Plan.

- ii. A detailed budget and supporting justification if there are changes to the negotiated budget, or a budget for the upcoming budget period was not approved at the time of award.
- iii. A description of any planned changes from the negotiated Statement of Project Objectives and/or Milestone Summary Table.

B. Continuation Funding

Continuation funding is contingent on (1) the availability of funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) Recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 to this Award; (4) Recipient's submittal of required reports; (5) Recipient's compliance with the terms and conditions of the Award; (6) EERE's Go/No-Go decision; (7) the Recipient's submission of a continuation application; and (8) written approval of the continuation application by the Contracting Officer.

- C. EERE waives prior written approval requirements to carry forward unobligated balances to subsequent periods of performance, in accordance with 2 CFR 200.308(e)(2).

Term 31. Cost Sharing

A. Cost Sharing Obligations

The Recipient must provide the "Cost Share" amount stated in Block 12 of the Assistance Agreement to this Award. EERE and the Recipient's cost share for the total estimated project costs are listed below.

Table 1

EERE Cost Share \$ / %	Recipient Cost Share \$ / %	Total Estimated Project Costs
\$ / %	\$ / %	\$

The Recipient must provide its required "Cost Share" amount as a percentage of the total project costs in each invoice period for the duration of the project period. Specifically, the cumulative cost share percentage provided to date on each invoice received must reflect, at a minimum, the cost sharing percentage specified in the Award.

B. Cost Share Obligation If Award Terminated or Discontinued

If the Award is terminated or is otherwise not funded to completion, the Recipient is not required to provide the entire "Cost Share" amount stated in Block 12 of the Assistance Agreement to this Award; however, the Recipient must provide its share (i.e., percentage as shown in Table 1 above) of the total project cost reimbursed as of the date of the termination or discontinuation.

C. Source of Cost Share

The Recipient may not use federal funds to meet its cost sharing obligations, unless

otherwise allowed by federal law.

D. Inability to Comply with Cost Sharing Obligations

If the Recipient determines that it is unable to meet its cost sharing obligations, the Recipient must notify the DOE Award Administrator in writing immediately. The notification must include the following information: (1) whether the Recipient intends to continue or phase out the project, and (2) if the Recipient intends to continue the project, how the Recipient will pay (or secure replacement funding for) the Recipient's share of the total project cost.

If the Recipient fails to meet its cost sharing obligations, EERE may recover some or all of the financial assistance provided under this Award. The amount EERE would seek to recover under this Term would be predicated on EERE's analysis of the Recipient's compliance with their cost sharing obligation under the Award.

Term 32. Refund Obligation

The Recipient must refund any excess payments received from EERE, including any costs determined unallowable by the Contracting Officer. Upon the end of the project period (or the termination of the Award, if applicable), the Recipient must refund to EERE the difference between (1) the total payments received from EERE, and (2) the federal share of the costs incurred. Refund obligations under this Term do not supersede the annual reconciliation or true up process if specified under the Indirect Costs Term.

Term 33. Allowable Costs

EERE determines the allowability of costs through reference to 2 CFR Part 200 as amended by 2 CFR Part 910. All project costs must be allowable, allocable, and reasonable. The Recipient must document and maintain records of all project costs, including, but not limited to, the costs paid by federal funds, costs claimed by its subrecipients and project costs that the Recipient claims as cost sharing, including in-kind contributions. The Recipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the Recipient is required to provide such records to EERE. Such records are subject to audit. Failure to provide EERE adequate supporting documentation may result in a determination by the Contracting Officer that those costs are unallowable.

The Recipient is required to obtain the prior written approval of the Contracting Officer for any foreign travel costs.

Term 34. Decontamination and/or Decommissioning (D&D) Costs

Notwithstanding any other provisions of this Award, the Government shall not be responsible for or have any obligation to the Recipient for (1) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (2) any costs which may be incurred by the Recipient in connection with the D&D of any of its facilities due to the performance of the work under this Award, whether said work was performed prior to or subsequent to the effective date of the Award.

Term 35. Payment Procedures**A. Method of Payment**

The method of payment will be determined by the Contracting Officer upon completion of negotiations.

B. Unauthorized Drawdown of Federal Funds

For each budget period, the Recipient may not spend more than the federal share authorized to that particular budget period, without specific written approval from the Contracting Officer. The Recipient must immediately refund EERE any amounts spent or drawn down in excess of the authorized amount for a budget period. The Recipient and subrecipients shall promptly, but at least quarterly, remit to DOE interest earned on advances drawn in excess of disbursement needs and shall comply with the procedure for remitting interest earned to the federal government per 2 CFR 200.305, as applicable.

Term 36. Budget Changes**A. Budget Changes Generally**

The Contracting Officer has reviewed and approved the SF-424A in Attachment 3 to this Award.

Any increase in the total project cost, whether DOE share or Cost Share, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award, must be approved in advance and in writing by the Contracting Officer.

Any change that alters the project scope, milestones or deliverables requires prior written approval of the Contracting Officer. EERE may deny reimbursement for any failure to comply with the requirements in this term.

B. Transfers of Funds Among Direct Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds among direct cost categories where the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

The Recipient is required to notify the DOE Technology Manager/Project Officer of any transfer of funds among direct cost categories where the cumulative amount of such transfers is equal to or below 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

C. Transfer of Funds Between Direct and Indirect Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds between direct and indirect cost categories. If the Recipient's actual allowable indirect costs are less than those budgeted in Attachment 3 to this Award, the Recipient may use the difference to pay additional allowable direct costs during the project period so long as the total difference is less than 10% of total project costs and the difference is reflected in actual requests for

reimbursement to DOE.

Subpart C. Miscellaneous Provisions

Term 37. Environmental, Safety and Health Performance of Work at DOE Facilities

With respect to the performance of any portion of the work under this Award which is performed at a DOE-owned or controlled site, the Recipient agrees to comply with all State and Federal Environmental, Safety and Health (ES&H) regulations and with all other ES&H requirements of the operator of such site.

Prior to the performance on any work at a DOE-owned or controlled site, the Recipient shall contact the site facility manager for information on DOE and site-specific ES&H requirements.

The Recipient is required apply this provision to its subrecipients and contractors.

Term 38. Corporate Felony Conviction and Federal Tax Liability Assurances

This term applies to Recipients that are organized as corporations. A corporation includes any entity that has filed articles of incorporation in any of the 50 states, the District of Columbia, or the various territories of the United States, but not foreign corporations. It includes both for-profit and non-profit organizations.

By entering into this Award, the Recipient attests that its corporation has not been convicted of a felony criminal violation under federal law in the 24 months preceding the date of signature.

The Recipient further attests that its corporation does not have any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

Term 39. Insolvency, Bankruptcy or Receivership

- A.** The Recipient shall immediately, but no later than five days, notify EERE of the occurrence of any of the following events: (1) the Recipient or the Recipient's parent's filing of a voluntary case seeking liquidation or reorganization under the Bankruptcy Act; (2) the Recipient's consent to the institution of an involuntary case under the Bankruptcy Act against the Recipient or the Recipient's parent; (3) the filing of any similar proceeding for or against the Recipient or the Recipient's parent, or the Recipient's consent to the dissolution, winding-up or readjustment of its debts, appointment of a receiver, conservator, trustee, or other officer with similar powers over the Recipient, under any other applicable state or federal law; or (4) the Recipient's insolvency due to its inability to pay debts generally as they become due.
- B.** Such notification shall be in writing and shall (1) specifically set out the details of the occurrence of an event referenced in paragraph A; (2) provide the facts surrounding that event; and (3) provide the impact such event will have on the project being funded by this Award.

- C. Upon the occurrence of any of the four events described in paragraph A. of this term, EERE reserves the right to conduct a review of the Recipient's Award to determine the Recipient's compliance with the required elements of the Award (including such items as cost share, progress towards technical project objectives, and submission of required reports). If the EERE review determines that there are significant deficiencies or concerns with the Recipient's performance under the Award, EERE reserves the right to impose additional requirements, as needed, including (1) change of payment method; or (2) institute payment controls.
- D. Failure of the Recipient to comply with this term may be considered a material noncompliance of this Award by the Contracting Officer.

Term 40. Reporting Subawards and Executive Compensation

A. Reporting of first-tier subawards

- i. *Applicability.* Unless the Recipient is exempt as provided in paragraph D. of this award term, the Recipient must report each action that equals or exceeds \$30,000 in federal funds for a subaward to an entity (see definitions in paragraph E. of this award term).
- ii. *Where and when to report.*
 - 1. The Recipient must report each obligating action described in paragraph A.i. of this award term to <https://www.fsrs.gov>.
 - 2. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, the obligation must be reported no later than December 31 of the same year.)
- iii. *What to report.* The Recipient must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.

B. Reporting Total Compensation of Recipient Executives

- i. *Applicability and what to report.* The Recipient must report total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, if:
 - 1. The total federal funding authorized to date under this Award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 - 2. In the preceding fiscal year, the Recipient received;
 - a. 80 percent or more of the Recipient's annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - b. \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards).

3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).
- ii. *Where and when to report.* The Recipient must report executive total compensation described in paragraph B.i. of this award term:
 1. As part of the Recipient's registration profile at <https://www.sam.gov>.
 2. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives

- i. *Applicability and what to report.* Unless the Recipient is exempt as provided in paragraph D. of this award term, for each first-tier subrecipient under this award, the Recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
 1. In the subrecipient's preceding fiscal year, the subrecipient received:
 - a. 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - b. \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and subawards).
 2. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).
- ii. *Where and when to report.* The Recipient must report subrecipient executive total compensation described in paragraph C.i. of this award term:
 1. To the recipient.
 2. By the end of the month following the month during which the Recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), the Recipient must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions

If, in the previous tax year, the Recipient had gross income, from all sources, under

\$300,000, it is exempt from the requirements to report:

- i. Subawards; and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions

For purposes of this Award term:

- i. Entity means all of the following, as defined in 2 CFR Part 25:
 - 1. A Governmental organization, which is a State, local government, or Indian tribe.
 - 2. A foreign public entity.
 - 3. A domestic or foreign nonprofit organization.
 - 4. A domestic or foreign for-profit organization.
 - 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- ii. Executive means officers, managing partners, or any other employees in management positions.
- iii. Subaward:
 - 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this award and that the recipient awards to an eligible subrecipient.
 - 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 - 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient or a subrecipient considers a contract.
- iv. Subrecipient means an entity that:
 - 1. Receives a subaward from the Recipient under this award; and
 - Is accountable to the Recipient for the use of the federal funds provided by the subaward.
- v. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - 1. Salary and bonus.
 - 2. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - 3. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.

4. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
5. Above-market earnings on deferred compensation which is not tax-qualified.
6. Other compensation, if the aggregate value of all such other compensation (*e.g.*, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Term 41. System for Award Management and Universal Identifier Requirements

A. Requirement for Registration in the System for Award Management (SAM)

Unless the Recipient is exempted from this requirement under 2 CFR 25.110, the Recipient must maintain the currency of its information in SAM until the Recipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that the Recipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

B. Unique Entity Identifier (UEI)

SAM automatically assigns a UEI to all active SAM.gov registered entities. Entities no longer have to go to a third-party website to obtain their identifier. This information is displayed on SAM.gov.

If the Recipient is authorized to make subawards under this Award, the Recipient:

- i. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from the Recipient unless the entity has provided its UEI number to the Recipient.
- ii. May not make a subaward to an entity unless the entity has provided its UEI number to the Recipient.

C. Definitions

For purposes of this award term:

- i. System for Award Management (SAM) means the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
- ii. Unique Entity Identifier (UEI) is the 12-character, alpha-numeric identifier that will be assigned by SAM.gov upon registration.
- iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:
 1. A Governmental organization, which is a State, local government, or Indian Tribe.
 2. A foreign public entity.
 3. A domestic or foreign nonprofit organization.
 4. A domestic or foreign for-profit organization.

5. A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.
- iv. Subaward:
 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this Award and that the Recipient awards to an eligible subrecipient.
 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient considers a contract.
- v. Subrecipient means an entity that:
 1. Receives a subaward from the Recipient under this Award; and
 2. Is accountable to the Recipient for the use of the federal funds provided by the subaward.

Term 42. Nondisclosure and Confidentiality Agreements Assurances

- A. By entering into this agreement, the Recipient attests that it **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- B. The Recipient further attests that it **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
 - i. *"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."*
 - ii. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a federal department or agency governing the nondisclosure of classified information.
 - iii. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may

contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Term 43. National Security: Classifiable Results Originating Under an Award

- A. This Award is intended for unclassified, publicly releasable research. The Recipient will not be granted access to classified information. EERE does not expect that the results of the research project will involve classified information. Under certain circumstances, however, a classification review of information originated under the award may be required. DOE may review research work generated under this Award at any time to determine if it requires classification.
- B. Executive Order 12958 (60 Fed. Reg. 19,825 (1995)) states that basic scientific research information not clearly related to the national security shall not be classified. Nevertheless, some information concerning (among other things) scientific, technological, or economic matters relating to national security or cryptology may require classification. If the Recipient originates information during the course of this Award that the Recipient believes requires classification, the Recipient must promptly:
 - i. Notify the DOE Technology Manager/Project Officer and the DOE Award Administrator.
 - ii. Submit the information by registered mail directly to the Director, Office of Classification and Information Control, SO-10.2; U.S. Department of Energy; P.O. Box A; Germantown, MD 20875-0963, for classification review.
 - iii. Restrict access to the information to the maximum extent possible until the Recipient is informed that the information is not classified, but no longer than 30 days after receipt by the Director, Office of Classification and Information Control.
- C. If the Recipient originates information concerning the production or utilization of special nuclear material (*i.e.*, plutonium, uranium enriched in the isotope 233 or 235, and any other material so determined under section 51 of the Atomic Energy Act) or nuclear energy, the Recipient must:
 - i. Notify the DOE Technology Manager/Project Officer and the DOE Award Administrator.
 - ii. Submit the information by registered mail directly to the Director, Office of Classification and Information Control, SO-10.2; U.S. Department of Energy; P. O. Box A; Germantown, MD 20875-0963 for classification review within 180 days of the date the Recipient first discovers or first has reason to believe that the information is useful in such production or utilization.
 - iii. Restrict access to the information to the maximum extent possible until the Recipient is informed that the information is not classified, but no longer

than 90 days after receipt by the Director, Office of Classification and Information Control.

- D. If EERE determines any of the information requires classification, the Recipient agrees that the Government may terminate the Award with consent of the Recipient in accordance with 2 CFR 200.339(a)(3). All material deemed to be classified must be forwarded to EERE, in a manner specified by EERE.
- If EERE does not respond within the specified time periods, the Recipient is under no further obligation to restrict access to the information.

Term 44. Subrecipient and Vendor Approvals

The Recipient must obtain written approval by the Contracting Officer for reimbursement of costs associated with subrecipients and vendors.

Term 45. Subrecipient Change Notification

Except for subrecipients specifically proposed as part of the Recipient's Application for award, the Recipient must notify the Contracting Officer and Project Manager in writing 30 days prior to the execution of new or modified subrecipient agreements, including naming any To Be Determined subrecipients. This notification does not constitute a waiver of the prior approval requirements outlined in 2 CFR Part 200 as amended by 2 CFR Part 910, nor does it relieve the Recipient from its obligation to comply with applicable federal statutes, regulations, and executive orders.

In order to satisfy this notification requirement, the Recipient documentation must, at a minimum, include the following:

- A description of the research to be performed, the service to be provided, or the equipment to be purchased.
- Cost share commitment letter if the subrecipient is providing cost share to the Award.
- An assurance that the process undertaken by the Recipient to solicit the subrecipient complies with their written procurement procedures as outlined in 2 CFR 200.317 through 200.327.
- An assurance that no planned, actual or apparent conflict of interest exists between the Recipient and the selected subrecipient and that the Recipient's written standards of conduct were followed.¹
- A completed Environmental Questionnaire, if applicable.
- An assurance that the subrecipient is not a debarred or suspended entity.
- An assurance that all required award provisions will be flowed down in the resulting subrecipient agreement.

¹ It is DOE's position that the existence of a "covered relationship" as defined in 5 CFR 2635.502(a)&(b) between a member of the Recipient's owners or senior management and a member of a subrecipient's owners or senior management creates at a minimum an apparent conflict of interest that would require the Recipient to notify the Contracting Officer and provide detailed information and justification (including, for example, mitigation measures) as to why the subrecipient agreement does not create an actual conflict of interest. The Recipient must also notify the Contracting Officer of any new subrecipient agreement with: (1) an entity that is owned or otherwise controlled by the Recipient; or (2) an entity that is owned or otherwise controlled by another entity that also owns or otherwise controls the Recipient, as it is DOE's position that these situations also create at a minimum an apparent conflict of interest.

The Recipient is responsible for making a final determination to award or modify subrecipient agreements under this agreement, but the Recipient may not proceed with the subrecipient agreement until the Contracting Officer determines, and provides the Recipient written notification, that the information provided is adequate.

Should the Recipient not receive a written notification of adequacy from the Contracting Officer within 30 days of the submission of the subrecipient documentation stipulated above, the Recipient may proceed to award or modify the proposed subrecipient agreement.

Term 46. Conference Spending

The Recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

Term 47. Recipient Integrity and Performance Matters

A. General Reporting Requirement

If the total value of your currently active financial assistance awards, including grants and cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then you as the Recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this term. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.

B. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a Financial Assistance, cooperative agreement, or procurement contract from the federal government;
- ii. Reached its final disposition during the most recent five-year period; and
- iii. Is one of the following:
 1. A criminal proceeding that resulted in a conviction, as defined in paragraph E of this award term and condition;
 2. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

3. An administrative proceeding, as defined in paragraph E of this term, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
4. Any other criminal, civil, or administrative proceeding if:
 - a. It could have led to an outcome described in paragraph B.iii.1, 2, or 3 of this term;
 - b. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c. The requirement in this term to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph B of this term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under federal procurement contracts that you were awarded.

D. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph A of this term, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have federal contracts and financial assistance awards with a cumulative total value greater than \$10,000,000, must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

For purposes of this term:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the federal and state level but only in connection with performance of a federal contract or financial assistance awards. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- iii. Total value of currently active financial assistance awards, including grants and cooperative agreements, and procurement contracts includes:
 1. Only the federal share of the funding under any federal award with a recipient cost share or match; and

2. The value of all expected funding increments under a federal award and options, even if not yet exercised.

Term 48. Export Control

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as “Export Controls.”

The Recipient is responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

The Recipient must immediately report to DOE any export control violations related to the project funded under this award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

Term 49. Current and Pending Support

A. Definitions

For purposes of this term, the following definitions are applicable:

- i. **Current and pending support** – (a) All resources made available, or expected to be made available, to an individual in support of the individual’s RD&D efforts, regardless of (i) whether the source is foreign or domestic; (ii) whether the resource is made available through the entity applying for an award or directly to the individual; or (iii) whether the resource has monetary value; and (b) includes in-kind contributions requiring a commitment of time and directly supporting the individual’s RD&D efforts, such as the provision of office or laboratory space, equipment, supplies, employees, or students. This term has the same meaning as the term Other Support as applied to researchers in NSPM-33: For researchers, Other Support includes all resources made available to a researcher in support of and/or related to all of their professional RD&D efforts, including resources provided directly to the individual or through the organization, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.
- ii. **Foreign Government-Sponsored Talent Recruitment Program** – An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through

illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

- iii. **Senior/key personnel** – an individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development, and demonstration (RD&D) project proposed to be carried out with DOE award.²

B. Disclosure Requirements

Prior to award, the Recipient was required to provide current and pending support disclosure statements and a Curriculum Vitae (CV) or Biosketch for each principal investigator (PI) and senior/key personnel, at the recipient and subrecipient level, regardless of funding source. In accordance with the Federal Assistance Reporting Checklist, throughout the life of the award, the Recipient must submit current and pending support disclosure statements and a CV or Biosketch for any new PI and senior/key personnel at the recipient and subrecipient level, added to the project funded under this Award within thirty (30) calendar days of the individual joining the project. In addition, if there are any changes to current and pending support disclosure statements previously submitted to DOE, the Recipient must submit updated current and pending disclosure statements within thirty (30) calendar days of the change. The Recipient must ensure all PIs and senior/key personnel at the recipient and subrecipient level, are aware of the requirement to submit updated current and pending support disclosure statements to DOE.

Current and pending support is intended to allow the identification of potential duplication, overcommitment, potential conflicts of interest or commitment, and all other sources of support. All PIs and senior/key personnel at the recipient and subrecipient level must provide a list of all sponsored activities, awards, and appointments, whether paid or unpaid; provided as a gift with terms or conditions or provided as a gift without terms or conditions; full-time, part-time, or voluntary; faculty, visiting, adjunct, or honorary; cash or in-kind; foreign or domestic; governmental or private-sector; directly supporting the individual's research or indirectly supporting the

² Typically, these individuals have doctoral or other professional degrees, although individuals at the masters or baccalaureate level may be considered senior/key personnel if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered senior/key personnel if they meet this definition.

individual by supporting students, research staff, space, equipment, or other research expenses. All involvement with foreign government-sponsored talent recruitment programs must be identified in current and pending support.

For every activity, list the following items:

- The sponsor of the activity or the source of funding.
- The award or other identifying number.
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research.
- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding.
- The award period (start date – end date).
- The person-months of effort per year being dedicated to the award or activity.

To identify overlap, duplication of effort, or synergistic efforts, append a description of the other award or activity to the current and pending support.

Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided to DOE upon request to either the applicant institution or DOE. Supporting documents of any identified source of support must be provided to DOE on request, including certified translations of any document.

The information may be provided in the format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENCv), a cooperative venture maintained at <https://www.ncbi.nlm.nih.gov/sciencv/>, and is also available at <https://www.nsf.gov/bfa/dias/policy/nsfapprovedformats/cps.pdf>. The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats. Currently, the federal research agencies, including DOE, are working on a common disclosure form for current and pending support. At such time that the common disclosure form is published for use, the information may be provided in the common form.

Each PI and senior/key personnel must provide a separate disclosure statement listing the required information above regarding current and pending support. The individual must sign and date their respective disclosure statement and include the following certification statement:

I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or

otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3733 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

If the NSF format is used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above. If the online version is used in SciENcv, a signature, date, and a certification statement must be attached until the SciENcv website automatically attaches a certification statement.

Term 50. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>. This policy is applicable to all non-federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under this Award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE.

The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities, with the exception of DOE National Laboratories. Further, the Recipient must identify all financial conflicts of interests (FCOI), i.e., managed and unmanaged/unmanageable, in its initial and ongoing FCOI reports.

Prior to award, the Recipient was required to: 1) ensure all Project Director(s)/Principal investigator(s) on this Award completed their significant financial disclosures; 2) review the disclosures; 3) determine whether a FCOI exists; 4) develop and implement a management plan for FCOIs; and 5) provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Within 180 days of the date of the Award, the Recipient must be in full compliance with the other requirements set forth in DOE's interim COI Policy.

Term 51. Organizational Conflict of Interest

Organizational conflicts of interest are those where, because of relationships with a parent company, affiliate, or subsidiary organization, the Recipient is unable or appears to be unable to be impartial in conducting procurement action involving a related organization (2 CFR 200.318(c)(2)).

The Recipient must disclose in writing any potential or actual organizational conflict of interest to the DOE Contracting Officer. The Recipient must provide the disclosure prior to engaging in a procurement or transaction using project funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe. For a list of the information that must be included the disclosure, see Section VI. of the DOE interim Conflict of Interest

Policy for Financial Assistance at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

If the effects of the potential or actual organizational conflict of interest cannot be avoided, neutralized, or mitigated, the Recipient must procure goods and services from other sources when using project funds. Otherwise, DOE may terminate the Award in accordance with 2 CFR 200.340 unless continued performance is determined to be in the best interest of the federal government.

The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities, with the exception of DOE National Laboratories. The Recipient is responsible for ensuring subrecipient compliance with this term.

If the Recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the Recipient must maintain written standards of conduct covering organizational conflicts of interest.

Term 52. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and non-federal funds) to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, section 889 for additional information.

Term 53. Participants and Other Collaborating Organizations

Prior to award, the Recipient was required to provide the following information on participants and other collaborating organizations. If there are any changes to Participants and

Collaborating Organizations information previously submitted to DOE, the Recipient must submit updated information within 30 calendar days after the end of the quarterly reporting period in which the change occurred:

A. What individuals have worked on the project

List of (1) Project director(s)/Principal investigator(s) (PDs/PIs); and (2) each person who has worked or is expected to work at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort).

i. Name and role the person played in the project

The total number of months (including partial months) (Calendar, Academic, Summer) that the individual worked on this project and it what role, using the project roles identified below.

ii. Project Roles

PD/PI

Co PD/PI

Faculty

Community College Faculty

Technical School Faculty

K-12 Teacher

Postdoctoral (scholar, fellow or other postdoctoral position)

Other Professional

Technician

Staff Scientist (doctoral level)

Statistician

Graduate Student (research assistant)

Non-Student Research Assistant

Undergraduate Student

Technical School Student

High School Student

Consultant

Research Experience for Undergraduates (REU) Participant

Other (specify)

iii. How the person contributed to the project

iv. The person's state, U.S. territory, and/or country of residence

The location from which the person collaborated (internationally or U.S.-based). Whether this person collaborated internationally with an individual located in a foreign country and whether the person traveled to the foreign country as part of that collaboration, and, if so, where and what the duration of stay was.

If the participant was not U.S.-based, whether this person traveled to the U.S. or another country as part of a collaboration, and, if so, where and what the duration of stay was.

B. Other organizations involved as partners

Partner organizations – academic institutions, other nonprofits, industrial or commercial firms, state or local governments, schools or school systems, or other organizations (foreign or domestic) – that have been involved with the project.

C. Other collaborators or contacts involved

Significant collaborators or contacts within the recipient's organization that may not be covered by "What people have worked on the project?" Likewise, some significant collaborators or contacts outside the recipient's organization may not be covered under "What other organizations have been involved as partners?"

Identify the state(s), U.S. territory(ies), or country(ies) of collaborations or contacts.

Term 54. Community Benefits Plan

The Recipient must meet the stated objectives and milestones set forth in its Community Benefits Plan, which is incorporated into the Award as Attachment 5. A report on the Recipient's progress towards meeting the objectives and milestones set forth in the Community Benefits Plan must be included in the continuation application.

Term 55. Human Subjects Research

Research involving human subjects, biospecimens, or identifiable private information conducted with Department of Energy (DOE) funding is subject to the requirements of DOE Order 443.1C, Protection of Human Research Subjects, 45 CFR Part 46, Protection of Human Subjects (subpart A which is referred to as the "Common Rule"), and 10 CFR Part 745, Protection of Human Subjects.

Federal regulation and the DOE Order require review by an Institutional Review Board (IRB) of all proposed human subjects research projects. The IRB is an interdisciplinary ethics board responsible for ensuring that the proposed research is sound and justifies the use of human subjects or their data; the potential risks to human subjects have been minimized; participation is voluntary; and clear and accurate information about the study, the benefits and risks of participating, and how individuals' data/specimens will be protected/used, is provided to potential participants for their use in determining whether or not to participate.

The Recipient shall provide the Federal Wide Assurance number identified in item 1 below and the certification identified in item 2 below to DOE prior to initiation of any project that will involve interactions with humans in some way (e.g., through surveys); analysis of their identifiable data (e.g., demographic data and energy use over time); asking individuals to test devices, products, or materials developed through research; and/or testing of commercially available devices in buildings/homes in which humans will be present. Note: This list of examples is illustrative and not all inclusive.

No DOE funded research activity involving human subjects, biospecimens, or identifiable private information shall be conducted without:

- 1) A registration and a Federal Wide Assurance of compliance accepted by the Office of Human Research Protection (OHRP) in the Department of Health and Human Services; and
- 2) Certification that the research has been reviewed and approved by an Institutional Review Board (IRB) provided for in the assurance. IRB review may be accomplished by the awardee's institutional IRB; by the Central DOE IRB; or if collaborating with one of the DOE national laboratories, by the DOE national laboratory IRB.

The Recipient is responsible for ensuring all subrecipients comply and for reporting information on the project annually to the DOE Human Subjects Research Database (HSRD) at <https://science.osti.gov/HumanSubjects/Human-Subjects-Database/home>. Note: If a DOE IRB is used, no end of year reporting will be needed.

Additional information on the DOE Human Subjects Research Program can be found at: [HUMAN SUBJECTS Human Subjects Pr... | U.S. DOE Office of Science \(SC\) \(osti.gov\)](#).

Term 56. Fraud, Waste and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of DOE's programs and operations including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department of Energy activities to include grants, cooperative agreements, loans, and contracts. The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, the Recipient must be cognizant of the requirements of 2 CFR 200.113 Mandatory disclosures, which states:

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

Term 57. Buy American Requirement for Infrastructure Projects

A. Definitions

Components are defined as the articles, materials, or supplies incorporated directly into the end manufactured product(s).

Construction Materials are an article, material, or supply—other than an item primarily of iron or steel; a manufactured product; cement and cementitious

materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is used in an infrastructure project and is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, drywall, coatings (paints and stains), optical fiber, clay brick; composite building materials; or engineered wood products.

Domestic Content Procurement Preference Requirement means a requirement that no amounts made available through a program for federal financial assistance may be obligated for an infrastructure project unless:

- (A) all iron and steel used in the project are produced in the United States;
- (B) the manufactured products used in the project are produced in the United States; or
- (C) the construction materials used in the project are produced in the United States.

Also referred to as the **Buy America Requirement**.

Infrastructure includes, at a minimum, the structures, facilities, and equipment located in the United States, for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and generation, transportation, and distribution of energy -including electric vehicle (EV) charging.

The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.

Manufactured Products are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Primarily of iron or steel means greater than 50% iron or steel, measured by cost.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Public: The Buy America Requirement does not apply to non-public infrastructure. For purposes of this guidance, infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

B. Buy America Requirement

None of the funds provided under this award (federal share or recipient cost-share) may be used for a project for infrastructure unless:

1. **All iron and steel used in the project is produced in the United States** means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. **All manufactured products used in the project are produced in the United States** means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. **All construction materials are manufactured in the United States** means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Recipients are responsible for administering their award in accordance with the terms and conditions, including the Buy America Requirement. The recipient must ensure that the Buy America Requirement flows down to all subawards and that the subawardees and subrecipients comply with the Buy America Requirement. The Buy America Requirement term and condition must be included all subawards, contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

C. Certification of Compliance

The Recipient must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this Award.

The Recipient must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the Recipient. The

Recipient must keep these certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

D. Waivers

When necessary, the Recipient may apply for, and DOE may grant, a waiver from the Buy America Requirement. Requests to waive the application of the Buy America Requirement must be in writing to the Contracting Officer. Waiver requests are subject to review by DOE and the Office of Management and Budget, as well as a public comment period of no less than 15 calendar days.

Waivers must be based on one of the following justifications:

1. Public Interest: Applying the Buy America Requirement would be inconsistent with the public interest;
2. Non-Availability: The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. Unreasonable Cost: The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Preference, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;
- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry

outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation; and

- Anticipated impact to the project if no waiver is issued.

The Recipient should consider using the following principles as minimum requirements contained in their waiver request:

- Time-limited: Consider a waiver constrained principally by a length of time, rather than by the specific project/award to which it applies. Waivers of this type may be appropriate, for example, when an item that is “non-available” is widely used in the project. When requesting such a waiver, the Recipient should identify a reasonable, definite time frame (e.g., no more than one to two years) designed so that the waiver is reviewed to ensure the condition for the waiver (“non-availability”) has not changed (e.g., domestic supplies have become more available).
- Targeted: Waiver requests should apply only to the item(s), product(s), or material(s) or category(ies) of item(s), product(s), or material(s) as necessary and justified. Waivers should not be overly broad as this will undermine domestic preference policies.
- Conditional: The Recipient may request a waiver with specific conditions that support the policies of IIJA/BABA and Executive Order 14017.

DOE may request, and the Recipient must provide, additional information for consideration of this waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed. Waiver requests may take up to 90 calendar days to process.

Term 58. Prohibition related to Foreign Government-Sponsored Talent Recruitment Programs

a. Prohibition

Persons participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk* are prohibited from participating in this Award.

The Recipient must exercise ongoing due diligence to reasonably ensure that no individuals participating on the DOE-funded project are participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk*. Consequences for violations of this prohibition will be determined according to applicable law, regulations, and policy. Further, the Recipient must notify DOE within five (5) business days upon learning that an owner of the Recipient or subrecipient or individual on the project team is or is believed to be participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk*.

DOE may modify and add requirements related to this prohibition to the extent required by law.

b. Definitions

1. Foreign Government-Sponsored Talent Recruitment Program.

An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

2. Foreign Country of Risk.

DOE has designated the following countries as foreign countries of risk: Iran, North Korea, Russia, and China. This list is subject to change.

Term 59. Affirmative Action and Pay Transparency Requirements

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246:

- (1) Recipients, subrecipients, and contractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.
- (2) Recipients and Contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors and subcontractors.
- (3) Recipients, subrecipients, contractors and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule contractors for compliance evaluations. OFCCP's Technical Assistance Guide should be consulted to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. See

OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec>.

Additionally, for construction projects valued at \$35 million or more and lasting more than one year, recipients, subrecipients, contractors, and subcontractors may be selected by OFCCP to participate in the *Mega Construction Project Program*. DOE, under relevant legal authorities including Sections 205 and 303(a) of Executive Order 11246, will require participation as a condition of the award. This program offers extensive compliance assistance with EO 11246. For more information regarding this program, see <https://www.dol.gov/agencies/ofccp/construction/mega-program>.

Term 60. Potentially Duplicative Funding Notice

If the Recipient or subrecipients have or receive any other award of federal funds for activities that potentially overlap with the activities funded under this Award, the Recipient must promptly notify DOE in writing of the potential overlap and state whether project funds (i.e., recipient cost share and federal funds) from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under this Award. If there are identical cost items, the Recipient must promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Term 61. Transparency of Foreign Connections

The Recipient must notify the DOE Contracting Officer within fifteen (15) business days of learning of the following circumstances in relation to the Recipient and subrecipients:

1. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
2. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a country of risk or foreign entity based in a country of risk;
3. Any current or pending change in ownership structure of the Recipient or subrecipients that increases foreign ownership related to a country of risk;
4. Any current or pending venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
5. Any current or pending technology licensing or intellectual property sales to a foreign country of risk; and
6. Any current or pending foreign business entity, offshore entity, or entity outside the United States related to the Recipient or subrecipient.

Term 62. Foreign Collaboration Considerations

- a. Consideration of new collaborations with foreign entities, organizations, and governments. The Recipient must provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations, or governments in connection with its DOE-funded award scope. The Recipient must await further

guidance from DOE prior to contacting the proposed foreign entity, organization or government regarding the potential collaboration or negotiating the terms of any potential agreement.

- b.** Existing collaborations with foreign entities, organizations, and governments. The Recipient must provide DOE with a written list of all existing foreign collaborations, organizations, and governments in which has entered in connection with its DOE-funded award scope.
- c.** In general, a collaboration will involve some provision of a thing of value to, or from, the Recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the Award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the Award but resulting in provision of a thing of value from or to the Award must also be reported. Collaborations do not include routine workshops, conferences, use of the Recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the Recipient's standard policies and procedures.

**Department of Energy**

Golden Field Office
15013 Denver West Parkway
Golden CO 80401

July 12, 2023

John Phelan
City of Fort Collins
300 Laporte Ave
Fort Collins, CO 80521-2719
jphelan@fcgov.com

SUBJECT: Selection of Application for Negotiation Under Funding Opportunity
Announcement Number DE-FOA-0002813, Bipartisan Infrastructure Law:
Resilient and Efficient Codes Implementation

Dear John Phelan:

We are pleased to provide this update on your application. The Building Technologies Office within the Department of Energy (DOE) has completed its evaluation of your application submitted in response to the subject Funding Opportunity Announcement (FOA). The application below has been recommended by the Building Technologies Office for negotiation of a financial award (**Note: This notification does not guarantee federal government funding, as funding will only be obligated upon completion of successful negotiations.**):

Application: Zero Carbon Performance Code Implementation, 2813-1595, Award Number:
DE-EE0010948

Receipt of this letter does not authorize the applicant to commence with performance of the project. DOE makes no commitment to issue an award and assumes no financial obligation with the issuance of this letter. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement. Only an award document signed by the Contracting Officer obligates DOE to support a project.

The award negotiation process may take up to 60 days. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the stated negotiation deadlines. Failure to submit the requested information and forms by the stated due

date, or any failure to conduct award negotiations in a timely and responsive manner, may cause DOE to cancel award negotiations and rescind this selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Please submit the information and forms listed below to the Grants Management Specialist, Abdulwahab Salih, at abdulwahab.salih@ee.doe.gov by **July 25, 2023**. Failure to submit the requested information and forms by the stated due date, or any failure to conduct award negotiations in a timely and responsive manner, may cause the Office of Energy Efficiency and Renewable Energy (EERE) to cancel award negotiations and rescind this selection.

Please complete each of the following required forms, which are available on the EERE Financial Opportunities Resources page at <https://energy.gov/eere/funding/eere-funding-application-and-management-forms>. All forms should include the award number in the header.

1. Pre-Award Information Sheet and all required attachments, including but not limited to: Current and Pending Support, Participants and Collaborating Organizations, and any other required disclosures, waivers, attachments or supporting documentation.
2. Copy of your approved Indirect Rate Agreement or a Rate Proposal, following the guidelines in the Sample Indirect Rate Proposal – Pre-Award, if applicable
3. Commitment Letters from Third Parties Contributing to Cost Share (if applicable or changed)
4. Copy of the most recent independent Single Audit (for non-profits, states, local governments, and educational institutions) or independent Compliance Audit (applicable to for-profit entities)

Your organization must have an adequate accounting system in place prior to expenditure of any award funds. Please see Accounting System Requirements on the EERE Financial Opportunities Resources page at the link provided below.

For more information on the negotiation process and relevant regulations, please review the “Recipient’s Guide to Negotiating with EERE,” available on the EERE Financial Opportunities Resources page at <https://energy.gov/eere/funding/eere-funding-application-and-management-forms>.

Before September 30, DOE may issue a full conditional award where federal funds are obligated but not released. DOE will not release the funding obligated by this award until successful completion of negotiations are reached to the satisfaction of the Contracting Officer. Performance against this award is, therefore, at the Recipient's own risk, and payments for costs incurred for the Recipient's project will not be made until the parties complete negotiations and the Contracting Officer issues a modification to this award. DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient during the negotiation process. Failure by the Recipient to provide an application with supporting documentation acceptable to the Contracting Officer, or failure to complete negotiations, may

be deemed noncompliance. Based on such noncompliance, the Contracting Officer may unilaterally terminate or suspend this award and deobligate the amounts obligated.

Please note, EERE's decision on whether and how to distribute federal funds is subject to the National Environmental Policy Act (NEPA) and EERE must conduct a NEPA review for all proposed project activities prior to authorizing the use of federal funds. EERE has completed a NEPA review of proposed project activities anticipated under the FOA and the associated NEPA Determination applies to all awards selected under the FOA, provided the scope of the selected awards remains consistent with the intent of the FOA, as issued. If selected applicants propose to use project funds for activities outside the scope of this NEPA Determination, additional NEPA review will be required.

You may not incur pre-award costs without prior approval of DOE. All pre-award costs are incurred at your risk (i.e., DOE is under no obligation to reimburse such costs if for any reason you do not receive an award or if the award is less than anticipated and inadequate to cover such costs). All costs must be allowable, allocable, and reasonable in accordance with the applicable cost principles.

EERE does not guarantee or assume any obligation to reimburse costs where the costs were incurred prior to receiving written authorization from the Contracting Officer. If you elect to undertake activities that may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override the NEPA requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives.

If you are unable to provide the information by the date requested or have any questions concerning the requested information, please contact the Grants Management Specialist listed above.

An informational webinar will be held on July 17, 2023 at 3:00 -4:00 PM Eastern Time (1:00 - 2:00 PM Mountain Time). Please register at <https://events.gcc.teams.microsoft.com/event/31a761f8-8581-4bc5-9156-1da6142d7b0c@6b183ecc-4b55-4ed5-b3f8-7f64be1c4138>.

On behalf of EERE, I would like to congratulate you on your selection for award negotiations. I look forward to working with you to successfully complete award negotiations.

Sincerely,


**ELIZABETH
PARRISH**

Elizabeth Parrish
Contracting Officer

 Digitally signed by ELIZABETH
PARRISH
Date: 2023.07.11 16:24:25 -06'00'

cc: Brad Smith, Recipient Principal Investigator
cc: Christina Volpi, DOE Technical Project Officer (negotiating)
cc: Abdulwahab Salih, DOE Grants Management Specialist
cc: Andrew Kobusch, BGS Project Monitor (negotiating)

ASSISTANCE AGREEMENT

1. Award No. DE-EE0010948		2. Modification No.		3. Effective Date 10/01/2023		4. CFDA No. 81.117	
5. Awarded To CITY OF FORT COLLINS Attn: Blaine Dunn P. O. BOX 580 Attn: Blaine Dunn, Accounting Director FORT COLLINS CO 805220580				6. Sponsoring Office Energy Effcy & Renewable Energy EE-1 U.S. Department of Energy 1000 Independence Avenue, S.W. Washington DC 20585			7. Period of Performance 10/01/2023 through 09/30/2024
8. Type of Agreement <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other		9. Authority IIJA PL 117-58, 2021 PL 109-58 EPACT, 2005			10. Purchase Request or Funding Document No. See Schedule		
11. Remittance Address CITY OF FORT COLLINS Attn: CITY OF FORT COLLINS P. O. BOX 580 ATTN: BLAINE DUNN, ACCOUNTING DIRECTOR FORT COLLINS CO 805220580				12. Total Amount Govt. Share: \$693,595.00 Cost Share : \$206,569.00 Total : \$900,164.00		13. Funds Obligated This action: \$693,595.00 Total : \$693,595.00	
14. Principal Investigator		15. Program Manager Christina Volpi Phone: 240-562-1430			16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401		
17. Submit Payment Requests To VIPERS https://vipers.doe.gov Any questions, please contact by call/email 855-384-7377 or VipersSupport@hq.doe.gov				18. Paying Office VIPERS https://vipers.doe.gov Any questions, please contact by call/email 855-384-7377 or VipersSupport@hq.doe.gov			19. Submit Reports To
20. Accounting and Appropriation Data 05461-2023-31-200835-41020-1005891-0000000-0000000-0000000							
21. Research Title and/or Description of Project Zero Carbon Performance Code Implementation							
For the Recipient				For the United States of America			
22. Signature of Person Authorized to Sign				25. Signature of Grants/Agreements Officer 			
23. Name and Title		24. Date Signed		26. Name of Officer Elizabeth A. Parrish		27. Date Signed 09/16/2023	

CO Item 17.	ON SHEET	REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-EE0010948	PAGE 2 OF 3
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NAME OF OFFEROR OR CONTRACTOR
CITY OF FORT COLLINS

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>UEI: VEJ3BS5GK5G1</p> <p>This is a conditional award, comprised of this Assistance Agreement and the Special Terms and Conditions. Upon successful completion of negotiations, this award will be modified to lift its conditional status, to revise the Special Terms and Conditions, and to add additional attachments, such as Attachment 1, Statement of Project Objectives and Milestone Summary Table; Attachment 2, Federal Assistance Reporting Checklist and Instructions; Attachment 3, Budget Information SF-424A; Attachment 4, Intellectual Property Provisions; and Attachment 5 Community Benefits Plan.</p> <p>1. The award was prepared using the proposed budget information in the Recipient's application. Term 1 of the Special Terms and Conditions states that the Recipient is prohibited from spending Federal funds at this time. DOE will not release the funding obligated by this award until successful completion of negotiations are reached to the satisfaction of the Contracting Officer. Performance against this award is, therefore, at the</p> <p>2. Recipient's own risk, and payments for costs incurred for Recipient's project will not be made until the parties complete negotiations and the Contracting Officer issues a modification to this award.</p> <p>3. A representative of the DOE office will contact the Recipient to request additional and/or revised information needed to supplement and clarify the Recipient's application, to complete the negotiations of an amended award.</p> <p>In Block 7 of the Assistance Agreement, the Period of Performance reflects the beginning of the Project Period through the end of the current Budget Period. Additional future DOE funding and additional budget periods are not contemplated under this award. Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.</p> <p>DOE Award Administrator: Abdulwahab Salih</p> <p>Continued ...</p>				

NAME OF OFFEROR OR CONTRACTOR
CITY OF FORT COLLINS

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	E-mail: abdulwahab.salih@ee.doe.gov Phone: 720-360-5552 DOE Project Officer: Christina Volpi E-mail: christina.volpi@ee.doe.gov Phone: 720-813-9293 Recipient Business Officer: Brad Smith E-mail: brsmith@fcgov.com Phone: 970-416-4321 Recipient Principal Investigator: Kerri Ishmael E-mail: kishmael@fcgov.com Phone: 970-416-4222 "Electronic signature or signatures as used in this document means a method of signing an electronic message that— (A) Identifies and authenticates a particular person as the source of the electronic message; (B) Indicates such person's approval of the information contained in the electronic message; and, (C) Submission via FedConnect constitutes electronically signed documents." ASAP: NO: STD IMMEDIATE Extent Competed: COMPETED Davis-Bacon Act: YES PI: Smith, Brad Fund: 05461 Appr Year: 2023 Allottee: 31 Report Entity: 200835 Object Class: 41020 Program: 1005891 Project: 0000000 WFO: 0000000 Local Use: 0000000				

Item 17.

Instructions and Summary

Item 17.

Award Number: EE0010948

Date of Submission: 11/3/2023

Award Recipient: City of Fort Collins (recipient)

Form submitted by: Kerri Ishmael, Senior Analyst, Grants,
City of Fort Collins

(May be award recipient or sub-recipient)

Please read the instructions on each worksheet tab before starting. If you have any questions, please ask your EERE contact!
Do not modify this template or any cells or formulas!

1. If using this form for award application, negotiation, or budget revision, fill out the blank white cells in workbook tabs a. through j. with total project costs.
2. Blue colored cells contain instructions, headers, or summary calculations and should not be modified. Only blank white cells should be populated.
3. Enter detailed support for the project costs identified for each Category line item within each worksheet tab to autopopulate the summary tab.
4. The total budget presented on tabs a. through i. **must include both Federal (DOE) and Non-Federal (cost share) portions**
5. All costs incurred by the preparer's sub-recipients, contractors, and Federal Research and Development Centers (FFRDCs), should be entered only in section f. Contractual. All other sections are for the costs of the preparer only.
6. Ensure all entered costs are allowable, allocable, and reasonable in accordance with the administrative requirements prescribed in 2 CFR 200, and the applicable cost principles for each entity type: FAR Part 31 for For-Profit entities; and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.
7. Add rows as needed throughout tabs a. through j. If rows are added, formulas/calculations may need to be adjusted by the preparer. Do not add rows to the Instructions and Summary tab. If your project contains more than three budget periods, consult your EERE contact before adding additional budget period rows or columns.
8. **ALL budget period cost categories are rounded to the nearest dollar.**

BURDEN DISCLOSURE STATEMENT

Public reporting burden for this collection of information is estimated to average 24 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, AD-241-2 - GTN, Paperwork Reduction Project (1910-5162), U.S. Department of Energy 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget, Paperwork Reduction Project (1910-5162), Washington, DC 20503.

SUMMARY OF BUDGET CATEGORY COSTS PROPOSED

The values in this summary table are from entries made in subsequent tabs, only blank white cells require data entry

Section A - Budget Summary						
		Federal	Cost Share	Total Costs	Cost Share %	Proposed Budget Period Dates
	Budget Period 1	\$273,868	\$107,901	\$381,769	28.26%	10/1/2023-3/31/2025
	Budget Period 2	\$239,684	\$41,018	\$280,702	14.61%	4/1/2025-9/30/2026
	Budget Period 3	\$180,043	\$57,650	\$237,693	24.25%	10/1/2026-3/31/2028
	Total	\$693,595	\$206,569	\$900,164	22.95%	
Section B - Budget Categories						
CATEGORY	Budget Period 1	Budget Period 2	Budget Period 3	Total Costs	% of Project	Comments (as needed)
a. Personnel	\$83,120	\$31,566	\$44,225	\$158,911	17.65%	
b. Fringe Benefits	\$24,781	\$9,452	\$13,425	\$47,658	5.29%	
c. Travel	\$3,588	\$3,459	\$3,634	\$10,681	1.19%	
d. Equipment	\$0	\$0	\$0	\$0	0.00%	
e. Supplies	\$0	\$0	\$0	\$0	0.00%	
f. Contractual						
Sub-recipient	\$248,276	\$229,467	\$163,296	\$641,039	71.21%	
Contractor	\$0	\$0	\$0	\$0	0.00%	
FFRDC	\$0	\$0	\$0	\$0	0.00%	
Total Contractual	\$248,276	\$229,467	\$163,296	\$641,039	71.21%	
g. Construction	\$0	\$0	\$0	\$0	0.00%	
h. Other Direct Costs	\$3,050	\$2,100	\$6,350	\$11,500	1.28%	
Total Direct Costs	\$362,815	\$276,044	\$230,930	\$869,789	96.63%	
i. Indirect Charges	\$18,954	\$4,658	\$6,763	\$30,375	3.37%	
Total Costs	\$381,769	\$280,702	\$237,693	\$900,164	100.00%	

Additional Explanation (as needed):

From: [Nielsen, Jeremy \(CONTR\)](#)
To: [Kerri Ishmael](#); [Westfall, Nicole](#)
Cc: [Salih, Abdulwahab](#); [Cheslak, Kimberly](#); [Brad Smith](#); [John Phelan](#); [Perry, Christopher](#)
Subject: [EXTERNAL] RE: 10948 City of Fort Collins - Lift Conditions
Date: Monday, November 6, 2023 1:54:08 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Kerri,

Thank you for getting those changes back to us. The award is moving forward and the next step in the process, Financial Assistance, has 30 days to process but generally does not take that long. I'll keep you updated on the status of this project.

Thank you,

Jeremy

From: Kerri Ishmael <kishmael@fcgov.com>
Sent: Friday, November 3, 2023 7:17 PM
To: Nielsen, Jeremy (CONTR) <jeremy.nielsen@ee.doe.gov>; Westfall, Nicole <nicole.westfall@ee.doe.gov>
Cc: Salih, Abdulwahab <Abdulwahab.Salih@ee.doe.gov>; Cheslak, Kimberly <kim.cheslak@pnnl.gov>; Brad Smith <brsmith@fcgov.com>; John Phelan <JPHELAN@fcgov.com>; Perry, Christopher <christopher.perry@ee.doe.gov>
Subject: [EXTERNAL] RE: 10948 City of Fort Collins - Lift Conditions

Hello –

Please find attached an updated version of the City's budget justification.

As we have advised, the City has a lengthy process requiring City Council approving the agreement with DOE and use of funds. All said, if there's ability for DOE to have review of the pending items a priority, allowing a final agreement for City's review before December 5th it would benefit this project.

Thanks,

Kerri Ishmael, CPA
Senior Analyst
Grants Administration
Financial Services
215 N. Mason Street
970.416.4222 office
kishmael@fcgov.com



From: Nielsen, Jeremy (CONTR) <jeremy.nielsen@ee.doe.gov>
Sent: Friday, November 3, 2023 1:03 PM
To: Kerri Ishmael <kishmael@fcgov.com>; Westfall, Nicole <nicole.westfall@ee.doe.gov>; John Phelan <JPHELAN@fcgov.com>
Cc: Salih, Abdulwahab <Abdulwahab.Salih@ee.doe.gov>; Cheslak, Kimberly <kim.cheslak@pnnl.gov>; Brad Smith <brsmith@fcgov.com>; Perry, Christopher <christopher.perry@ee.doe.gov>
Subject: [EXTERNAL] 10948 City of Fort Collins - Lift Conditions

Hi City of Fort Collins Team,

Can you please make the following adjustments to your budget justification? We need all fields of the "rate basis" column of the Personnel tab to be filled out. We also need all the fields of the SOPO Task # column in the Contractual tab. Please see attached for highlighted fields that need to be filled out.

In terms of timing, once we get this corrected, we will be able to submit the Lift Conditions modification to our Financial Assistance department. Once there, they have 30 days to approve the award package.

Please let me know if you have any questions.

Thanks,

Jeremy Nielsen (he/him)
Technical Project Monitor | Lindahl Reed
Building Technologies Office | Contractor to US Dept. of Energy, Golden Field Office
Phone: 240-562-1796

From: Kerri Ishmael <kishmael@fcgov.com>
Sent: Friday, October 27, 2023 8:14 AM
To: Westfall, Nicole <nicole.westfall@ee.doe.gov>; Nielsen, Jeremy (CONTR) <jeremy.nielsen@ee.doe.gov>
Cc: Salih, Abdulwahab <Abdulwahab.Salih@ee.doe.gov>; John Phelan <JPHELAN@fcgov.com>; Cheslak, Kimberly <kim.cheslak@pnsl.gov>; Brad Smith <brsmith@fcgov.com>; Perry, Christopher <christopher.perry@ee.doe.gov>
Subject: [EXTERNAL] RE: DE-FOA-0002813: Selection Negotiation - Pending award DE-EE0010948 City of Fort Collins

Hi Nicole –

Attached is the revised budget for the City, with both SF-424A tabs demonstrating the correct amounts for federal and non-federal share.

As we advised, we have a lengthy City Council process to approve award and spending. Timing wise, we hope DOE can lift the conditional award by end of next week, allowing the City to move forward with the required City Council process.

Thanks

Kerri Ishmael
 Senior Analyst
 Grants Administration
 970.416.4222

From: Westfall, Nicole <nicole.westfall@ee.doe.gov>
Sent: Thursday, October 26, 2023 1:41 PM
To: Kerri Ishmael <kishmael@fcgov.com>; Nielsen, Jeremy (CONTR) <jeremy.nielsen@ee.doe.gov>
Cc: Salih, Abdulwahab <Abdulwahab.Salih@ee.doe.gov>; John Phelan <JPHELAN@fcgov.com>; Cheslak, Kimberly <kim.cheslak@pnsl.gov>; Brad Smith <brsmith@fcgov.com>; Perry, Christopher <christopher.perry@ee.doe.gov>
Subject: [EXTERNAL] RE: DE-FOA-0002813: Selection Negotiation - Pending award DE-EE0010948 City of Fort Collins

Hi Kerri,

Just took a look at the budget again – Unfortunately, we are \$1.00 off on the total federal award amount. Can you please update the prime budget to match the federally awarded amount exactly? I've noted it in the budget justification doc attached. We cannot proceed if it's even slightly off.

Thanks again!

Nicole

NICOLE WESTFALL | Building Technologies Office
 U. S. DEPARTMENT OF ENERGY
 240.956.9007 | energycodes.gov

From: Kerri Ishmael <kishmael@fcgov.com>
Sent: Tuesday, October 3, 2023 11:19 AM
To: Volpi, Christina <Christina.Volpi@ee.doe.gov>; Westfall, Nicole <nicole.westfall@ee.doe.gov>; Nielsen, Jeremy (CONTR) <jeremy.nielsen@ee.doe.gov>
Cc: Salih, Abdulwahab <Abdulwahab.Salih@ee.doe.gov>; John Phelan <JPHELAN@fcgov.com>; Cheslak, Kimberly <kim.cheslak@pnsl.gov>; Brad Smith <brsmith@fcgov.com>; Perry, Christopher <christopher.perry@ee.doe.gov>
Subject: [EXTERNAL] RE: DE-FOA-0002813: Selection Negotiation - Pending award DE-EE0010948 City of Fort Collins

Please find attached updated budgets for both City of Fort Collins and subrecipient University of Central Florida that has a proposed budget more than \$250,000.

If you would review and advise of any needed changes that would be appreciated. We are hopeful that these budgets and the SOPO will be approved by DOE as soon as possible, lifting these conditions on the conditional award for a final award.

We are asking as the City has a lengthy process that requires this award to go through City Council for spending of the grant funds – a process that can take several weeks. Until such time we are unable to incur allowable grant related costs.

All said, we are hoping to hear soon that conditions of the award have been lifted, having outstanding documents added as attachments to the award.

Kerri Ishmael
 Senior Analyst
 Grants Administration
 970.416.4222

From: Volpi, Christina <Christina.Volpi@ee.doe.gov>

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Seth Lorson, Senior Transportation Planner
Aaron Iverson, Senior Manager Transportation Planning
Aaron Guin, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 158, 2023, Amending the City's Master Street Plan.

EXECUTIVE SUMMARY

The purpose of this item is to request approval by Council of proposed amendments to the Master Street Plan as described below.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Master Street Plan

The Master Street Plan (MSP) is a map that serves as the official source for identification of street alignments and classifications for the City. The MSP shows both existing and future street locations. Implementation of the MSP occurs through capital improvements that either upgrade a street or intersection or build an entirely new street, and through requirements of private development to provide right-of-way and construct street improvements. Updates to the MSP are made either through a request from a developer's proposal or are initiated by the City based on changing plans, functions, or information. The requests to update the MSP in this agenda item include City-initiated requests due to the adoption of the North College MAX Plan, several clean-up items identified during the development review process, and a developer-requested amendment associated with the Montava development.

The MSP is a component of the Transportation Master Plan which is part of City Plan. The Transportation Master Plan defines the MSP as follows:

The major street network is defined by the Master Street Plan (MSP), which informs the development of the Capital Improvement Program. The MSP helps identify projects the City should undertake to support future travel needs and is updated to reflect demand, new infrastructure and planning. Updates to the MSP will reflect future travel needs identified by the regional travel model, input from stakeholder and public comment, and the adoption of the layered network concept.

The Master Street Plan can be found online at:

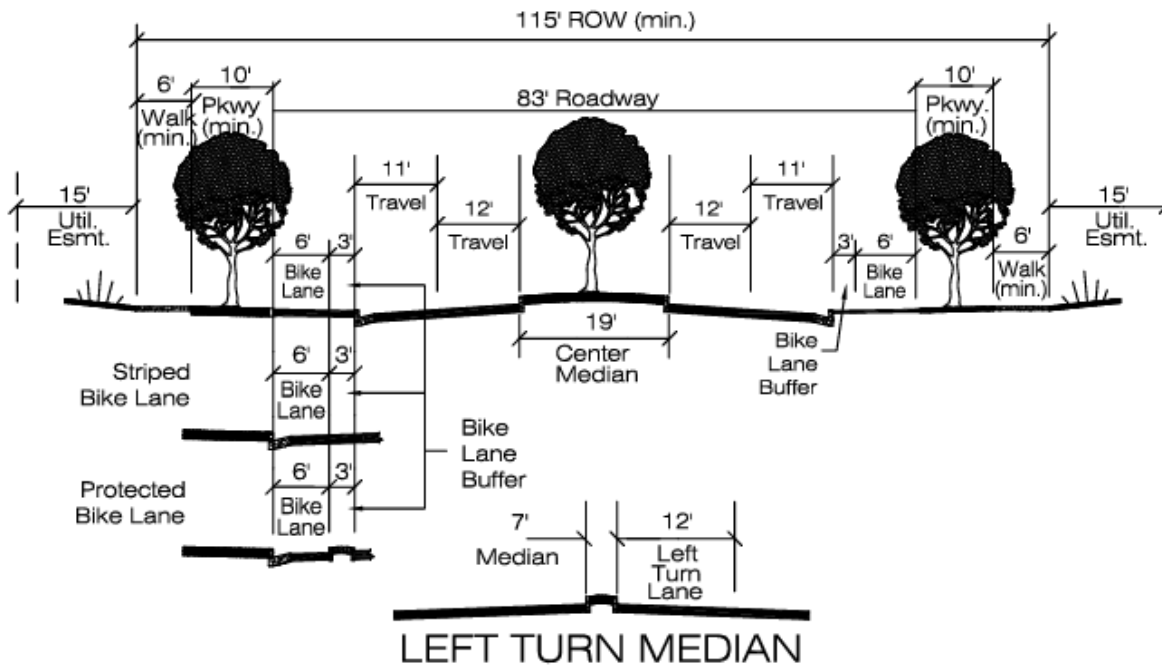
<https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Master%20Street%20Plan>

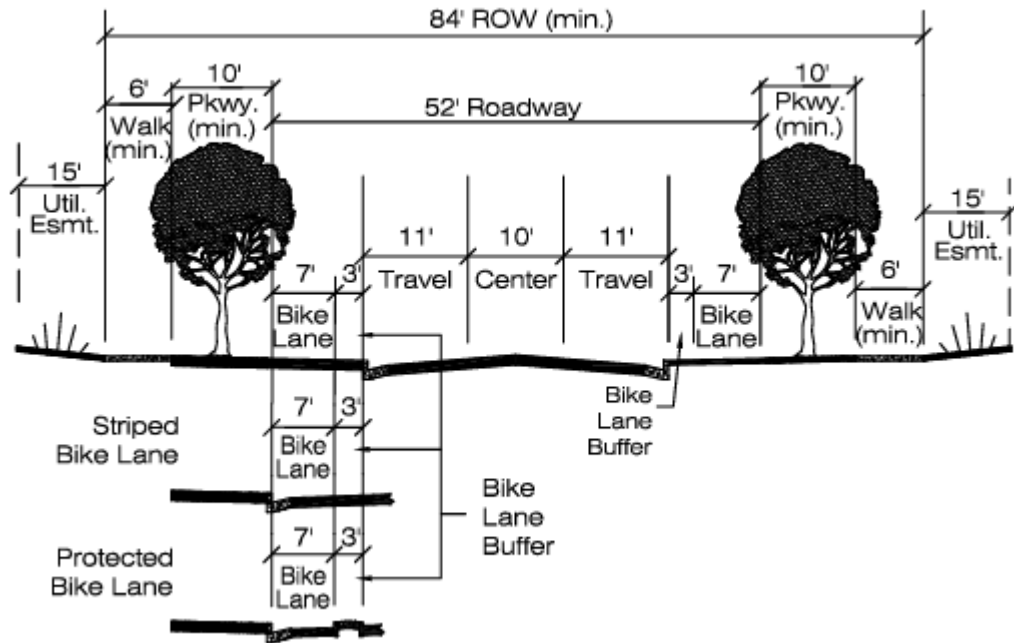
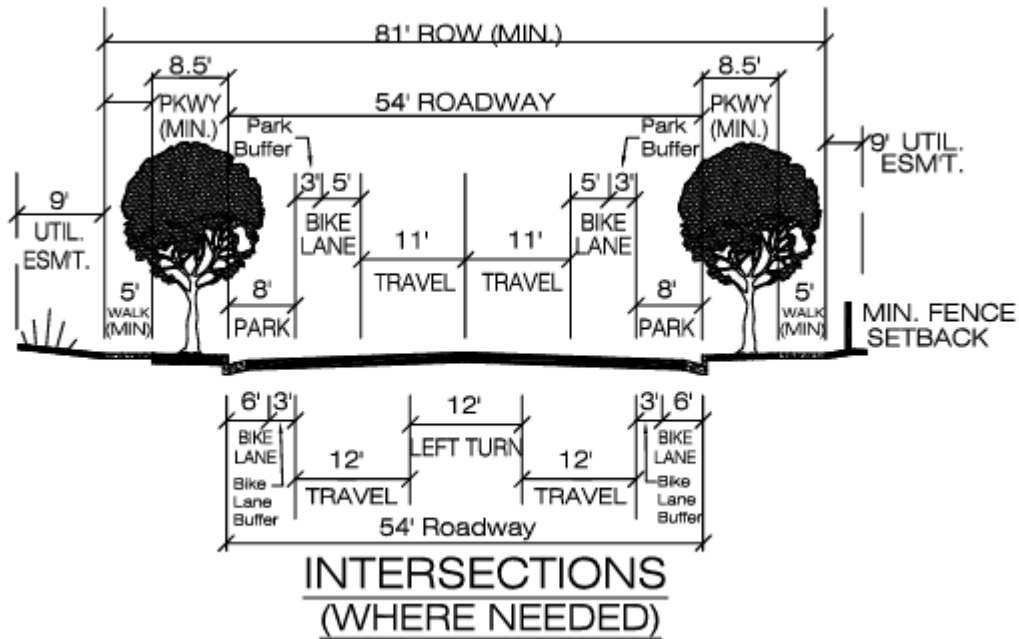
Larimer County Urban Area Street Standards (LCUASS) – Relevant Cross-sections

These cross-sections are the most relevant to the proposed MSP amendments and are included for reference purposes. There are additional cross-sections in LCUASS that can be found online at:

https://www.larimer.org/sites/default/files/uploads/2021/fort_collins_figures_7.1f_to_7.13f.pdf

4-Lane Arterial:



2-Lane Arterial:Collector With Parking:**Proposed Amendments****Street Amendments**

The proposed amendments include 12 street changes to the MSP.

North College MAX Plan Amendments

The North College MAX Plan, adopted by City Council in February 2023, recommends two changes to the Master Street Plan:

1. North Mason Street (Collector): Terminate north of Bristlecone Street and add Bristlecone Street as a Collector between North College Avenue and North Mason Street. North Mason is currently shown passing through two mobile home parks (North College MHP and Poudre Valley MHP) and is no longer consistent with the goals for the City of Fort Collins. This change has been confirmed with extensive community outreach during the North College MAX Plan and by City Planning for rezoning purposes.
2. Red Cedar Circle (Collector): Remove the extension of Red Cedar Circle north of Bristlecone Street and realign to a 90 degree turn at Bristlecone and add Bristlecone as Collector designation between Red Cedar and College Avenue. The intersection of College and Bristlecone is designated as a signalized intersection in the CDOT Access Management Plan. The length of Red Cedar Circle proposed to be removed as a Collector was discussed at length during the North College MAX Plan. The current alignment is shown in the delivery alley behind the former Albertson's site and has recently not been required to be built by new development because it is unnecessary. Additionally, there are two private streets north of Bristlecone creating adequate access and circulation for the commercial district.

Clean-up Amendments

The majority of the amendments proposed below were identified during the development review process when closely compared to the current status of actual transportation and land use conditions.

3. East Laurel Street (Collector): Terminate East Laurel as a Collector at Stover Street. The length of Laurel Street between Stover and its eastern terminus does not connect to any other Collector Streets or Arterial Streets. A recent development project at the end of Laurel and the existing commercial center (Safeway) is precluding Laurel from ever extending further east.
4. Red Willow Drive (Collector): Add Collector designation for Red Willow Drive south of Linden Park. This will complete the connection between arterial streets with a Collector Street, effectively reducing the amount of accesses onto the surrounding Arterial streets (Trilby & Timberline).
5. East Vine Drive (2-Lane Arterial): Reclassify East Vine Drive from 2-Lane Arterial to Collector. Construction of the North Lemay overpass (over Vine) is complete, reducing the amount of vehicles on East Vine. In anticipation of this improvement, Suniga was constructed as an east/west Arterial Street and is intended to take much of the traffic that was formerly on East Vine.
6. Hickory Street (Collector): Remove Hickory Street west of Soft Gold Park from the Master Street Plan. It is currently shown going through two Natural Areas. The Natural Areas Department confirmed that Hickory Street will never be allowed to be built through Magpie Meander Natural Area or McMurphy Natural Area.
7. Brightwater Drive (Collector): Relocate Collector to continue on Brightwater Drive to connect to Morningstar Way and remove Collector designation from Parkside Drive. Brightwater Drive was built as a Collector during the development of Water's Edge Subdivision therefore Parkside is not needed to continue the Collector connection.
8. East Mulberry Street/I-25 Frontage Road (Collector): Realign unnamed future Collector between East Mulberry Street and East Vine Street. Show the street alignment to curve close to I-25 to utilize the existing bridge over the Great Western Railway RR tracks. This alignment maintains the connection between Mulberry and Vine streets and greatly reduces the cost of implementation. The alignment has

been discussed with the property owners/developers (Sunstate Development) and the Colorado Department of Transportation (CDOT).

9. North Lemay Avenue (4-Lane Arterial): Reclassify North Lemay Avenue from 4-Lane Arterial to 2-Lane Arterial between Suniga Road and Country Club Road. The recently constructed Lemay overpass project built North Lemay to neck down to a 2-Lane Arterial north of Suniga. This reclassification creates consistency with existing conditions. Additionally, the area around North Lemay is greatly built out, and there is little expectation that there will be greater traffic demand to require 4 lanes in the future.
10. Remington Street (2-Lane Arterial): Reclassify Remington Street from 2-Lane Arterial to a Collector between Mountain Avenue and Stuart Street. Remington currently operates like a collector with on-street parking and serving as a major Bikeway. The City has no plan to actualize an Arterial cross-section on this street which is primarily residential. The reclassification will allow traffic calming measures to be installed such as speed humps, bulb outs, and asphalt art.
11. South Timberline Road & Carpenter Road (CR 32) (Roundabout): Add roundabout at intersection of Timberline and Carpenter. This is an intersection of two two-lane arterial streets and is currently signalized. The intersection has received more traffic in recent years due to regional commuting. It is anticipated that this intersection and Carpenter Road (shown as 4-Lane Arterial on the MSP) will be improved. This addition of a roundabout on the MSP does not guarantee one will be constructed, only that an analysis for consideration will be completed.

Developer-requested Amendment

12. Timberline Road (2-Lane Arterial): The developers of Montava request that the City reclassify Timberline Road from a 2-Lane Arterial to a Collector between Mountain Vista Drive and Country Club Road. This section of Timberline currently is not constructed. Montava is designing this street to serve as an internal collector and not serve traffic outside the neighborhood for cut-through purposes. The developer's intent is to develop a street with lower vehicle volumes and lower speeds to encourage a safer, pedestrian-friendly environment. Attached is the developer's request and an extensive justification for the proposal.

Summary Chart of Proposed Changes

Map ID #	Street Name	Current Classification	Proposed Classification
1	North Mason Street	Collector	Remove
2	Red Cedar Circle	Collector	Remove
3	East Laurel Street	Collector	Remove east of Stover
4	Red Willow Drive	Collector	Add south of Linden Park
5	East Vine Drive	2-Lane Arterial	Collector
6	Hickory Street	Collector	Remove west of Soft Gold Park
7	Brightwater Drive	Collector	Remove from Parkside Drive

8	Boardwalk Drive	2-Lane Arterial	Collector
9	I-25 Frontage	Collector	Realign with bridge
10	North Lemay Avenue	4-Lane Arterial	2-Lane Arterial
11	Remington Street	2-Lane Arterial	Collector
12	International & Greenfields	Roundabout	Remove
13	Timberline & Carpenter	No Roundabout	Add Roundabout
14	Timberline Road	2-Lane Arterial	Collector

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Planning and Zoning Commission, October 25, 2023

The Planning and Zoning Commission recommended approval of all proposed amendments unanimously on a consent agenda vote.

Transportation Board, August 16, 2023

The Transportation Board considered a list of amendments to the Master Street Plan and removed two proposals requesting more information, which are not included in this package.

The Transportation Board decided to consider the Montava-related amendment separate from the rest. The Board voted 6-1 to recommend approval of the Montava amendment. The one dissenting vote cited that developers skew traffic impact studies to support their proposal and that more information about future traffic generation was needed.

For the remaining 11 amendments (North College & clean-up) the Board voted 5-2 to recommend approval. The two dissenting members of the Board stated that 1) the changes are not wholistic enough and the proposed changes should have been considered before creating the existing MSP; and 2) that they would not support the reduction in classification of any facility.

PUBLIC OUTREACH

Extensive public outreach was conducted during the North College MAX Plan process. All other proposed amendments did not have any public outreach.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Montava Request Memorandum
4. Presentation

ORDINANCE NO. 158, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CITY'S MASTER STREET PLAN

WHEREAS, in 1996 and 1997, the City Council, through an extensive planning effort, created and adopted a new comprehensive master plan for the City known as "City Plan" that includes various additional components and elements such as the Master Street Plan and subarea plans; and

WHEREAS, the Master Street Plan is a component of the Transportation Master Plan that is part of City Plan; and

WHEREAS, City Staff has proposed two amendments to the Master Street Plan as a result of the City's adoption of the North College MAX Plan, as well as several clean-up amendments to address issues requiring revision that were identified during the development review process; and

WHEREAS, the developer of the Montava development, with City Staff support, has proposed an additional amendment to the Master Street Plan to reclassify Timberline Road from a 2-lane Arterial to a Collector between Mountain Vista Drive and Country Club Road, because the developer is designing this roadway to serve as an internal collector with lower vehicle volumes and lower speeds to encourage a safer, pedestrian-friendly environment in the area; and

WHEREAS, the proposed amendments to the City's Master Street Plan are intended to better identify street alignments and classifications in the City; and

WHEREAS, on August 16, 2023, the City's Transportation Board recommended that City Council approve the proposed Master Street Plan Amendments; and

WHEREAS, on October 25, 2023, the City's Planning and Zoning Commission recommended that City Council approve the proposed Master Street Plan Amendments.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council finds that the Master Street Plan is in need of the amendments to better identify street alignments and classifications in the City.

Section 3. That the City Council finds that the proposed Master Street Plan Amendments will promote the public welfare and are consistent with the visions, goals, principles, and policies of City Plan and the elements thereof.

Section 4. That the Master Street Plan is hereby amended so as to appear as shown on Exhibit "A," and City staff is directed to make such changes to the Master Street Plan.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

City of Fort Collins

Master Plan - Proposed Changes

Item 18.

Minor 2 Lanes

Arterial 2 Lanes

Arterial 4 Lanes

Major Arterial 6 Lanes

Proposed Street Removal

Roundabouts

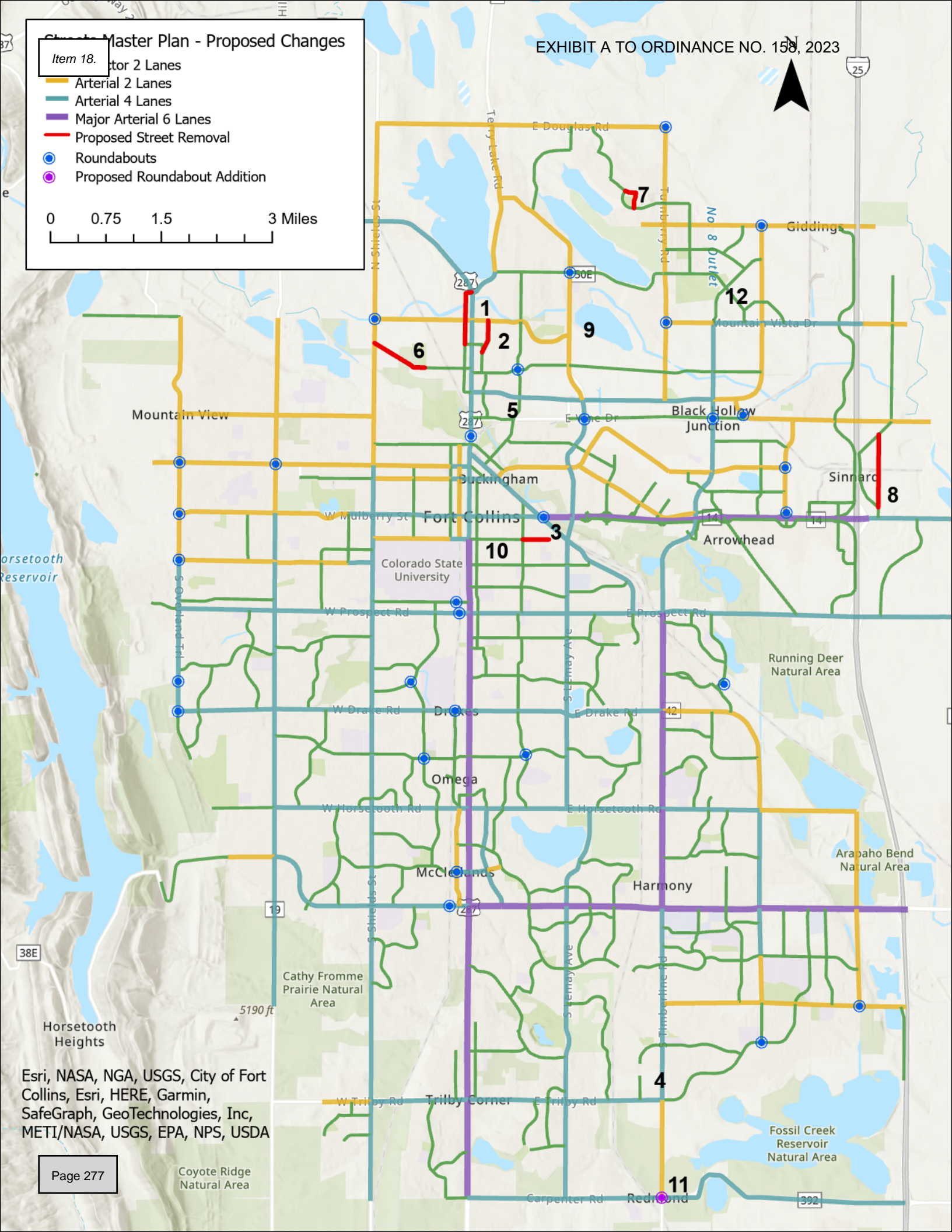
Proposed Roundabout Addition

0

0.75

1.5

3 Miles



Kimley»Horn

MEMORANDUM

To: Forrest Hancock
Development Director - Montava

From: Jeff Planck, P.E. and Mary Gormley, P.E.
Kimley-Horn and Associates

Date: August 1, 2023

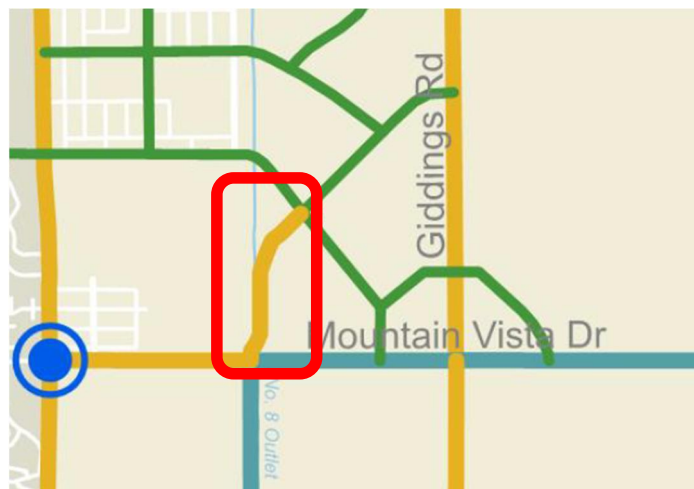
Project: Montava Master Plan

Subject: Master Street Plan Amendment

The purpose of this memorandum is to amend the City of Fort Collins Master Street Plan adopted in April 2020 and printed in January 2023 for the Timberline Road section between Mountain Vista Drive and Country Club Road in association with the Montava Master development. The overall Montava development is planned to include approximately 4,300 homes, 300,000 square feet of office, 200,000 square feet of retail, and almost 900,000 square feet of industrial uses north of Vine Drive, south of Richards Lake Road, east of Turnberry Road, and west of Interstate 25 (I-25) in Fort Collins, Colorado.

MASTER STREET PLAN

Timberline Road between Mountain Vista Drive and Country Club Road is identified as a two-lane arterial roadway (See Master Street Plan for City of Fort Collins Clipping below). From the City's Master Street Plan, the yellow identifies a two-lane arterial whereas the green identifies a two-lane collector. Montava is requesting an amendment to the City of Fort Collins Master Street Plan for the segment of Timberline Road from Mountain Vista Drive to County Club Road to be reclassified from a two-lane arterial street to a two-lane collector street. It is believed that this section of Timberline Road will serve mostly Montava traffic and will not be used as a regional connector and will see minimal cut-through traffic. Therefore, the arterial roadway classification is no longer recommended.



Existing Master Street Plan for City of Fort Collins

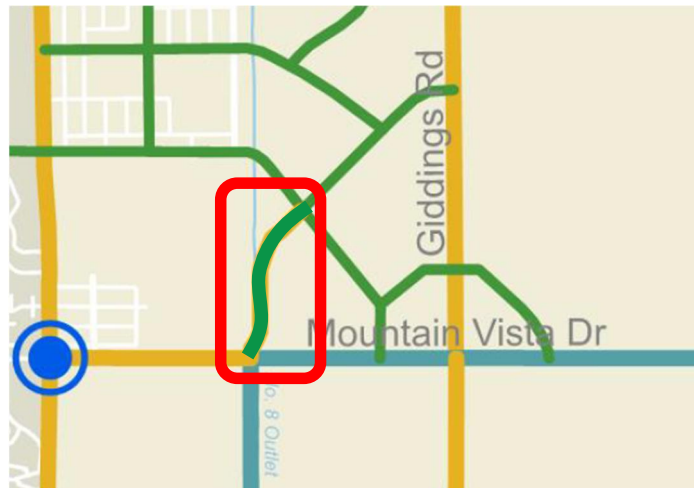
The Larimer County Urban Area Street Standards provides Fort Collins and Loveland street standards. The site is located within Fort Collins; however, the street standard guidelines for Fort Collins do not provide average daily traffic (ADT) volume thresholds for guidance in determining appropriate street sections. Therefore, the average daily traffic thresholds from the Larimer County Urban Area Street Standards referencing City of Loveland street standards were utilized in determination of the appropriate cross section for Timberline Road. The long-term 2045 ADT projection along Timberline Road between Mountain Vista Drive and County Club Road was determined by the full buildout of the Montava development as identified in the *Montava Master Development Long-Term 2045 Horizon Traffic Study – Supplement to Master Traffic Study dated April 25, 2023*. Applicable documents are attached for reference. An average daily traffic volume of 5,300 vehicles per day is projected along Timberline Road north of Mountain Vista Drive for the long-term 2045 horizon. The following table identifies the projected average daily traffic (ADT) compared to the Larimer County Street Standard (applicable documents are attached for reference).

Roadway	Projected ADT	Larimer County			
		Fort Collins ¹		Loveland ²	
		ADT	Roadway Type	ADT	Roadway Type
Timberline Road Between Mountain Vista Drive and Country Club Road	5,300	Not Provided		7,001 to 16,000	Minor Arterial (2-lane)
				3,001 to 7,000	Major Collector

¹Table 7-1 Fort Collins (GMA and City Limits) Street Standards

²Table 7-2 Loveland (GMA and City Limits) Street Standards

As shown in the table above, the projected ADT closely matches the characteristics for a two-lane collector roadway with a lower speed limit and lower traffic volume projection threshold. The roadway is not planned to be a major thoroughfare for regional traffic north of Mountain Vista Drive and will serve the internal traffic volumes associated with the Montava development. Therefore, the roadway segment of Timberline Road between Mountain Vista Drive and Country Club Road is recommended to be identified as a 2-Lane Collector in the Master Street Plan as shown below.



Proposed Master Street Plan for City of Fort Collins

CONCLUSION

As summarized in the memorandum, the Montava Master Plan development is recommending to amend the classification of Timberline Road in the City of Fort Collins Master Street Plan. Timberline Road is identified as a two-lane arterial roadway from Mountain Vista Drive to County Club Road in the most recent Master Street Plan. However, due to the lack of through connectivity with Timberline Road north of Mountain Vista, the inter-Montava connectivity street plan, the projected daily traffic volumes, and the multimodal and traffic calming visions for the roadway, it is believed that Timberline Road north of Mountain Vista Drive meets characteristics of a collector roadway. Therefore, it is respectfully requested that the City of Fort Collins consider amending the Master Street Plan to classify Timberline Road as collector street from Mountain Vista Drive to Country Club Road. Please feel free to call me if you have any questions or require anything further.

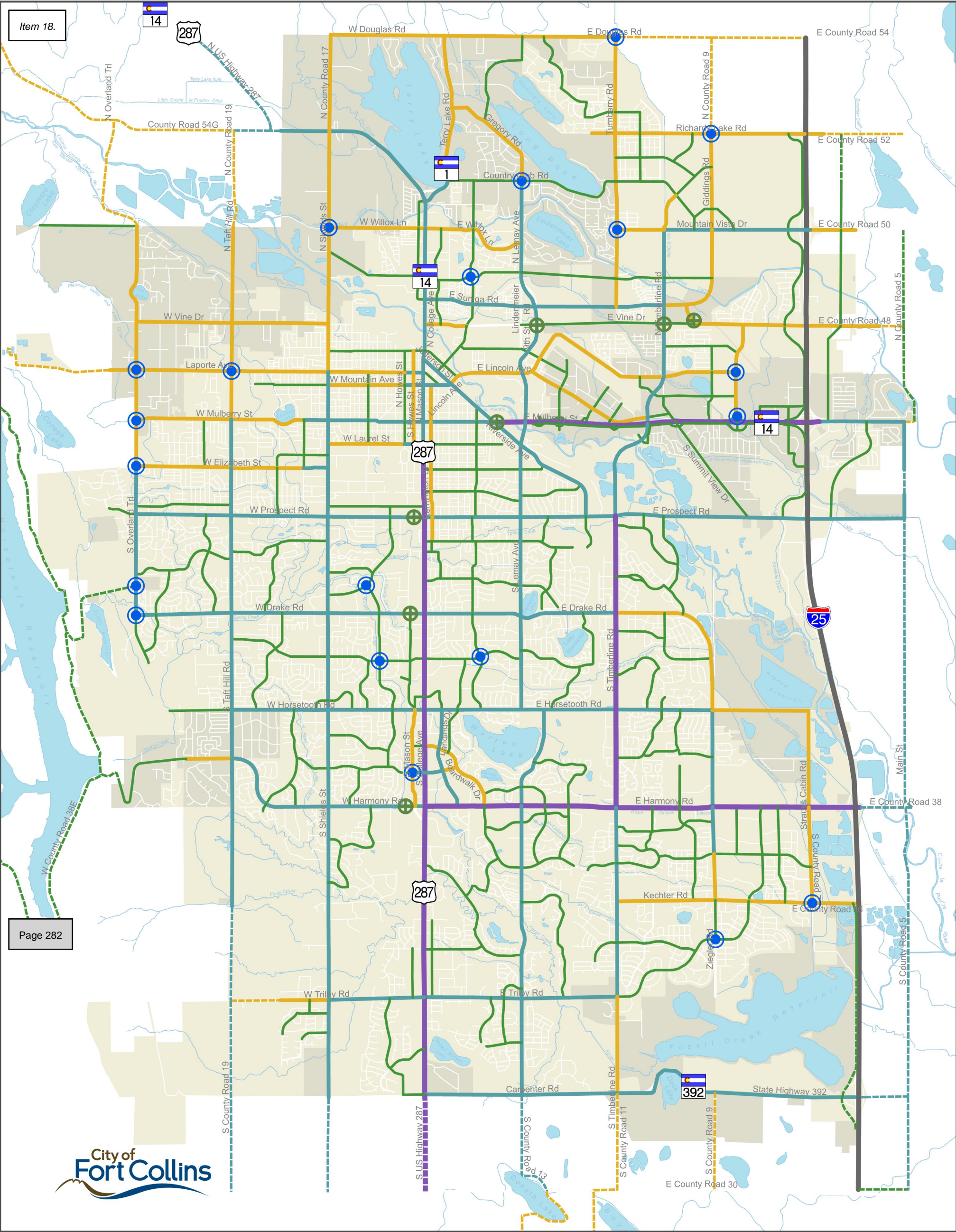
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Jeffrey R. Planck, P.E.
Project Traffic Engineer



City of Fort Collins Master Street Plan



Item 18.

Page 282



- | | | |
|---------------------------------|---|------------------------|
| Collector 2 Lanes | Arterial 2 Lanes - Outside GMA | Potential Roundabout |
| Arterial 2 Lanes | Arterial 4 Lanes - Outside GMA | City Limits |
| Arterial 4 Lanes | Major Arterial 6 Lanes - Outside GMA | Growth Management Area |
| Major Arterial 6 Lanes | Interstate | Larimer County |
| Collector 2 Lanes - Outside GMA | Potential Grade Separated Rail Crossing | |

CITY OF FORT COLLINS
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS

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Master Street Plan for City of Fort Collins COLORADO



**Potential Grade Separated Railroad Crossings shown are top priority locations identified in the 2016 Railroad Prioritization Study, and additional grade separations will be evaluated as needed based on future conditions and opportunities.*

**Potential Roundabout Locations shown are those identified as good candidates in terms of need and feasibility. Prior to implementation, each location will be evaluated on a case by case basis. Additional locations for roundabouts may be considered based on design, traffic needs, and the results of an evaluation.*

Printed: January 01, 2023

Adopted: April 7, 2020

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Larimer County Urban Area Street Standards Excerpts

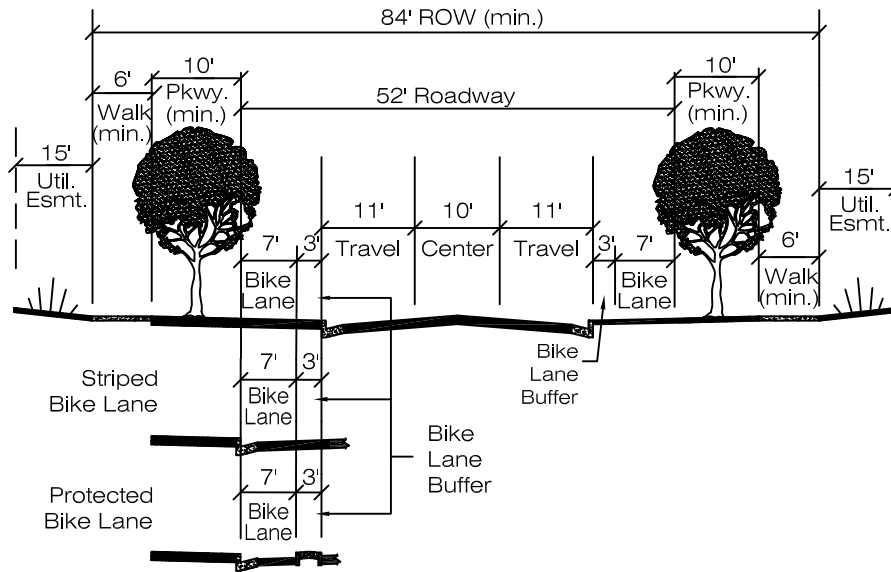
Table 7-1
Fort Collins (GMA and City Limits) Street Standards - General Parameters

Street Classification:	6-Lane Arterial	4-lane Arterial	Modified 4-lane Arterial *n	2-lane Arterial	Major Collector (without parking)	Minor Collector (with parking)	Commercial Local	Industrial Local	Connector Local	Residential Local	Alley *a	Rural Residential Local
Right-of-Way (ROW) Width	141'	115'	102'	84'	69'	81'	77'	71'	63'	57' *m	12'- 20'	46'
Roadway Width	107'	83'	74'	52'	42'	54'	50'	44'	36'	30'	12'-20'	28'
Median Width	19'&7' *b	19'&7' *b	Optional *c	None	Optional *c	Optional *c	Optional *c	Optional *c	Optional *c	None	None	Optional *c
No. of Travel Lanes	6	4	4	2	2	2	2	2	2	1	1	2
Travel Lane Width *p	11'-12'	11'-12'	11'	11'	11'-12' *d	11'	10'	11'12'	10'	16'	12'-20'	0
Designated Bike Lanes?	Y	Y	Y	Y	Y	Y	Y	N *e	N *e	N *e	N *e	N *e
Bike Lane - width (P)rotected, (B)uffered	7' P	6' B	6.5' *o B	7' B	7' B	5' w/parking 6' w/lt turn' B	7' or 8' *h B	0'	0' or 6' *f B	0' *i	0'	0'
Parking Lane Width	None	None	None	None	None	8' or None *j	7' or None *j	10'	8' or None *j	7'	None	Not Defined
Lane Striping Req'd (T)ravel, (B)ike, (P)arking	T,B	T,B	T,B	T,B	T,B	T,B,P	T,B/P or T,B	None	T,P or None	None	None	None
Min. Parkway Width	10'	10'	8'	10'	8'	8'	8'	8'	8'	8' *m	NA	9'
Min. Sidewalk width * k	7'	6'	6'	6'	5'	5'	5'	5'	5'	5'	None	None
Left Turn Lanes Req'd?	Y	Y	Y	Y	N or Y *d	N or Y *j	N or Y *j	N	N or Y *j	N	NA	N
Left Turn Lane Width	12'	12'	11'	11'	0' or 12'	0' or 12'	0' or 12'	0'	0' or 10'	0'	NA	0'
Speed Limit, mph	40 - 45	35 - 45	35 - 45	30-45	30 – 35	25 - 30	25	25	25	25	15	25
Fence minimum setbacks, feet from parkway edge of sidewalk	10'	8'	8'	8'	7'	7'	7'	6.5'	6.5'	6.5'	3' or 8' *l	9' *d
Driveway & Street Access	Limited	Limited	Limited	Limited	Limited	Limited	Limited	Limited	Unlimited	Unlimited	Unlimited	Unlimited
Curb & Gutter Vertical or Driveover	V	V	V	V	V	V	V	V	V	V or D	V or D	V or D
*a The maximum length of an Alley shall be 600 feet. *b Medians shall be 19' wide standard width or 7' wide where a 12' left turn lane is needed. *c Additional street width shall be required for development requested medians. *d To provide left turn lanes at intersections, 8' additional roadway width is required to provide an 12' wide left turn lane with 5' buffered bike lanes and 11' travel lanes. *e Bikes share travel lanes with motor vehicles. *f If bike lanes are required, additional street width will be required to provide 6' wide bike lanes. *g An 11' lane for shared parking and bikes is provided. *h A 7' wide bike lane is provided when parking is removed for a left turn lane. *i Additional street width up to 4' wider may be required in the travel lane to accommodate higher volumes of bike traffic within and leading to activity areas.							*j To provide left turn lanes at intersections, parking shall be removed. *k Additional sidewalk width may be required to accommodate anticipated higher pedestrian traffic volumes within or leading to activity areas. *l An 8' fence setback is required for a garage door setback of 8' from the alley ROW. With a garage door setback at 20' or greater, the minimum fence setback is 3' from the alley ROW. *m To use driveover curb and gutter the parkway width must be widened by 1 foot, thereby increasing street ROW width by 2 feet to provide 53 feet. *n The Modified 4-Lane Arterial is to be applied in constrained right-of-way situations and after review and approval of the City Engineer. *o 6-ft bike lane is acceptable if built using a continuously poured concrete gutter pan *p 11 foot lanes may be considered in constrained situations and upon review and approval by the City Traffic Engineer					

Table 7-2
Loveland (GMA and City Limits) Street Standards - General Parameters

Street Classification:		Major Arterial (4-6 Lanes)	Minor Arterial (2 Lanes)	Major Collector	Minor Collector	Local Com/Ind	Local Resid	Lane	Alley
Functional Parameters	No. of Dwelling Units Served	NA	NA	>300	101-300	NA	21-100	<50	—
	Average Daily Traffic At Build-out	16,001-48,000	7,001-16,000	3,001-7,000	1,001-3,000	201-1,000	201-1,000	Max. 200	Max. 200
	Access	See Table 7-4	See Table 7-4	1 forward access per lot (if access cannot be provided from a lower classification)	Max. 2 per Street Frontage	No limit	No limit	No limit	No limit
	Continuity (see definitions)	Unlimited	Unlimited	2 miles	2640' Max	660' Max	660' Max	660' Max	660' Max
Land Use Requirements	Min. right-of-way	120' or 140' ^{5,11}	100'	80'	60'	60'	58'	50'	16'-20'
	Min. Utility (Each Easement Side)	14'	14'	14'	14'	14'	14'	14'	10'
Geometric Parameters	Minimum Street Width (Flowline to flowline)	80'-116' ^{4,12}	40'-56' ⁴	48' (w/parking) 38' (no parking)	38' (w/parking) 36' (no parking)	38' (w/parking)	34' (w/parking)	34' (w/parking) 28' (restricted parking ⁷)	16'-20' (in 16'-20' ROW ⁸)
	Min. Lane Width⁹	12'	12'	12'	11'	—	—	—	—
	Turn Lanes	Required ³	Required ³	Not Req.	Not Req.	Not Req.	Not Req.	Not Req.	Not Req.
	Bicycles	5'-7' lane	5'-7' lane ²	5'-7' lane ²	5'-7' lane ²	Share Street	Share Street	Share Street	Share Surface
	Sidewalk Width¹	6' min.	6' min.	6' min.	6' min.	5' min.	5' min.	5' min.	NA
	Sidewalk Location	Detached by 10' min.	Detached by 10' min.	Detached by 6' min.	Detached by 6' min. ⁶	Detached by 6' min.	Detached by 6' min.	Detached by 5' min.	NA
	Curb Type	Vertical	Vertical	Vertical	Vertical, Drive over or Rollover	Vertical, Drive over or Rollover	Vertical, Drive over or Rollover	Vertical, Drive over or Rollover	
¹ Sidewalk may not be required in industrial zones with initial development ² 5' width exclusive of gutter ³ Left turn lanes always required, right turn lanes required if TIS indicates need. ⁴ Minimum widths must be increased to provide auxiliary turn lanes where needed ⁵ Required on Taft Ave., Wilson Ave., Eisenhower Blvd., Hwy 287, and 14th St. SW ⁶ Sidewalks may only be attached when adjacent to single family residential homes through a formal variance per LCUASS Section 1.9.4. ⁷ One side only				⁸ May be reduced to 16' when necessary due to existing obstructions (power poles, etc.) ⁹ Lane width is measured from lip of gutter to center of lane stripe. ¹⁰ Commercial / Industrial area ¹¹ This width includes turn lanes and minimum right-of-way at the intersection ¹² This width includes turn lanes and double lefts at the intersection					

FORT COLLINS ONLY



ROADWAY WIDTH: 52'

RIGHT OF WAY WIDTH: 84' (min.), plus 18' (min.) utility easement.

TRAVEL LANES: Three lanes, (2) 11' wide and a 10' center lane.

LEFT TURN LANES: 10' wide provided in center lane.

BIKE LANES: Two lanes, 7' wide lane, 3' wide painted buffer.

BIKE LANE OPTION: Striped bike lane and protected bike lane options will require City Engineer approval.

PARKING: None

PARKWAY: 10' (min.) width. Additional width optional.

SIDEWALK: 6' (min.) wide. Additional width may be required for higher pedestrian traffic in and leading to activity areas.

MEDIAN: Not required, except where necessary to control access and/or to provide pedestrian refuge or where developer requested medians are approved by the local entity. Additional roadway and right of way width may be required.

WHERE USED: These specifications shall apply as required by the Local Entity when a Collector street is shown on the Master Street Plan.

DESIGN SPEED: 50 MPH

SPEED LIMIT: 30 - 45 MPH

ACCESS: Access will be limited. Points of access must be approved by the Local Entity.

CONTINUITY: Unlimited

FENCES: Fences shall be setback a minimum of 2' from back of sidewalk on the property line, whichever is greater.

CURB AND GUTTER: Vertical.

2-LANE ARTERIAL STREET

LARIMER COUNTY
URBAN AREA
STREET STANDARDS

DESIGN
FIGURE

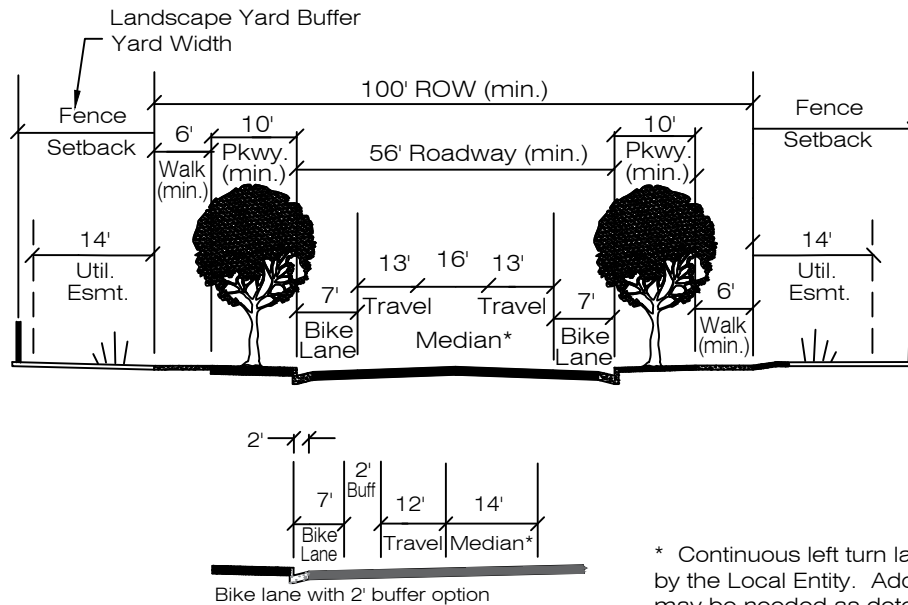
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DATE: 07/01/21

FIGURE

7-3F

LOVELAND ONLY



* Continuous left turn lane as determined by the Local Entity. Additional auxiliary lanes may be needed as determined by the Local Entity. Raised median may be required.

ROADWAY WIDTH: 56' (min.) (Widen where a right turn lane is required).

RIGHT OF WAY WIDTH: 100' (min.) plus 28' (min.) utility easement.

TRAVEL LANES: Two lanes, 13' wide. 12' wide with Buffered Bike Lane option.

LEFT TURN LANES: 12' wide, required at intersection.

BIKE LANES: Two lanes, 5' wide (exclusive of gutter).

BUFFERED BIKE LANE OPTIONS: Options will vary depending on the project and will require Engineer approval.

PARKING: None

PARKWAY: 10' (min.) width. Additional roadway and right of way width optional.

SIDEWALK: 6' (min.) wide if detached by at least 10'. Additional width may be required for higher pedestrian traffic in and leading to activity areas.

MEDIAN: 14' (min.) Painted median if required or 16' (min.) raised median if required.

WHERE USED: These specifications shall apply as required by the Local Entity when a Collector street is shown on the Master Street Plan or when the traffic volume on the street is anticipated to be 7,000 to 16,000 vpd. See **Table 7-2**.

DESIGN SPEED: 45 MPH

POSTED SPEED: 40 MPH

ACCESS: No primary access to individual lots. See **Table 7-2**.

CONTINUITY: Unlimited

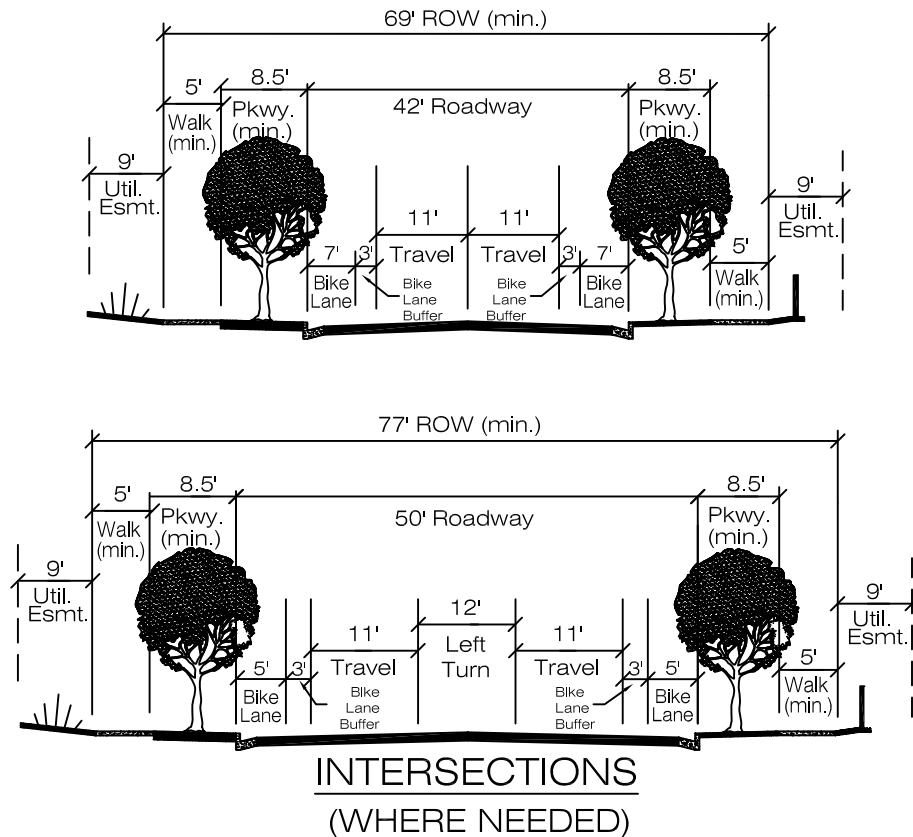
FENCES: Fences shall be placed outside of the landscaped buffer yard.

LANDSCAPING: Tree, Lawn, Median, and Buffer Area landscaping maintenance shall be the responsibility of the adjacent property owner, HOA or Metro Districts.

CURB AND GUTTER: Vertical.

2-LANE ARTERIAL STREET

FORT COLLINS ONLY



ROADWAY WIDTH: 42' (Widen to 50' where a left turn lane is required).

RIGHT OF WAY WIDTH: 69' (min.) (Widen to 77' where a left turn lane is required.) plus 18' (min.) utility easement.

TRAVEL LANES: Two lanes, 11' wide

LEFT TURN LANES: 12' wide at intersection where needed.

BIKE LANES: Two lanes, 7' wide lane, 3' wide painted buffer.

PARKING: None. Parking must be provided off street for any development adjoining the street.

PARKWAY: 8' (min.) width. Additional width optional.

SIDEWALK: 5' (min.) width. Additional width may be required for higher pedestrian traffic within and leading to activity areas.

MEDIAN: Not required, except where necessary to control access and/or to provide pedestrian refuge or when requested by the Developer and approved by the Local Entity. Additional roadway and right of way width may be required.

WHERE USED: These specifications shall apply as required by the Local Entity, when a Collector street is shown on the Master Street Plan.

DESIGN SPEED: 40 MPH

SPEED LIMIT: 30-35 MPH

ACCESS: Access will be limited. Points of access must be approved by the Local Entity.

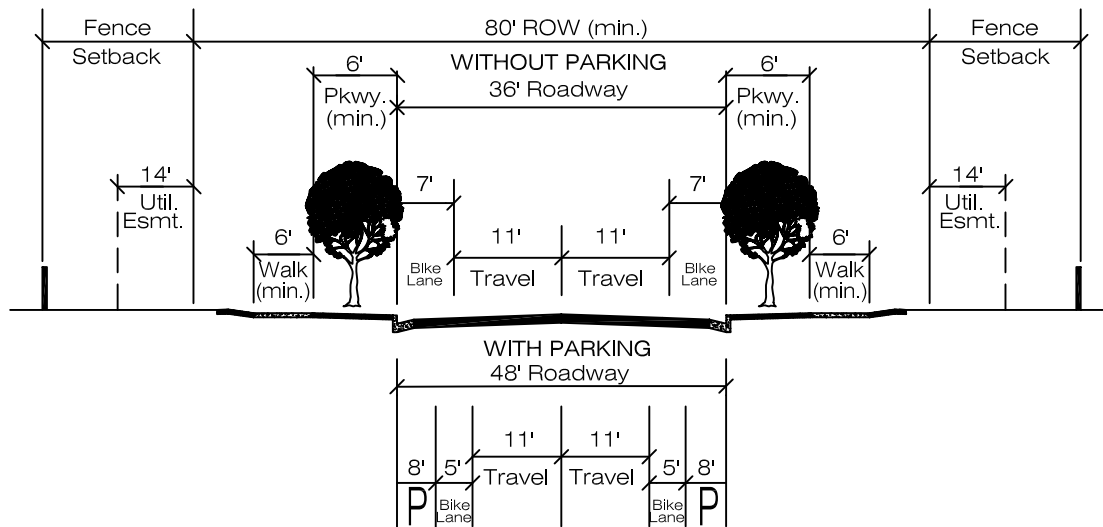
CONTINUITY: The street shall be continuous for no more than 1320 feet.

FENCES: Fences shall be setback a minimum of 2' from back of sidewalk or on the property line, whichever is greater.

CURB AND GUTTER: Vertical curb and gutter.

COLLECTOR – WITHOUT PARKING

LOVELAND ONLY



ROADWAY WIDTH: 48' with parking. 36' without parking. 50' without parking but with left turn lane.

RIGHT OF WAY WIDTH: 80' (min.) plus 14' (min.) utility easement each side.

TRAVEL LANES: Two lanes, 11' wide.

BIKE LANES: Two lanes, 5' wide when adjacent to a parking or turn lane, 7' wide when adjacent to the curb.

PARKING: Developer needs to demonstrate a need for parking if to be installed (No parking within 200' of intersections)

PARKWAY: 6' (min.) width.

SIDEWALK: 6' (min.) width, detached.

Additional width may be required for higher pedestrian traffic in and leading to activity areas.

MEDIAN: None. Additional width would be required for development requested medians.

WHERE USED: These specifications shall apply as required by the Local Entity, when a Collector street is shown on the Master Street Plan or when the traffic volume on the street is anticipated to be in the range of 3,001 to 7,000 vehicles per day.

DESIGN SPEED: 35 MPH - If intersections are greater or equal to 1/2 mile spacing the City can increase the Posted Speed.

ACCESS: 1 forward-direction access per lot (if access cannot be provided from a street of lower classification.

CONTINUITY: 2 miles

FENCES: Fences shall be placed outside of the landscaped buffer yard.

PARKWAY LANDSCAPING: Tree Lawn, Median, and Buffer Area landscaping shall be the responsibility of the adjacent property owner, HOA or Metro Districts.

CURB AND GUTTER: Vertical.

STRIPING: The centerline and separate bike and parking lanes shall be marked on the pavement in conformance with the requirements of Chapter 14 Traffic Control Devices and CONST. DWG. 1408L.

MAJOR COLLECTOR/COMMERCIAL COLLECTOR STREET

LARIMER COUNTY
URBAN AREA
STREET STANDARDS

DESIGN
FIGURE

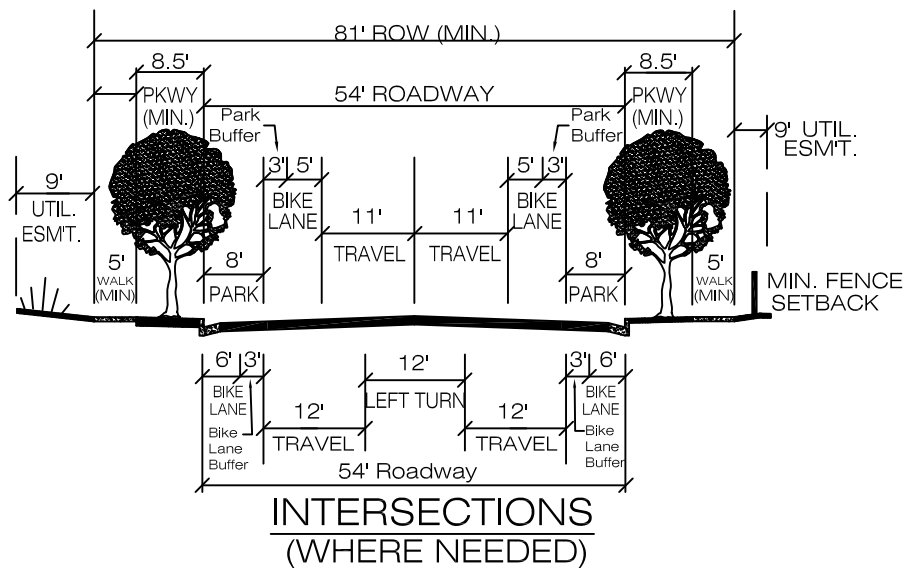
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FIGURE

7-4L

FORT COLLINS ONLY



ROADWAY WIDTH: 54'

RIGHT OF WAY WIDTH: 81' (min.) plus 18' (min.) utility easement.

TRAVEL LANES: Two lanes, 81' (min.) plus 18' (min.) utility easement.

LEFT TURN LANES: 12' wide at intersections where needed.

BIKE LANES: Two lanes, 5' or 6' wide lane, 3' wide painted buffer.

PARKING: Two lanes, 8' wide; parking may be removed at certain locations to provide a left turn lane at intersections where needed.

PARKWAY: 8' (min.) width. Additional width optional.

SIDEWALK: 5' (min.) width. Additional width may be required for higher pedestrian traffic within and leading to activity areas or as required by Area Plans.

MEDIAN: Not required, except where necessary to control access and/or to provide pedestrian refuge. additional roadway and ROW width may be required.

WHERE USED: These specifications shall apply as required by the Local Entity, when a Collector street is shown on the Master

DESIGN SPEED: 40 MPH

SPEED LIMIT: 25-30 MPH

ACCESS: Access will be limited. Points of access must be approved by the Local Entity.

CONTINUITY: The street shall be continuous for no more than 1320 feet.

FENCES: Fences shall be setback a minimum of 2' from back of sidewalk or on the property line, whichever is greater.

CURB AND GUTTER: Vertical curb and gutter.

COLLECTOR – WITH PARKING

LARIMER COUNTY
URBAN AREA
STREET STANDARDS

DESIGN
FIGURE

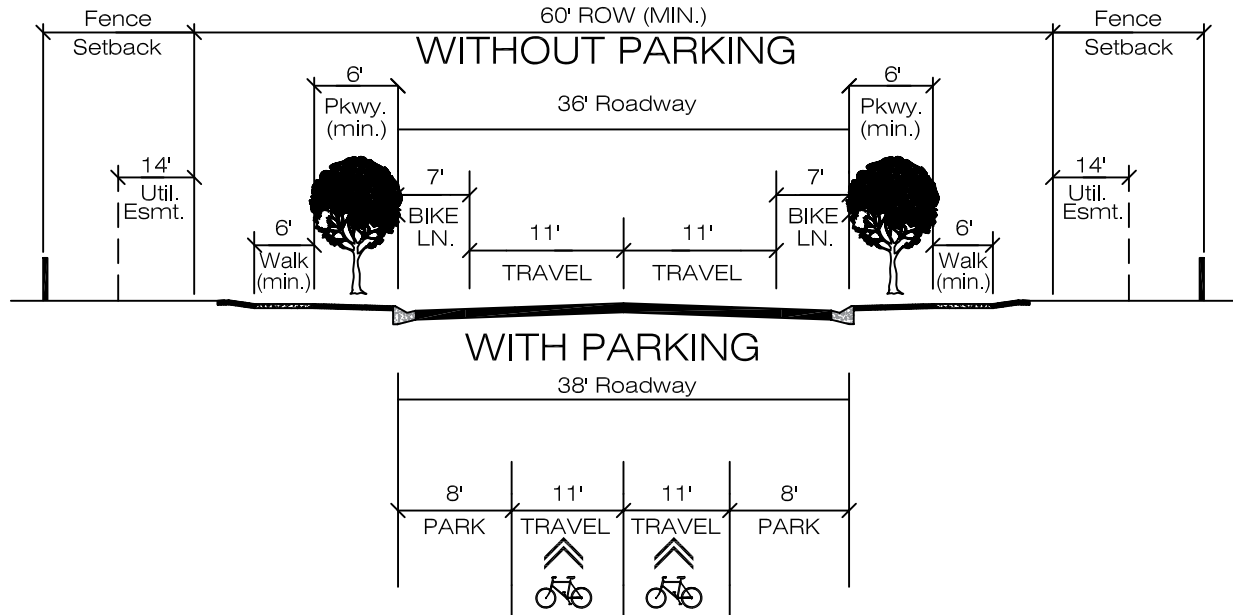
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DATE: 07/01/21

FIGURE

7-5F

LOVELAND ONLY



ROADWAY WIDTH: 38' with parking; 36' without parking.

RIGHT OF WAY WIDTH: 60' (min.) plus 28' (min.) utility easement.

TRAVEL LANES: Two lanes, 11' wide.

LEFT TURN LANES: 11' wide at intersections where needed.

BIKE LANES: Two lanes, 7' wide. If parking approved on street sharrows as per MUTCD standard shall be installed

PARKING: Developer needs to demonstrate a need for parking if to be installed (None provided at intersections)

PARKWAY: 6' (min.) width.

SIDEWALK: 6' (min.) width, detached.

MEDIAN: None. Additional roadway and right of way width would be required for development requested medians.

WHERE USED: These specifications shall apply as required by the Local Entity when a Collector street is shown on the Master Street Plan or when the traffic volume on the street is anticipated to be in the range of 1,000 to 3,000 vehicles per day.

DESIGN SPEED: 30 MPH

POSTED SPEED: 25 MPH

ACCESS: Maximum of two (2) per lot per street frontage.

CONTINUITY: The street shall be continuous for no more than 2640 feet.

FENCES: Fences shall be placed outside of the landscaped buffer yard.

LANDSCAPING: Tree, Lawn, Median, and Buffer Area landscaping shall be the responsibility of the adjacent property owner, HOA or Metro Districts.

CURB AND GUTTER: Vertical, drive-over, or rollover (see in table 7-2).

STRIPING: Center line only.

MINOR COLLECTOR STREET

LARIMER COUNTY
URBAN AREA
STREET STANDARDS

DESIGN
FIGURE

REVISION NO: 1

DATE: 07/01/21

FIGURE

7-5L

Montava Master Development Long-Term Horizon Traffic Study Excerpts



April 25, 2023

Mr. Max Moss
HF2M Colorado
430 North College Avenue
Suite 410
Fort Collins, Colorado 80524

Re: Montava Master Development
Long-Term Horizon Traffic Study Letter – Supplement to Master Traffic Study
Fort Collins, Colorado

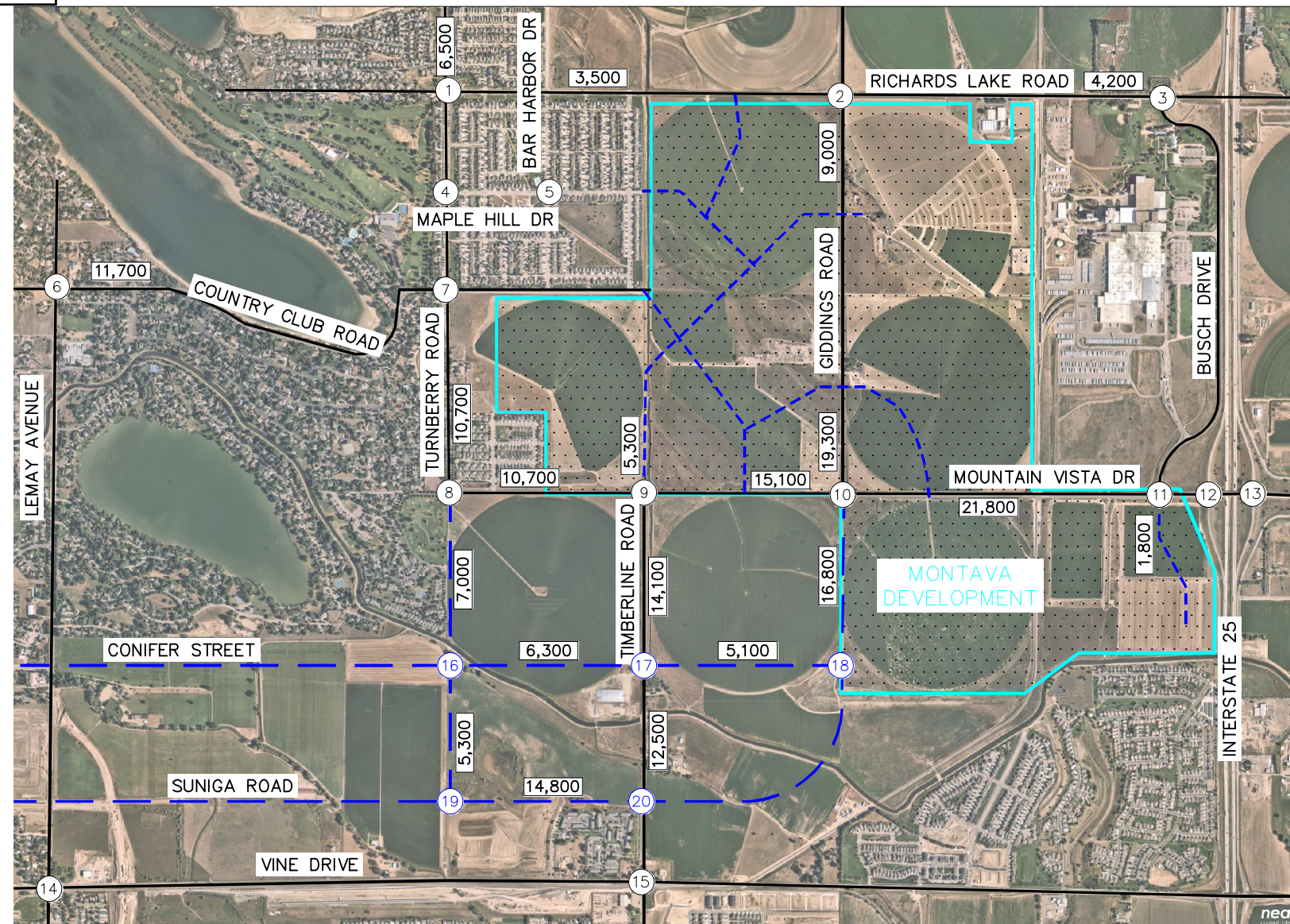
Dear Mr. Moss,

This letter is a supplement to the Montava Master Transportation Impact Study (2018 Master Study) completed in October 2018 for the overall Montava development area. The purpose of this supplemental Traffic Study Letter is to provide a traffic analysis for the 2045 horizon with full buildout of Montava to account for changes to the development program and roadway infrastructure plan. The overall Montava project is a master planned mixed use development to be located north of Vine drive, south of Richards Lake Road, east of Turnberry Road, and west of Interstate 25 (I-25). The Montava Master Development includes single-family detached homes, single-family attached homes, multifamily low-rise housing, retail uses, office uses, and industrial uses. A conceptual phasing development plan is attached. Montava is a new urbanism complete community with walkable and bikeable blocks and streets incorporating housing, employment, and shopping in close proximity, intended to meet the needs of all residents to remain on site through integrated land use planning. A vicinity map is attached as **Figure 1**. This traffic study letter provided additional volumes and recommendations to the surrounding existing and proposed intersections for the Montava Master Development for the long-term 2045 horizon.

Regional access to Montava Master Development will be provided by Interstate 25 (I-25) and US-287. Primary access will be provided by Richards Lake Road, Mountain Vista Drive, and Turnberry Road. Direct access will be provided by accesses along Mountain Vista Drive, Country Club Road, Maple Hill Drive, Richards Lake Road, and Giddings Road.

The following existing intersections were analyzed into this traffic study:

- Richards Lake Road and Turnberry Road (Intersection #1)
- Richards Lake Road and Giddings Road (#2)
- Richards Lake Road and Busch Drive (#3)
- Maple Hill Drive and Turnberry Road (#4)
- Maple Hill Drive and Bar Harbor Drive (#5)
- Country Club Road and Lemay Avenue (#6)
- Country Club Road and Turnberry Road (#7)
- Mountain Vista Drive and Turnberry Road (#8)
- Mountain Vista Drive and Timberline Road (#9)
- Mountain Vista Drive and Giddings Road (#10)



16	17	18	19	20
<div> <div>132(58)</div> <div>294(263)</div> <div>20(50)</div> <div>30(25)</div> <div>243(239)</div> <div>35(20)</div> </div> <div> <div>43(132)</div> <div>150(254)</div> <div>50(30)</div> <div>10(20)</div> <div>55(177)</div> <div>15(40)</div> </div>	<div> <div>33(132)</div> <div>496(479)</div> <div>15(5)</div> <div>5(10)</div> <div>175(168)</div> <div>51(42)</div> </div> <div> <div>21(82)</div> <div>141(260)</div> <div>5(5)</div> <div>10(5)</div> <div>391(613)</div> <div>68(61)</div> </div>	<div> <div>160(157)</div> <div>589(547)</div> <div>163(265)</div> <div>30(25)</div> <div>28(10)</div> <div>387(745)</div> </div> <div> <div>28(10)</div> <div>387(745)</div> </div>	<div> <div>354(198)</div> <div>20(100)</div> <div>10(65)</div> <div>638(644)</div> <div>65(117)</div> <div>394(634)</div> </div> <div> <div>65(117)</div> <div>394(634)</div> </div>	<div> <div>166(191)</div> <div>435(379)</div> <div>20(20)</div> <div>20(20)</div> <div>416(393)</div> <div>187(183)</div> </div> <div> <div>127(177)</div> <div>257(517)</div> <div>45(115)</div> <div>80(125)</div> <div>331(544)</div> <div>130(226)</div> </div>
CONIFER ST & TURNBERRY RD	CONIFER ST & TIMBERLINE RD	CONIFER ST & GIDDINGS RD	SUNIGA RD & TURNBERRY RD	SUNIGA RD & TIMBERLINE RD

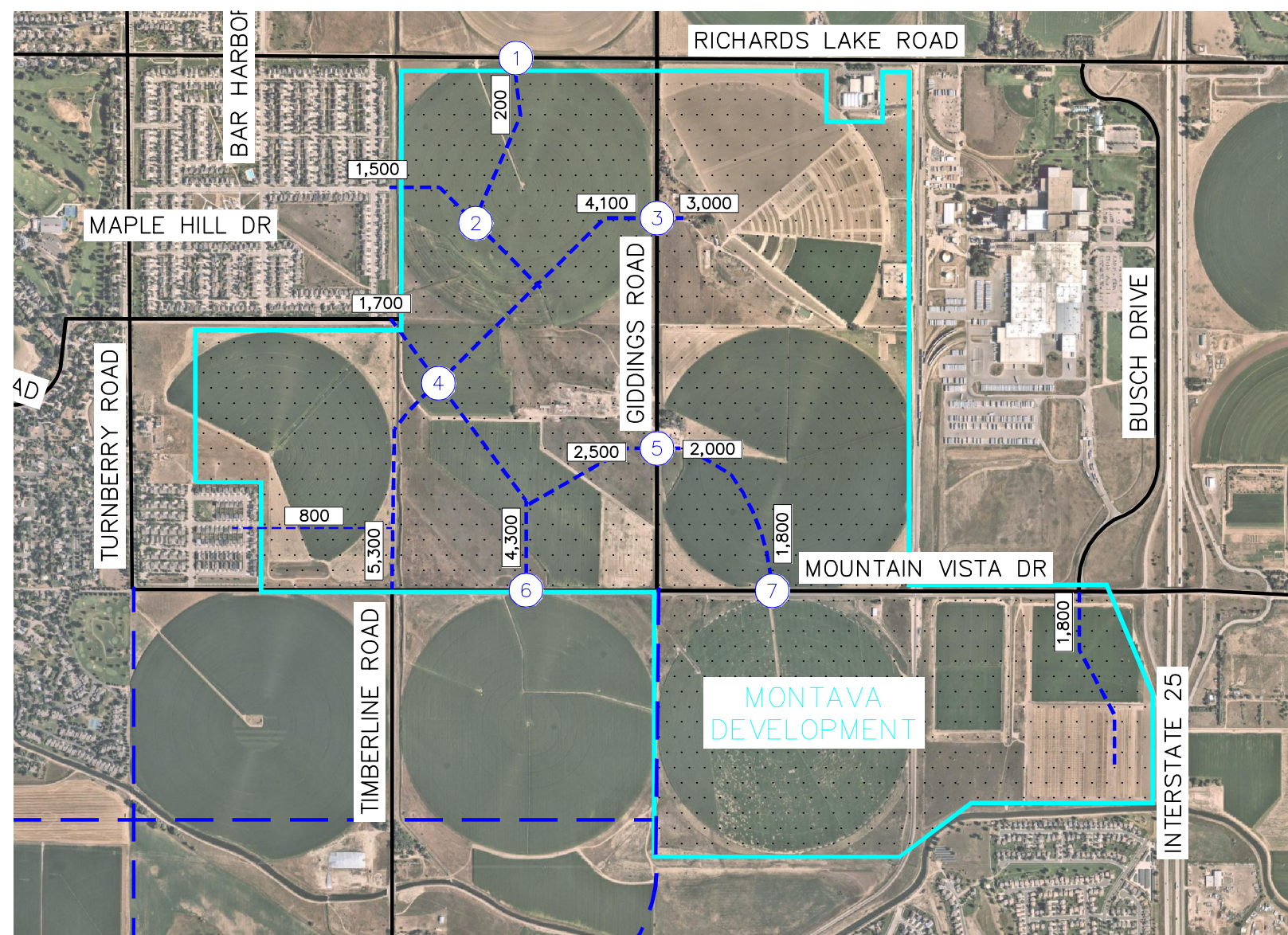
1	2	3	4
<div> <div>2(2)</div> <div>345(250)</div> <div>29(27)</div> <div>23(53)</div> <div>9(15)</div> <div>126(82)</div> </div> <div> <div>6(3)</div> <div>9(3)</div> <div>59(41)</div> <div>11(41)</div> <div>173(311)</div> <div>71(131)</div> </div>	<div> <div>40(33)</div> <div>394(258)</div> <div>15(16)</div> <div>13(21)</div> <div>54(109)</div> <div>129(88)</div> </div> <div> <div>42(63)</div> <div>86(62)</div> <div>213(79)</div> <div>41(95)</div> <div>188(325)</div> <div>28(64)</div> </div>	<div> <div>2(0)</div> <div>2(0)</div> <div>2(0)</div> <div>165(177)</div> <div>132(161)</div> </div> <div> <div>118(164)</div> <div>19(38)</div> <div>21(38)</div> <div>19(41)</div> </div>	<div> <div>496(357)</div> <div>3(12)</div> <div>4(2)</div> <div>146(107)</div> <div>264(512)</div> <div>98(211)</div> </div> <div> <div>264(512)</div> <div>98(211)</div> </div>
RICHARDS LAKE & TURNBERRY RD	RICHARDS LAKE & GIDDINGS RD	RICHARDS LAKE & BUSCH DR	MAPLE HILL DR & TURNBERRY RD
5	6	7	8
<div> <div>15(11)</div> <div>4(8)</div> <div>2(1)</div> <div>2(0)</div> <div>127(68)</div> <div>1(1)</div> </div> <div> <div>6(17)</div> <div>36(123)</div> <div>2(2)</div> <div>4(2)</div> <div>2(1)</div> <div>2(9)</div> </div>	<div> <div>4(6)</div> <div>117(51)</div> <div>33(38)</div> <div>25(34)</div> <div>313(266)</div> <div>183(151)</div> </div> <div> <div>4(11)</div> <div>266(416)</div> <div>80(53)</div> <div>36(49)</div> <div>41(102)</div> <div>99(185)</div> </div>	<div> <div>406(212)</div> <div>366(188)</div> <div>9(16)</div> <div>10(9)</div> <div>91(58)</div> <div>39(30)</div> </div> <div> <div>81(321)</div> <div>69(150)</div> <div>218(252)</div> <div>242(275)</div> <div>124(302)</div> <div>22(43)</div> </div>	<div> <div>2(17)</div> <div>334(171)</div> <div>370(263)</div> <div>247(485)</div> <div>15(19)</div> <div>127(178)</div> </div> <div> <div>14(6)</div> <div>29(17)</div> <div>10(10)</div> <div>10(50)</div> <div>63(141)</div> <div>45(137)</div> </div>
MAPLE HILL DR & BAR HARBOR	COUNTRY CLUB & LEMAY AVE	COUNTRY CLUB & TURNBERRY	MOUNTAIN VISTA & TURNBERRY RD
9	10	11	12
<div> <div>17(12)</div> <div>181(129)</div> <div>84(59)</div> <div>16(46)</div> <div>243(464)</div> <div>345(310)</div> </div> <div> <div>10(32)</div> <div>398(330)</div> <div>38(28)</div> <div>128(200)</div> <div>97(253)</div> <div>245(372)</div> </div>	<div> <div>72(76)</div> <div>485(398)</div> <div>482(239)</div> <div>261(384)</div> <div>365(652)</div> <div>228(291)</div> </div> <div> <div>65(182)</div> <div>600(492)</div> <div>25(17)</div> <div>80(94)</div> <div>290(653)</div> <div>181(226)</div> </div>	<div> <div>23(96)</div> <div>4(1)</div> <div>173(145)</div> <div>70(93)</div> <div>753(1198)</div> <div>57(23)</div> </div> <div> <div>19(21)</div> <div>1127(789)</div> <div>102(40)</div> <div>18(74)</div> <div>1(3)</div> <div>10(41)</div> </div>	<div> <div>193(225)</div> <div>2(2)</div> <div>26(25)</div> <div>650(1079)</div> <div>307(178)</div> </div> <div> <div>319(309)</div> <div>1003(664)</div> </div>
MOUNTAIN VISTA & TIMBERLINE RD	MOUNTAIN VISTA & GIDDINGS RD	MOUNTAIN VISTA & BUSCH DR	MOUNTAIN VISTA & I-25 SB RAMP
13	14	15	
<div> <div>41(43)</div> <div>429(358)</div> </div> <div> <div>167(134)</div> <div>155(187)</div> <div>504(893)</div> <div>2(2)</div> <div>156(365)</div> </div>	<div> <div>33(45)</div> <div>900(647)</div> <div>73(111)</div> <div>145(124)</div> <div>256(189)</div> <div>179(88)</div> </div> <div> <div>18(21)</div> <div>126(266)</div> <div>97(103)</div> <div>50(107)</div> <div>427(717)</div> <div>42(158)</div> </div>	<div> <div>75(106)</div> <div>586(629)</div> <div>20(25)</div> <div>30(22)</div> <div>260(159)</div> <div>153(102)</div> </div> <div> <div>28(51)</div> <div>87(223)</div> <div>150(251)</div> <div>245(278)</div> <div>467(894)</div> <div>86(243)</div> </div>	
MOUNTAIN VISTA & I-25 NB RAMP	VINE DR & LEMAY AVE	VINE DR & TIMBERLINE RD	

LEGEND

- Existing External Key Intersection
 Proposed External Key Intersection
 XXX(XXX) Weekday AM(PM)
 Peak Hour Traffic Volumes
 Estimated Daily Traffic Volume

FIGURE 7
MONTAVA DEVELOPMENT
FORT COLLINS, COLORADO
EXTERNAL 2045 TOTAL TRAFFIC VOLUMES





1	<div> <div>0(2)</div> <div>0(250)</div> <div>0(27)</div> <div>0(53)</div> <div>157(15)</div> <div>6(82)</div> </div>
	<div> <div>0(3)</div> <div>331(3)</div> <div>1(41)</div> <div>2(41)</div> <div>0(31)</div> <div>12(131)</div> </div>

RICHARDS LAKE RD ACCESS

2	<div> <div>41(33)</div> <div>0(258)</div> <div>146(16)</div> <div>60(21)</div> <div>37(109)</div> <div>0(88)</div> </div>
	<div> <div>20(63)</div> <div>22(62)</div> <div>0(79)</div> <div>0(95)</div> <div>0(325)</div> <div>0(54)</div> </div>

MAPLE HILL & RICHARDS ACCESS

4	<div> <div>12(0)</div> <div>125(357)</div> <div>6(12)</div> <div>12(2)</div> <div>56(0)</div> <div>49(107)</div> </div>
	<div> <div>3(0)</div> <div>29(0)</div> <div>6(0)</div> <div>13(0)</div> <div>33(512)</div> <div>21(211)</div> </div>

COUNTRY CLUB & TIMBERLINE RD

6	<div> <div>91(6)</div> <div>0(51)</div> <div>98(38)</div> <div>130(34)</div> <div>481(266)</div> <div>0(151)</div> </div>
	<div> <div>71(11)</div> <div>605(416)</div> <div>0(53)</div> <div>0(49)</div> <div>0(102)</div> <div>0(185)</div> </div>

MOUNTAIN VISTA DR WEST ACCESS

3	<div> <div>5(0)</div> <div>322(0)</div> <div>3(0)</div> <div>9(0)</div> <div>20(177)</div> <div>139(161)</div> </div>
	<div> <div>13(0)</div> <div>9(164)</div> <div>256(38)</div> <div>91(38)</div> <div>238(0)</div> <div>62(41)</div> </div>

TIMBERLINE RD & GIDDINGS RD

5	<div> <div>16(11)</div> <div>668(8)</div> <div>2(1)</div> <div>6(0)</div> <div>10(68)</div> <div>148(1)</div> </div>
	<div> <div>16(17)</div> <div>10(123)</div> <div>183(2)</div> <div>54(2)</div> <div>352(11)</div> <div>51(9)</div> </div>

GIDDINGS RD SOUTH ACCESS

7	<div> <div>76(212)</div> <div>0(188)</div> <div>63(16)</div> <div>22(9)</div> <div>975(58)</div> <div>0(30)</div> </div>
	<div> <div>26(321)</div> <div>1029(150)</div> <div>0(252)</div> <div>0(275)</div> <div>0(302)</div> <div>0(43)</div> </div>

MOUNTAIN VISTA DR EAST ACCESS

LEGEND

- (X) Key Internal Intersection
- xxx(xxx) Weekday AM(PM)
Peak Hour Traffic Volumes
- xx,x00 Estimated Daily Traffic Volume

FIGURE 8
MONTAVA DEVELOPMENT
FORT COLLINS, COLORADO
INTERNAL 2045 TOTAL TRAFFIC VOLUMES

City Council: Master Street Plan Amendments 2023

Seth Lorson

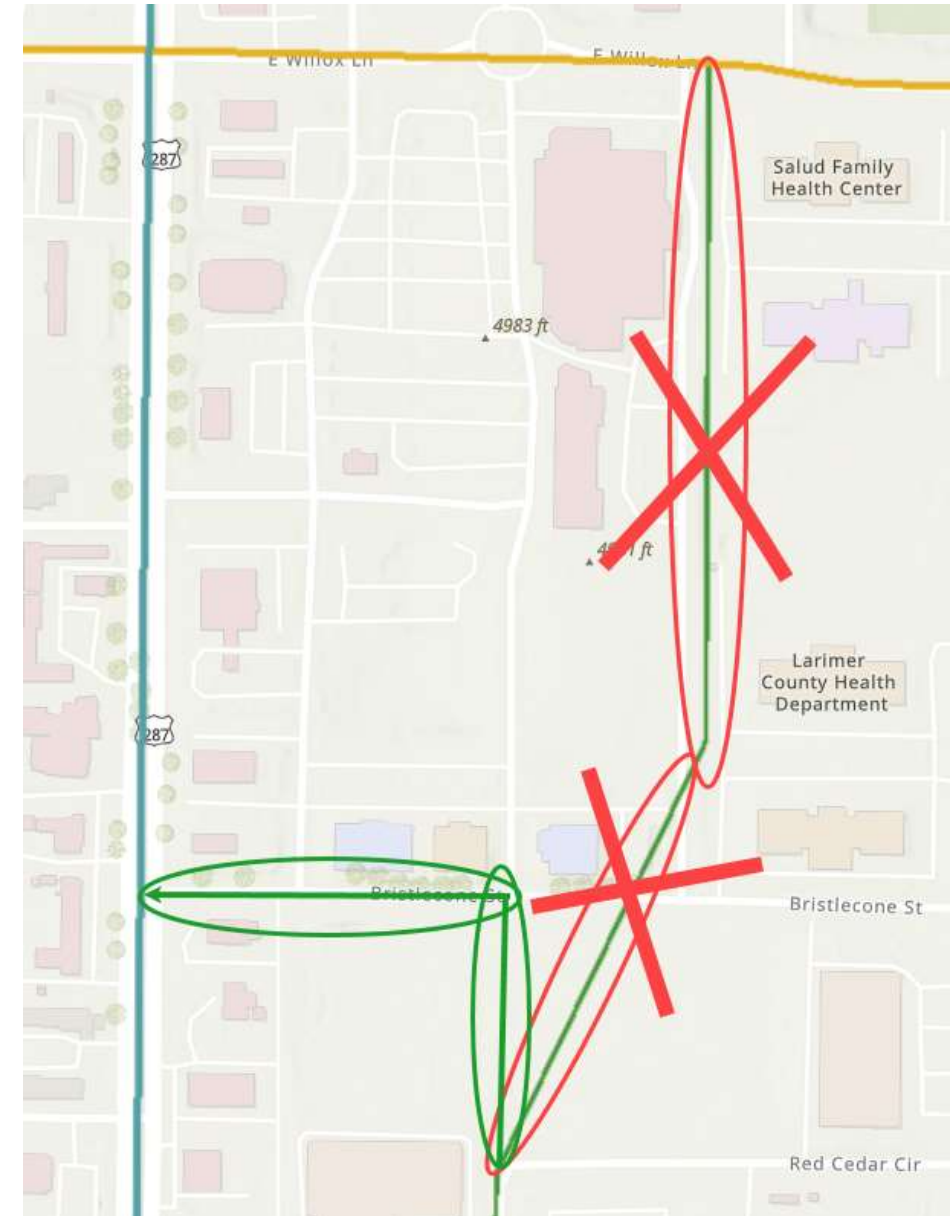
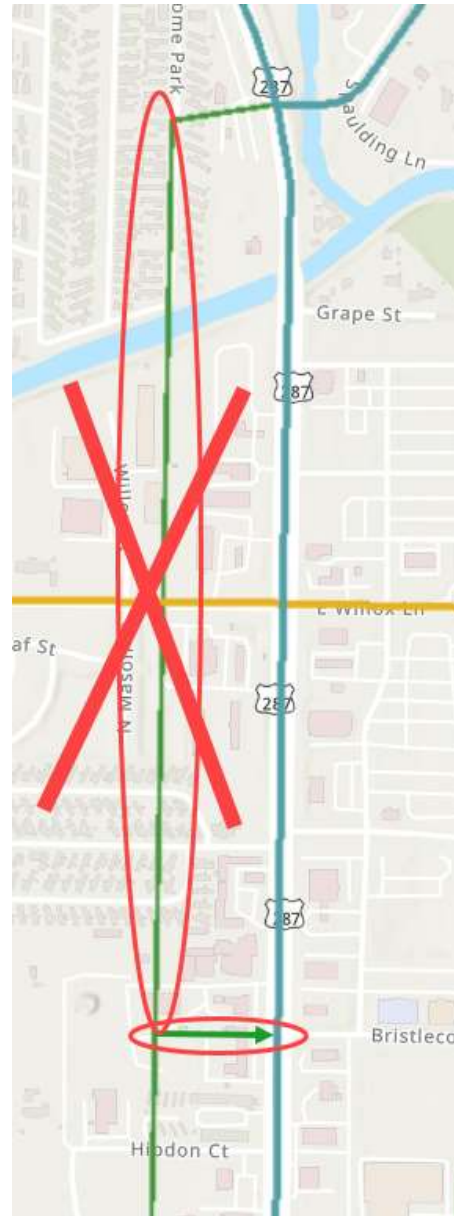
Senior Transportation Planner



- Defines the major street network
 - Street alignment and classification
 - Supports greater transportation and land use goals of the city

- Implementation
 - Capital projects
 - Private development

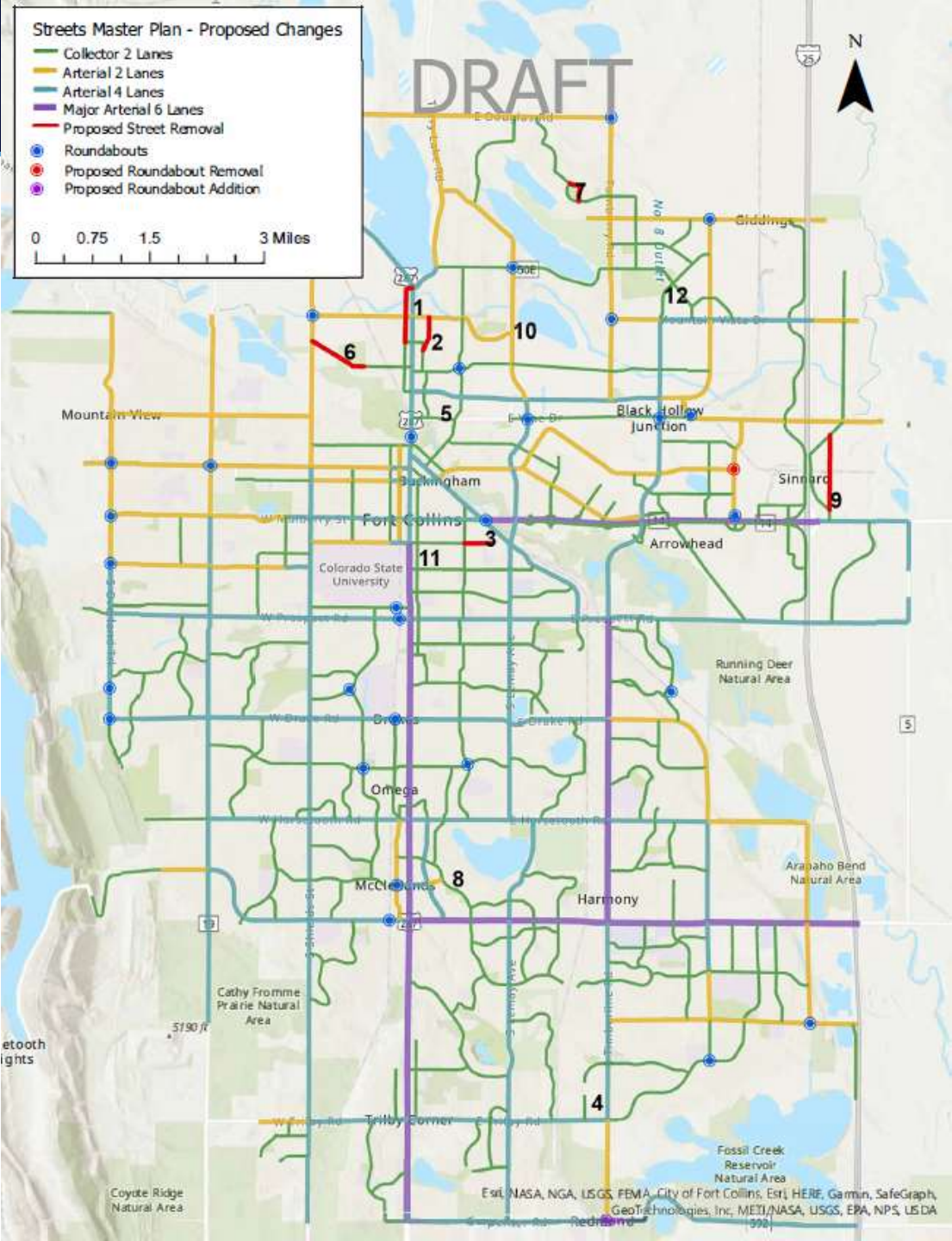
- **North Mason:** remove north of Bristlecone so it no longer is shown passing through two mobile home parks.
- **Red Cedar:** remove north of Bristlecone as it is unnecessary and has not been constructed with new development.



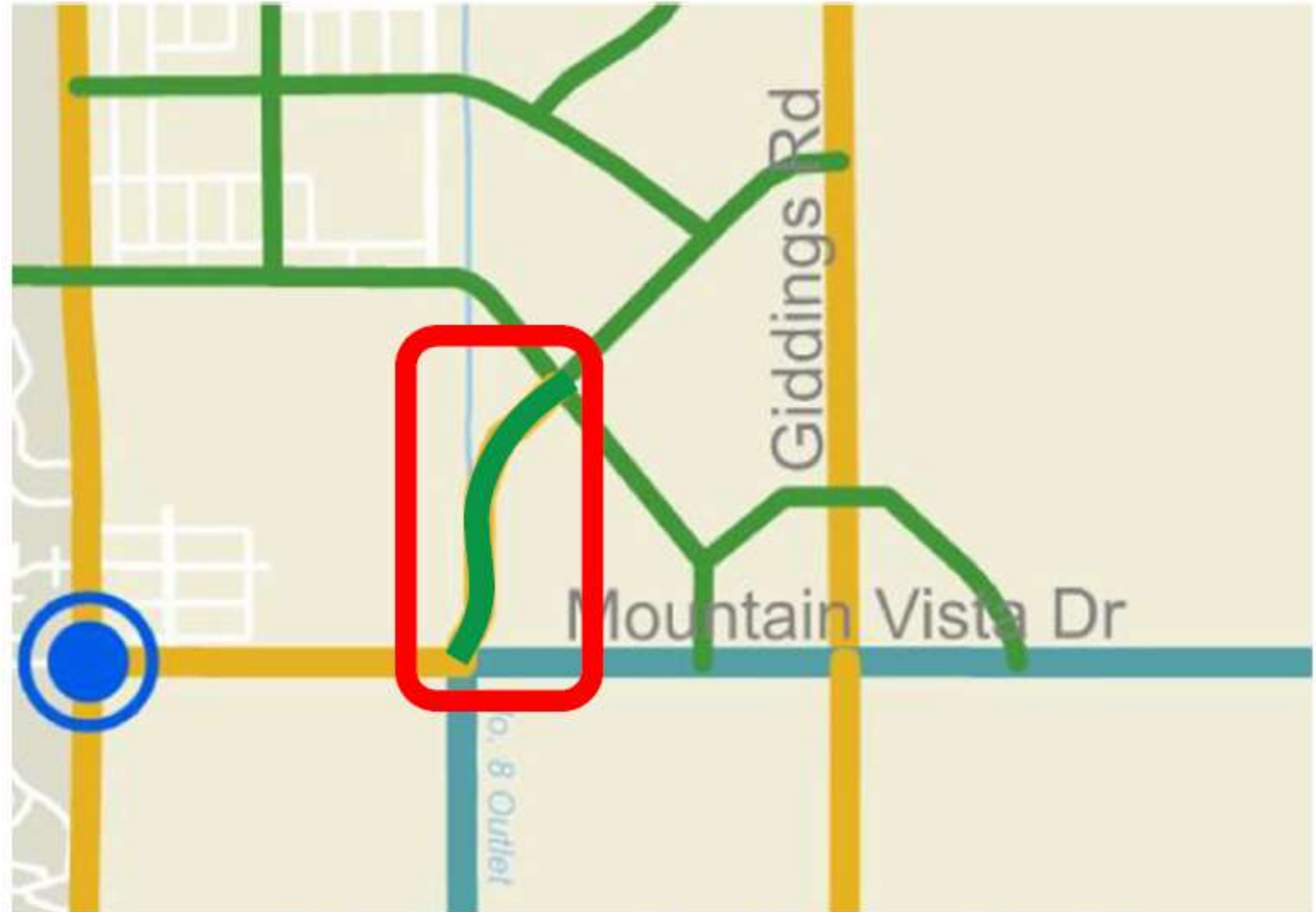
Item 18.

Plan-up Amendments

Street Name	Current Classification	Proposed Classification
East Laurel Street	Collector	Remove east of Stover
Red Willow Drive	Collector	Add south of Linden Park
East Vine Drive	2-Lane Arterial	Collector
Hickory Street	Collector	Remove west of Soft Gold Park
Brightwater Drive	Collector	Remove from Parkside Drive
I-25 Frontage	Collector	Realign with bridge
North Lemay Avenue	4-Lane Arterial	2-Lane Arterial
Remington Street	2-Lane Arterial	Collector
Timberline & Carpenter	No Roundabout	Add Roundabout



- **Timberline Road:** reclassify from 2-Lane Arterial to Collector. Street intended to serve internal traffic to Montava development.



Proposed Master Street Plan for City of Fort Collins

Staff requests City Council approve the proposed Master Street Plan amendments.



November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Scott Phelps, Parks Senior Manager
Mike Calhoon, Director of Parks
Sara Arfmann, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 159, 2023, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional and the Food and Beverage Concessionaire at City Park Nine Golf Course.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract greater than five years in length for the Golf Professional/Concessionaire at City Park Nine Golf Course. This contract was originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contract for the Golf Professional/Concessionaire includes a provision for the City to extend the contract for up to an additional five years, subject to Council approval. Extending the contract for the Golf Professional/Concessionaire at City Park Nine Golf Course is in the City's best interest.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Golf Professional/Concessionaire is responsible for managing and scheduling the operations at the golf course including the golf shop, driving range, tee sheet, cleaning of workspaces, staffing, accounting, lessons and sales. They maintain proper licensing for sales of food and alcohol in the banquet space and on the golf course grounds. The Golf Professional/Concessionaire provides food and catering for daily golfers, events and for the non-golfing community. They hire their own personnel to staff the golf shops, teach lessons, maintain pace of play, host golf events and act as ambassadors for the City's Golf Division throughout the state. A brief background for the Golf Professional/Concessionaire follows:

1. The Golf Professional/Concessionaire at City Park Nine is Matt Magley. The City's contract with The Pin Seeker Company and Matt Magley's services had an effective date of January 1, 2019, and expires on December 31, 2023. The contract for the Golf Professional/Concessionaire was awarded to The Pin Seeker Company under a competitive sealed proposal. To attract the best qualified individuals, the original competitive sealed proposal and contract contemplated the right for the City to extend the contract for an additional five years after the expiration of the initial five-year term. Matt Magley's performance has been excellent with high satisfaction received from participant surveys.

CITY FINANCIAL IMPACTS

There will not be any changes in the level of service and the financial impact to the Golf Enterprise Fund will remain largely unchanged.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Golf Advisory Board noted that Council would need to approve Matt Magley's contract renewal and voted (4:0) during their October 11, 2023, meeting to recommend approval of the contract renewal for Matt Magley, as the Golf Professional for City Park Nine Golf Course.

PUBLIC OUTREACH

Participant surveys indicate high satisfaction with the services provided.

ATTACHMENTS

1. Ordinance for Consideration
2. Golf Advisory Board Meeting Minutes, October 11, 2023

ORDINANCE NO. 159, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A CONTRACT FOR
SERVICES, PROFESSIONAL SERVICES, AND/OR CONSTRUCTION IN EXCESS OF
FIVE YEARS FOR THE GOLF PROFESSIONAL AND THE FOOD AND BEVERAGE
CONCESSIONAIRE AT CITY PARK NINE GOLF COURSE

WHEREAS, the Purchasing Agent has determined that Matt Magley, the current contractor providing golf professional services and food and beverage concessionaire services at City Park Nine Golf Course, has performed these services well and to the satisfaction of the City and the general public under the existing Golf Professional/Concessionaire Services Agreement (the “Agreement”); and

WHEREAS, the Purchasing Agent has further determined that to continue with the delivery of high-quality golf professional and concessionaire services to the public at City Park Nine Golf Course, the extension of the Agreement for an additional five years, without a new competitive process for such services, is advisable and would maintain continuity, and provide golf professional and concessionaire stability in the delivery of those services; and

WHEREAS, Section 8-186(a) of the City Code requires that any contract for services with a potential total term over five years in length be authorized by the City Council by ordinance; and

WHEREAS, the City originally awarded the contract for the City Park Nine Golf Course golf professional and concessionaire services to Matt Magley under a competitive sealed proposal, and Mr. Magley entered into a five-year contract effective January 1, 2019; and

WHEREAS, at its regular meeting on October 11, 2023, the Golf Advisory Board voted unanimously to recommend City Council approval of the contract renewal for Matt Magley, as the Golf Professional for City Park Nine Golf Course; and

WHEREAS, the present Agreement with Mr. Magley is for a five-year term, but contemplates a possible five-year extension of the Agreement subject to the golf professional/concessionaire’s satisfactory performance, negotiation of an extension, and City Council approval by ordinance.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the extension of the Agreement between the City and Matt Magley for Golf Professional and Concessionaire Services at City Park Nine Golf Course for five years beginning January 1, 2024, pursuant to Section 8-186(a) of the City Code.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Golf Board

TYPE OF MEETING – (REGULAR)

Scott also mentioned that our Junior Golf Pass will be increasing, and our max scholarship amount is typically the pass amount. The Board agreed that we likely won't be able to provide scholarships at that max amount next year. Ross suggested increasing the primary sponsorship amount to \$10,000. Scott will let the Board know when the next meeting with Nina has been scheduled.

- **2024 Golf Fees & Charges**

The Board reviewed the increases for 2024. He reminded the Board that these rates were reviewed by the Board earlier this year and have been submitted to the City Manager. However, we are suggesting a couple of additional updates. Scott mentioned that we are suggesting an increase for the Tournament Service fee. Currently this fee is \$12, and we are suggesting an increase to \$14. He mentioned that Victoria has also suggested that we implement a Super Prime Time rate, for our Dynamic Pricing. He mentioned that we can decrease our rates without approval, but we need approval to increase rates. He explained that when we are offering Dynamic pricing, our fees can increase or decrease up to 15%, in response to demand. Scott stated that we do need to work through an issue with the check-in process but overall, the beta test that we did at Southridge seemed to work well. On a motion by Ross, seconded by Patrick, the Board voted (3:1 - Jon Schmunk) to approve the proposed 2024 Golf Fees and Charges, including the increase for the Tournament Service fee and the Super Prime Time rate, for Dynamic pricing.

- **Policy & Procedure Updates**

The Board reviewed the proposed updates. Scott mentioned that we have had some issues with golfer conduct, so he would also like to implement rules similar to Recreation's. He reviewed their Facility Rules and Regulations with the Board. On a motion by Jon, seconded by Ross, the Board voted (4:0) to approve the current proposed policy updates, as well as the implementation of additional rules to address golfer conduct.

- **Contract Renewal – Matt Magley**

Scott reviewed the contract renewal process. He mentioned that Council needs to approve Matt's contract renewal. Scott stated that there won't be any major updates to Matt's contract. On a motion by Patrick, seconded by Ross, the Board voted (4:0) to approve the contract renewal for Matt Magley, as the Golf Professional at City Park Nine Golf Course.

- **Draft 2023 Annual Report**

The Board was provided with a copy prior to the meeting to review. Scott asked that the Board reach out to him individually regarding any additional updates they might have. Since the Board will be absorbing into the Parks & Recreation Board, the Golf Board

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Tim Dinger, Civil Engineer II
Ryan Malarky, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.

EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would vacate a 0.808 acre drainage easement (the "Easement") that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the "Subdivision") for the benefit of the City because the Easement is no longer required by the City's Stormwater Utilities Department.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The lands comprising the Subdivision were originally owned by Old Town North, LLC, which subsequently dedicated a drainage easement to the City on Tract F of the Plat of Old Town North dated June 11, 2004. Tract F was subsequently conveyed to Rocky Mountain High, LLC (the "Owner"), who subdivided Tract F into Lot M1 and Tract A in that certain Plat of the Old Town North Fifth Filing dated January 17, 2023 (the "Plat"). The original drainage easement was reduced on the Plat to its current size of 0.808 acre (35,198 sf), which covers all of Tract A. Tract A is located at the southwest corner of East Suniga Road and Blondel Street.

The Owner still owns Tract A and has asked the City to vacate the Easement because recent stormwater improvements in the area constructed by the City have eliminated the need for the Easement. Specifically, the City's construction of the storm sewer for the Northeast College Corridor Outfall Project ("NECCO") has removed offsite flows on Tract A. Tract A is also no longer located within the Dry Creek 100-year flood way. The NECCO system now provides outfall, quantity detention, and standard water quality for the Subdivision. Any future development on Tract A will require payment of NECCO fees and would need to meet Low Impact Development stormwater management criteria. If the City vacates the Easement the Owner will be able to redevelop Tract A without the burden of the Easement.

Easements of this kind may be vacated by the Planning and Zoning Board or the Director of Community Development and Neighborhood Services when the property is in the development review process. Because neither Tract A nor the Subdivision are currently in the development review process, the vacation of the Easement requires Council approval.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Stormwater Utilities Department has approved the vacation of the Easement.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Vicinity Map

ORDINANCE NO. 160, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE VACATION OF A DRAINAGE EASEMENT LOCATED
ON TRACT A OF THE OLD TOWN NORTH, FIFTH FILING SUBDIVISION

WHEREAS, Rocky Mountain High, LLC, subdivided land owned by it through the Plat of the Old Town North Fifth Filing, recorded with the Larimer County Clerk and Recorder on May 6, 2020, at Reception No. 20200031386; and

WHEREAS, the subdivision created Tract A, located at the southwest corner of the intersection of East Suniga Road and Blondel Street; and

WHEREAS, the subdivision included a drainage easement dedicated to the City for the purpose of capturing offsite stormwater flow (the “Easement”) that covers the entirety of Tract A; and

WHEREAS, the Easement is described on Exhibit “A”, attached hereto and incorporated by this reference; and

WHEREAS, the City has subsequently constructed stormwater improvements – specifically, the Northeast College Corridor Outfall Project – in the vicinity of the Easement that eliminated offsite stormwater flows onto Tract A, thereby eliminating the need for the Easement; and

WHEREAS, Rocky Mountain High, LLC, has requested that the City vacate the Easement so that Tract A may be redeveloped without the burden of the Easement; and

WHEREAS, City staff in the Stormwater Utility has verified that the Easement is no longer necessary and is recommending the City Council vacate the Easement.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the Easement, more particularly described on Exhibit “A”, is no longer needed or required for stormwater drainage onto Tract A, and that vacating the Easement is in the best interests of the City, will not impair the viability of the City’s stormwater utility system as a whole, and is for the benefit of the citizens of the City.

Section 3. That the Easement is hereby vacated, abated, and abolished; provided, however, that:

(a) this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder by the property owner or its agent; and

(b) if this Ordinance is not recorded by December 31, 2023, then this Ordinance shall become null and void and of no force and effect.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

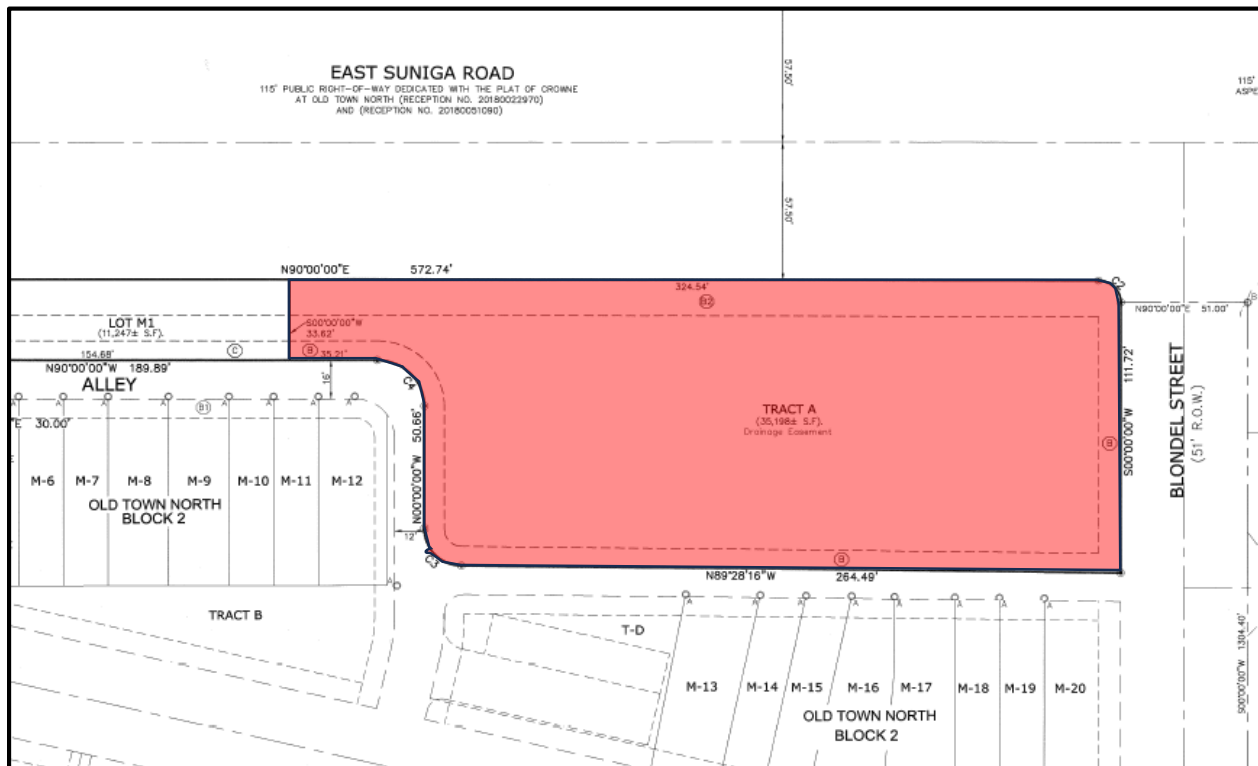
Mayor

ATTEST:

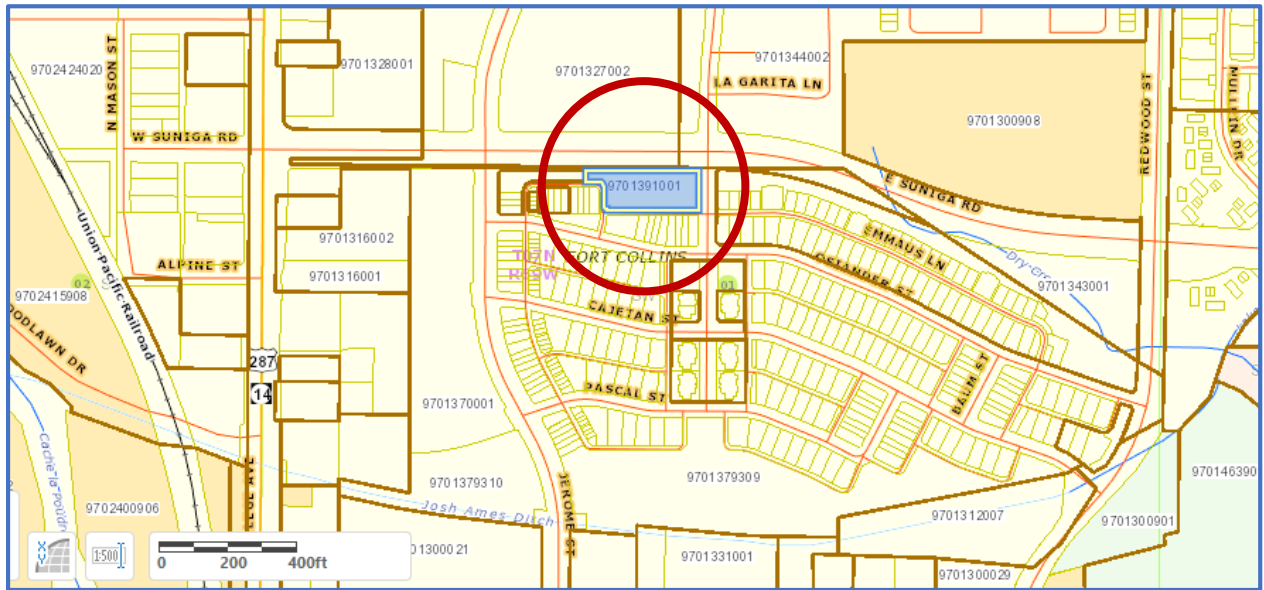
City Clerk

Legal Description of Easement

A drainage easement comprised of approximately 35,198 square feet (0.808 acres), more or less, located in the Southwest 1/4 of Section 1, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being all of Tract A, OLD TOWN NORTH FIFTH FILING, Fort Collins, Larimer County, Colorado, recorded at Reception No. 20200031386, Clerk and Recorder's Records, Larimer County, Colorado.

Depiction of Easement

Vicinity Map – Drainage Easement



November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Cody Snowden, Engineer
Cyril Vidergar, Assistant City Attorney
Ingrid Decker, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 161, 2023, Authorizing the Conveyance of Three Permanent Easements and a License to Enter to Colorado State University for Installation of Fiber Optic Cables on City Property.

EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would permit the conveyance of three (3) permanent easements (the "Easements") and one (1) license to enter (the "License") to Colorado State University ("CSU") for the installation and operation of fiber optic cables on City property to connect the Powerhouse Energy Campus (the "Powerhouse Campus") located at 430 North College Avenue to the CSU main campus and allow for future CSU fiber optic connectivity to the Powerhouse 2 facilities.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Project

The Easements and the License (the "Conveyance Documents") are part of a CSU project (the "Project") to install new fiber optic cable that will connect the Powerhouse Campus to the CSU main campus and will allow for future fiber optic cable connectivity to the future Powerhouse 2 facilities planned for construction north of Vine Drive. The Powerhouse Campus is located on property owned by the City and leased to the Colorado State University Research Foundation ("CSURF" now known as "CSU STRATA") at 430 North College Avenue.

This portion of the Project will include installations on public and private property from the corner of Mason Street and Laporte Avenue to the Powerhouse Campus. The Easements are located on three different tracts of land owned in various capacities by the City, and the License pertains to an underground utility tunnel running from just west of the Fort Collins Museum of Discovery, located at 408 Mason Court, to the Powerhouse Campus. The utility tunnel also runs underneath a portion of the BNSF Railroad, Union Pacific Railroad, and U.S. Highway 287 (College Avenue).

In addition to the Easement and License, CSU has applied for a construction permit (the "Construction

Permit") to be approved by City Engineering through its usual processes for the installation of additional underground fiber optic cable within the Mason Street Right of Way. The Construction Permit does not require City Council approval.

CSU has submitted plans (the "Construction Plans") to the City for the Project, which have been reviewed by staff. The improvements to be installed within the Easements include 2" conduits and fiber optic cables installed at a depth of 24-36" below the surface (the "Fiberline") and vault boxes located at and below ground level and measuring approximately 50" x 33" x 24" (a "Vault Box"). The Fiberline will be installed using subsurface boring, and the contractors estimate minimal surface disturbance during initial construction of all elements of the Project. The Easements also provide that any damage to the land must be restored by CSU and/or its contractors.

Staff have relied primarily on CSU and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Conveyance Documents.

The First Easement – City Property

The first easement (the "First Easement") is comprised of 330 square feet of City-owned property adjoining the eastern boundary of Mason Court and the western boundary of Lot 1 of the Plat of the Fort Collins Discovery Museum (the "Discovery Museum Parcel"). The First Easement will be used only for underground Fiberline and will not include any permanent surface use or equipment.

The Second Easement – City and Museum of Discovery Property

The second easement (the "Second Easement") is comprised of 4,520 square feet located on the Discovery Museum Parcel, which is owned by the City and the Fort Collins Museum of Discovery, Nonprofit Partner, f/k/a Discovery Center (the "MOD"), as tenants in common. Further details regarding the ownership and operation of the Discovery Museum Parcel are set forth in that certain Operating Agreement dated effective March 11, 2008, by and between the City and MOD (the "Operating Agreement").

The Second Easement will be for Fiberline and one Vault Box, both of which will be installed within existing City utility alignments. The Vault Box will be located adjacent to several other utility boxes on the Discovery Museum Parcel. Construction is estimated to only take a few days to complete, and there are no foreseeable construction impacts to access and parking at the Discovery Museum Parcel.

Based upon a review of Section 3.2 of the Operating Agreement and a Special Warranty Deed dated January 28, 2013, recorded at Reception No. 20130007128, Clerk and Recorder's Records, Larimer County, Colorado, the ownership interests are determined as City (65%) and MOD (35%). Staff for the City and MOD have agreed that compensation for the Second Easement, if any, shall be divided according to the above percentages.

Section 3.1 of the Operating Agreement states that neither the City nor MOD "may assign, lease, or in any other way convey or encumber its interest in the Facility [the Discovery Museum Parcel] without the written consent of the other party, which shall not be unreasonably withheld." Accordingly, the document conveying the Second Easement will be signed by both the City and MOD to evidence their consent and compliance with this section of the Operating Agreement.

MOD staff are currently seeking approval from their Executive Board for the Second Easement, which is expected to be obtained prior to the final adoption of this Ordinance.

The Third Easement – City Property Leased by CSURF

The third easement (the "Third Easement") is comprised of 1,589 square feet located entirely within the Powerhouse Campus, being more particularly described as a 4.091 acre tract of land referred to as the Main Parcel in that certain Lease Agreement (the "Powerhouse Lease") dated February 29, 2012, between

the City and CSU STRATA. The lands comprising the Third Easement are owned by the City, subject to the rights of CSU STRATA as set forth in the Powerhouse Lease. No portion of the Third Easement will be located within the Grotto Historic Site, being Lot 2 of the Poudre River Whitewater Park Subdivision.

The Third Easement will be used only for underground Fiberline and will not include any permanent surface use or equipment. However, the Third Easement will connect the Powerhouse Campus to a Vault Box located within the existing right-of-way for College Avenue, which will allow for CSU's future expansion of the Project to the Powerhouse 2 facility. The document conveying the Third Easement will be signed by both the City and CSU STRATA to evidence their consent and compliance with the Powerhouse Lease. This includes the "Reasonable Steps" required by the federal Environmental Protection Agency and outlined in the Powerhouse Lease for alterations on the leased premises as a result of environmental concerns on the site.

The Powerhouse Tunnel – Powerhouse Campus

Section 6.6 of the Powerhouse Lease also contains certain restrictions on CSU STRATA's use of a 400' utility tunnel (the "Powerhouse Tunnel"), which will be used to connect the Fiberline from the Third Easement to the Utility Tunnel, as discussed below. CSU STRATA has coordinated with the City Utilities Department and City Real Estate Services Department to ensure that the Project is in compliance with the Powerhouse Lease, insofar as it pertains to the Powerhouse Tunnel. Additional requirements for the use of the Powerhouse Tunnel are set forth in the License discussed below.

License to Enter - the City Tunnel – Powerhouse Campus to Museum of Discovery Property

That certain portion of the Fiberline located between the Discovery Museum Parcel and the Powerhouse Tunnel will be located within an existing utility tunnel (the "City Tunnel") running from the eastern boundary of the Second Easement to the Powerhouse Tunnel. Although staff could not locate documentation evidencing the date of construction or authority to construct the City Tunnel, it has likely been used by the City for decades and is currently an integral part of the Light and Power infrastructure in Old Town. Rather than granting CSU an easement for the tunnel, staff recommends granting the License for use of specific components in the interior of the tunnel, to the extent of the City's property rights therein.

The License provides that all construction operations within the City Tunnel will be conducted by the City and/or its contractors, and City Utilities staff will oversee any other operations within or access to the City Tunnel by any other personnel. City Utilities staff will install four one inch (1") conduits inside the City Tunnel, at CSU's expense, that will be owned by the City, and the License will allow CSU to install junction boxes, to pull the Fiberline through the conduits, and to continuously use the Fiberline after the initial installation. Furthermore, the License will be revocable at the will of the City.

CITY FINANCIAL IMPACTS

Other than staff time and other expenses reimbursable to City Utilities staff by CSU, there is no cost to the City associated with Conveyance Documents, the Easements, or the License. However, staff estimates the fair market value of the Easements to total \$8,299, (\$7,745 to the City) being itemized as follows (the "Property Values"):

1. First Easement: \$1,155;
2. Second Easement: \$1,582 (City portion being \$1,028); and
3. Third Easement: \$5,562.

Staff recommends that the Easements and License (the “Property Interests”) should be conveyed to CSU for no monetary consideration because such transactions serve a bona fide public purpose and satisfy the requirements of Section 23-114 of the City Code. Specifically:

- The Project supports the mission of the Powerhouse Campus to provide instruction, teaching, outreach, laboratory, and research services focused on developing innovative and alternate energy solutions that will benefit the citizens of Fort Collins and the population at large. The services provided at the Powerhouse Campus, which will be enhanced by the Project, support various Council goals, adopted policies, projects, and plans.
- The Powerhouse Campus and the Project are also supported by other funding or assistance, including federal grants, donations, and various other funding sources.
- The financial benefit to CSU in acquiring the Property Interests at below the Property Values is only a fraction of the total cost of the Project, estimated to be \$350,000, and is not substantial relative to the public purpose being served by the Powerhouse Campus.
- Furthermore, disposing of the Property Interests for less than fair market value will not interfere with any current City projects or work programs, hinder workload schedules, or divert resources needed for primary City functions or responsibilities.
- Finally, the disposition of the Property Interests will not materially impair the viability of the City’s electric utility system as a whole and will ultimately benefit all City citizens via the programs provided at the Powerhouse Campus.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City’s Utilities Department has approved the Construction Plans, the License, and any activity within the Powerhouse Tunnel. As stated above, the Fort Collins Museum of Discovery, Nonprofit Partner, is currently seeking approval of the Second Easement from its Executive Board.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Vicinity Map

ORDINANCE NO. 161, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF THREE PERMANENT
EASEMENTS AND A LICENSE TO ENTER TO COLORADO STATE UNIVERSITY
FOR INSTALLATION OF FIBER OPTIC CABLES ON CITY PROPERTY

WHEREAS, the City owns various interests in real property located north of Cherry Street in Fort Collins including:

- a 65% interest in the property described as Lot 1, Fort Collins Discovery Museum (“the Museum Property”) (the other 35% being owned by the Fort Collins Museum of Discovery Nonprofit Partner [“MOD”] as tenant in common with the City);
- a portion of Block 24 located between and connecting the right of way for Mason Court and the Museum Property (the “Block 24 Property”);
- the property located at 430 North College Avenue (the “Powerhouse Campus”) that is leased to the Colorado State University Research Foundation (“CSURF,” now known as “CSU STRATA”) pursuant to a lease agreement between the City and CSURF dated February 29, 2012 (the “Powerhouse Lease”); and
- a utility tunnel running under and between Lot 1 and the Powerhouse Campus (the “Tunnel”); and

WHEREAS, the Museum Property, the Block 24 Property and the Powerhouse Campus are more particularly described and shown on Exhibits “A-1”, “A-2”, and “A-3” respectively, attached and incorporated herein by this reference; and

WHEREAS, the general location of the Tunnel is shown on Exhibit “B”, attached and incorporated herein by this reference; and

WHEREAS, Colorado State University (“CSU”) has been working for some time to establish a fiber optic connection between the CSU main campus and the Powerhouse Campus; and

WHEREAS, CSU already has fiber optic cable installed along Mason Street from Laurel Street to Laporte Avenue, and is now planning a project to complete the connection across the City properties described above (the “Project”); and

WHEREAS, to accommodate the Project, City staff recommends that the City grant CSU permanent easements across the Block 24 Property (the “First Easement”) and the Powerhouse Campus (the “Third Easement”), as well as a license to enter for the interior of the tunnel (the “License”), and that the City and MOD grant CSU a permanent easement across the Museum Property (the “Second Easement”); and

WHEREAS, the First, Second and Third Easements are more particularly described and shown on Exhibits “C,” “D,” and “E” respectively, attached and incorporated herein by this reference; and

WHEREAS, the Powerhouse Campus property and the Tunnel are owned by the City’s electric utility; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City and, with respect to property which is part of the City’s utility systems, that the disposition will not materially impair the viability of the particular utility system as a whole and will be for the benefit of the citizens of the City; and

WHEREAS, Section 10 of Article XI of the City Charter authorizes the City Council to grant a permit at any time for the use or occupation of any street, alley, or public place, provided that any such permit shall be revocable by the Council at its pleasure; and

WHEREAS, Section 16 of Article II of the City Charter authorizes the City Council, by ordinance or resolution, to enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, City staff estimates the fair market value of the Easements to the City to be \$7,745; however, staff is recommending that the City not charge CSU for the Easements and the License as the conveyance serves a bona fide public purpose under Section 23-114 of the City Code because:

- (1) The use of the Easements and License will enhance CSU STRATA’s continued use of the Powerhouse Campus for research and development of alternate energy solutions, which promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins;
- (2) The use to which the Easements and License will be put supports one or more of the City Council’s goals, adopted policies, projects or plans by continuing the support the City Council has previously shown through the minimal rent (\$25 per year) the City charges CSU STRATA under the Powerhouse Lease;
- (3) The financial support provided by the City through the below-market conveyance of the Easements and License is only a small portion of the total cost of the Project, estimated at approximately \$350,000, and will be leveraged with other funding or assistance from CSU including federal grants and donations;
- (4) Conveyance of the Easements and License will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and

- (5) Conveying the Easements and License for less than fair market value will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the conveyance of the Easements and the License to CSU, as provided herein is in the best interests of the City, will not impair the viability of the electric utility system as a whole, and will be for the benefit of the citizens of the City.

Section 3. That the conveyance of the MOD Easement by the City is contingent upon MOD's approval of the Easement conveyance.

Section 4. That the City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Easements and License to CSU on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Easements or License, as long as such changes do not materially increase the size or change the character of the interest to be conveyed.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Exhibit A-1
Larger Parcel Description
(Page 1 of 1)

Legal Description per County Assessor:

LOT 1, FORT COLLINS DISCOVERY MUSEUM, FTC (20100052838)

Location Address:

408 Mason Court
Fort Collins, CO 80524

Assessor Parcel Number:

97111-38-901

Map:

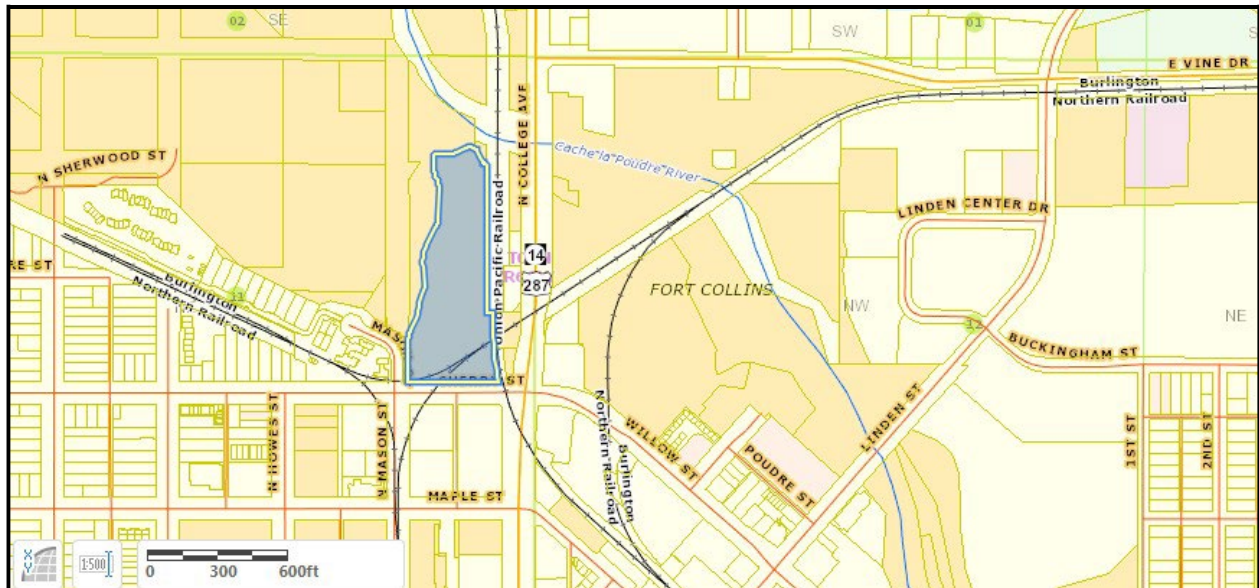


Exhibit A-2
Larger Parcel Description
(Page 1 of 1)

Legal Description:

A tract of land located in Block 24, City of Fort Collins, Colorado, located in the Northeast Quarter (NE/4) of Section 11, Township 7 North (T7N), Range 69 West (R69W), 6th P.M., Larimer County, Colorado, being more particularly described as Parcel "B" in Special Warranty Deed dated June 27, 1997, from Wonderland Hill Development Company to the City of Fort Collins, recorded at Reception No. 19970041141, Clerk and Recorder's Records, Larimer County, Colorado, LESS AND EXCEPT Lot 1, Fort Collins Discovery Museum, City of Fort Collins, a Plat of which is recorded at Reception No. 20100052838, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address:

408 Mason Court
Fort Collins, CO 80524

Assessor Parcel Number:

97111-11-911

Map:

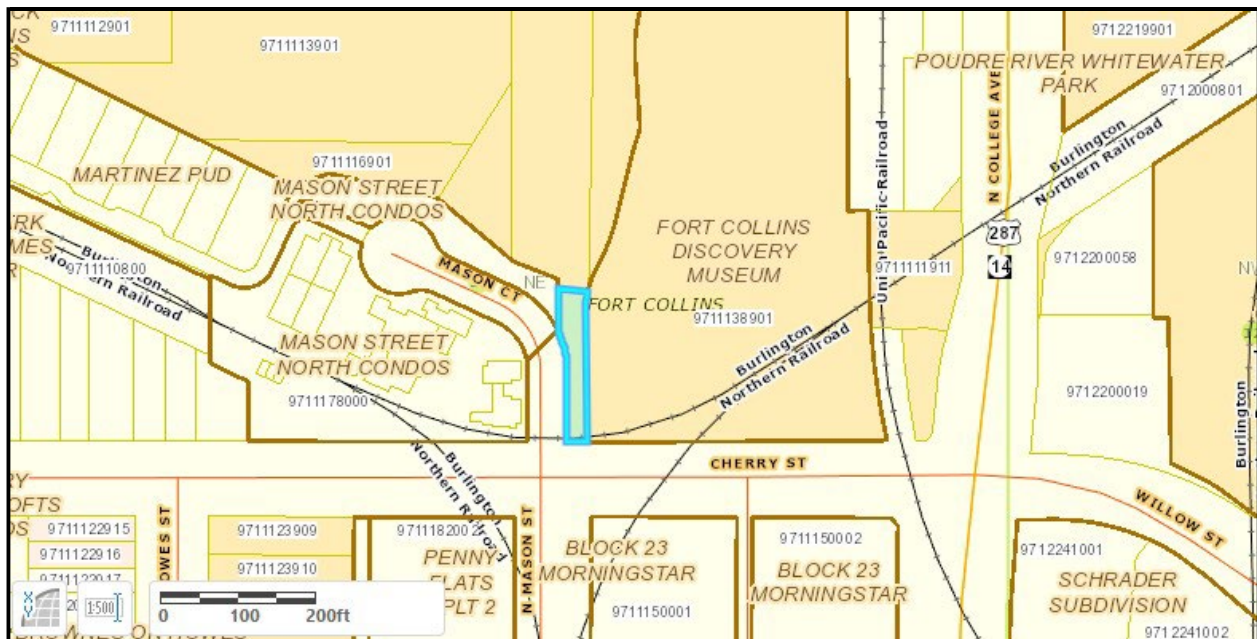


Exhibit A -3Larger Parcel Description
(Page 1 of 2)**DESCRIPTION:**

A portion of Lot 3 in Reservation on the Northwest Quarter of Section 12, Township 7 North, Range 69 West of the 6th P.M., lying North and West of Right of Way of the Fort Collins Development Railway Company, less deed recorded May 3, 1994 at Reception No. 94038222 being more particularly described as follows;

Considering the West line of Section 12 as bearing South 00° 23'57" West and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 12; thence along the West line of said Section 12, South 00°23'57" West, 482.47 feet; thence departing said West line, South 89°36'03" East, 73.47 feet to a point on the East line of said Reception No. 94038222, said point also being the POINT OF BEGINNING; thence along the approximate Top of Bank of Cache La Poudre River the following ten (10) courses:

- (1) South 68° 26'25" East, 27.26 feet;
- (2) North 86° 52'14" East, 40.22 feet;
- (3) South 68° 17'47" East, 44.32 feet;
- (4) North 82° 34'37" East, 118.30 feet;
- (5) South 84°24'53" East, 151.12 feet;
- (6) South 75°36'07" East, 63.13 feet;
- (7) South 68° 36'28" East, 42.92 feet;
- (8) South 79°23'46" East, 50.91 feet;
- (9) South 71°20'59" East, 61.83 feet;
- (10) South 76° 36'43" East, 63.27 feet to a point on the Northwesterly line of Burlington Northern Railroad Right of Way; thence along said Northwesterly line, South 57° 00'09" West, 776.12 feet to a point on the East line of said Reception No. 94038222; thence departing said Northwesterly line and along said East line, North 00° 34'27" East, 521.48 feet to the POINT OF BEGINNING.

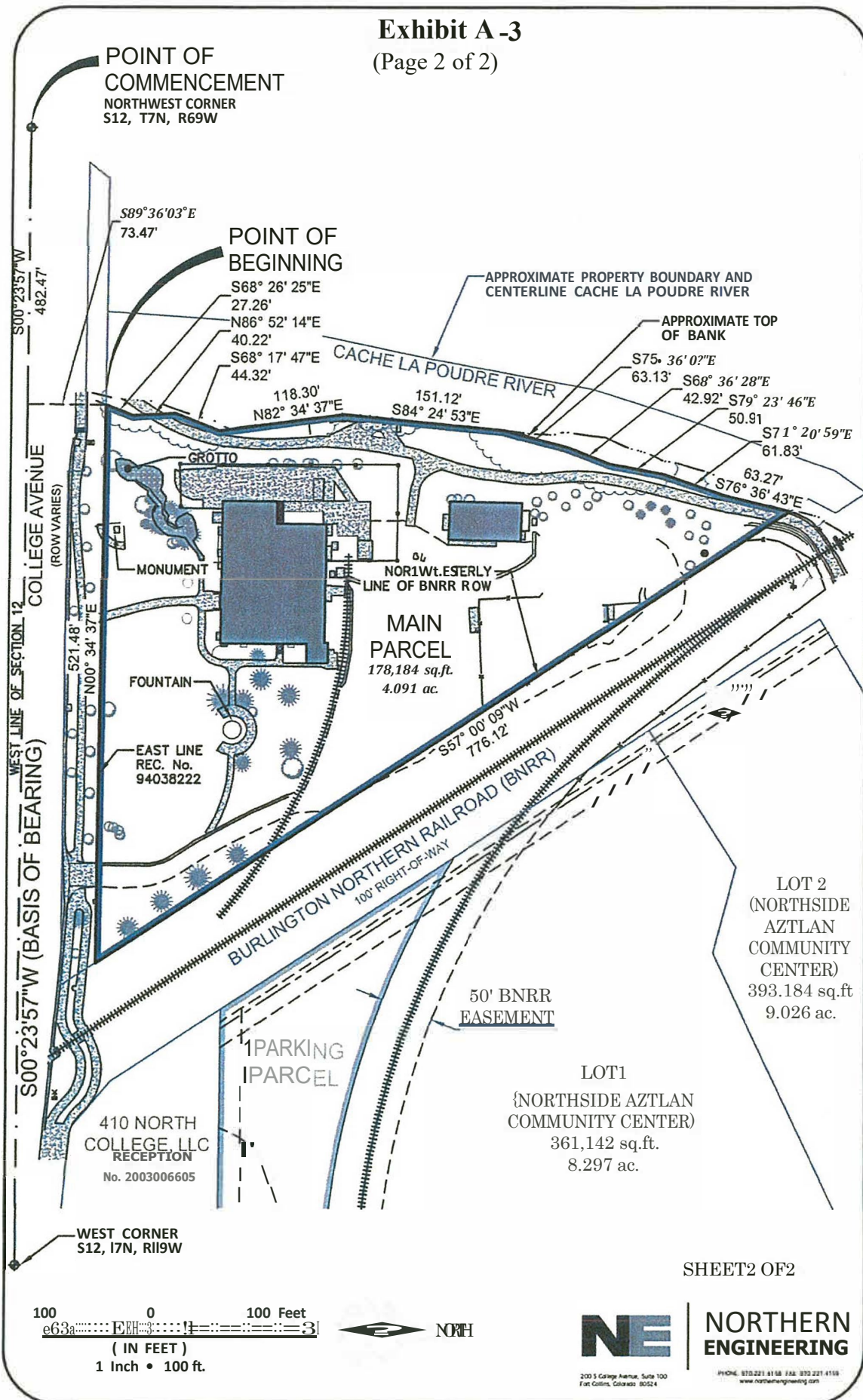
The above described tract of land contains 4.091 acres (178,190 square feet) more or less and is subject to all easements and rights-of-way now on record or existing.

December 1, 2011
CNS

Sheet 1 of 2

Exhibit A-3

(Page 2 of 2)





Legend

Addresses	Rivers and Streams
Subdivisions	County Boundary
Tax Parcels	Rocky Mountain National Park
Recorded Dimensions	Incorporated Areas
Railroads	PLSS Township and Range

Green: Band_2
Blue: Band_3
COLARI21-SID-AW-6INCH.sid
Red: Band_1
Green: Band_2

Notes

0.0 0 0.0 Miles

Scale
1: 2,400

This map was created by Larimer County GIS using data from multiple sources for informal purposes only. This map may not reflect recent updates prior to the date of printing. Larimer County makes no warranty or guarantee concerning the completeness, accuracy, or reliability of the content represented.

First
Easement

PARCEL DESCRIPTION

A tract of land, being part of that parcel as described as PARCEL “B” in the Special Warranty Deed recorded June 30, 1997 at Reception No. 19970041141 of the Records of the Larimer County Clerk and Recorder (LCCR), situate in the Northeast Quarter (NE1/4) of Section Eleven (11), Township Seven North (T. 7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, Fort Collins Discovery Museum as recorded September 7, 2010 at Reception No. 20100052838 of the LCCR and assuming the West line of said Lot 1 as bearing North 00°17’17” West, as platted, a distance of 176.60 feet and with all other bearings contained herein relative thereto;

THENCE North 00°17’17” East, along said West line a distance of 71.24 feet to the POINT OF BEGINNING;

THENCE South 89°42’43” West a distance of 22.00 feet to the East Right of Way (ROW) line of Mason Court as described in the Right of Way Easement as recorded June 29, 1998 at Reception No. 19980054069 of the LCCR;

THENCE North 00°17’17” West, along said ROW line, a distance of 15.00 feet;

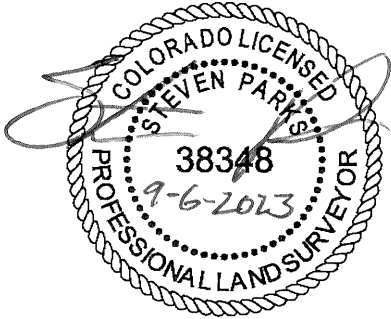
THENCE North 89°42’43” East a distance of 22.00 feet to the West line of said Lot 1;

THENCE South 00°17’18” East, along said West line, a distance of 15.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 330 Square Feet, more or less (±).

SURVEYORS STATEMENT

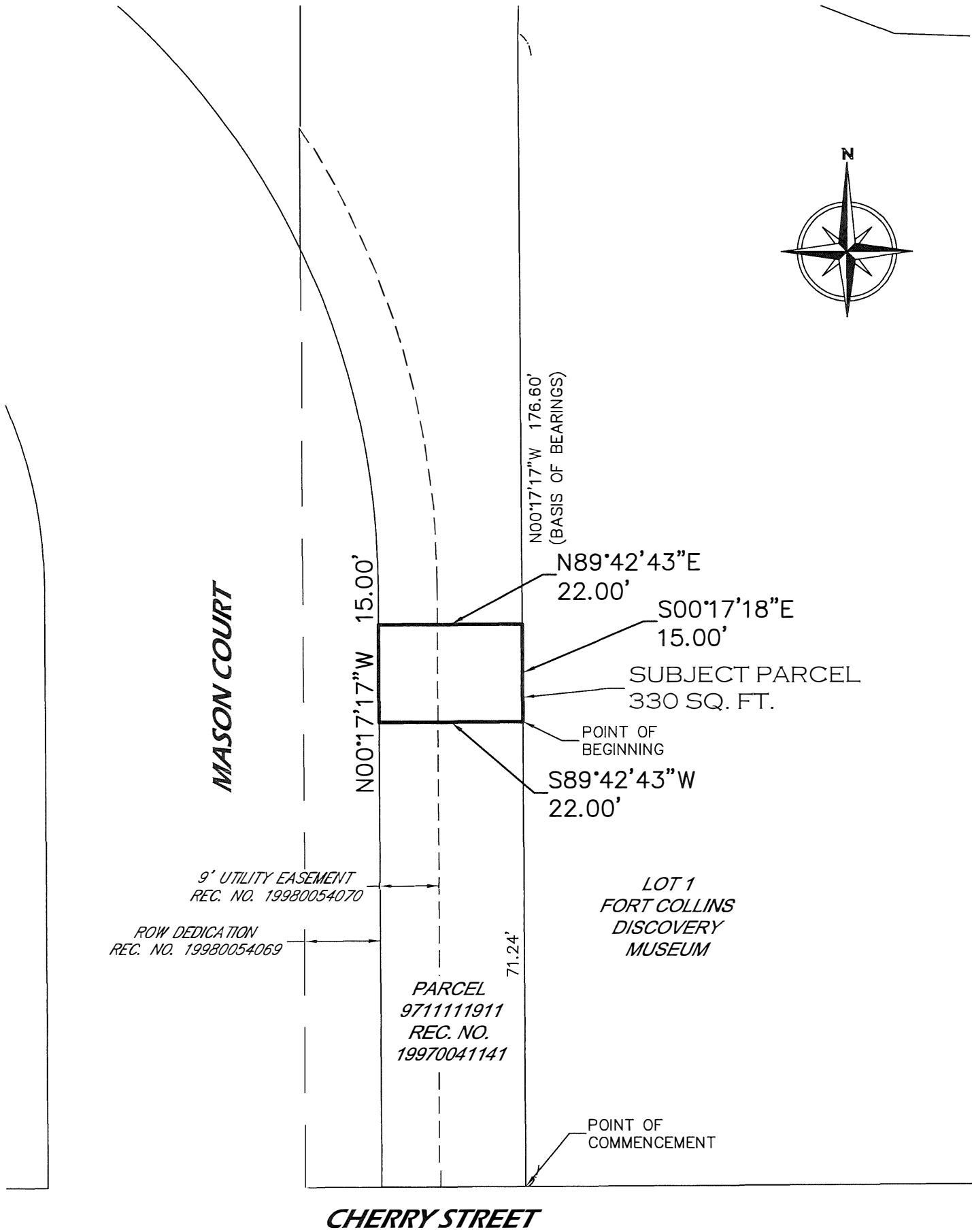
I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

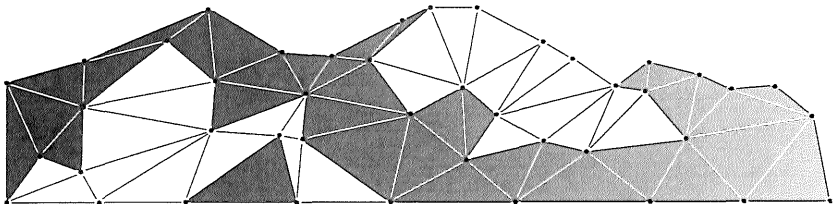
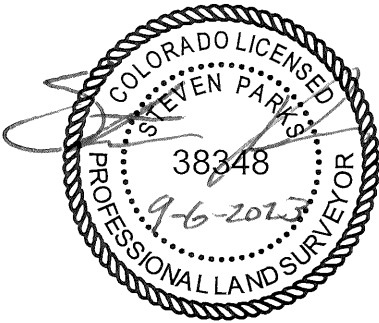


First Easement



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)



MAJESTIC SURVEYING

Second Easement

A parcel of land, being part of Lot 1, Fort Collins Discovery Center Museum as recorded September 7, 2010 at Reception No. 20100052838 of the Records of the Larimer County Clerk and Recorder, situate in the Northeast Quarter (NE1/4) of Section Eleven (11), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 and assuming the South line of Lot 1 as bearing North 89°42'43" West, as platted, a distance of 391.51 feet and with all other bearings contained herein relative thereto;

THENCE North 00°17'17" East, along the West line of Lot 1, a distance of 71.05 feet to the POINT OF BEGINNING;

THENCE North 00°17'17" East, continuing along said West line, a distance of 15.39 feet;

THENCE North 77°21'10" East a distance of 55.63 feet;

THENCE North 65°30'50" East a distance of 218.33 feet;

THENCE North 20°19'53" East a distance of 17.87 feet;

THENCE South 69°40'07" East a distance of 15.00 feet;

THENCE South 20°19'53" West a distance of 24.11 feet;

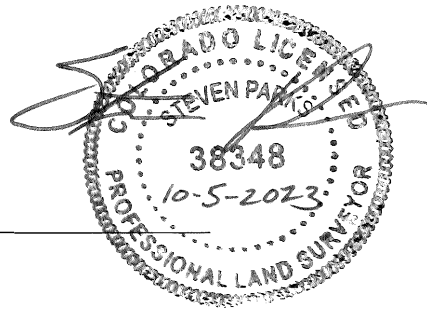
THENCE South 65°30'50" West a distance of 226.13 feet;

THENCE South 77°21'27" West a distance of 60.62 feet to the POINT OF BEGINNING.

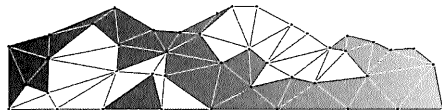
Said described parcel of land contains 4,520 Square Feet, more or less (±).

SURVEYORS STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



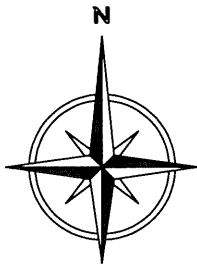
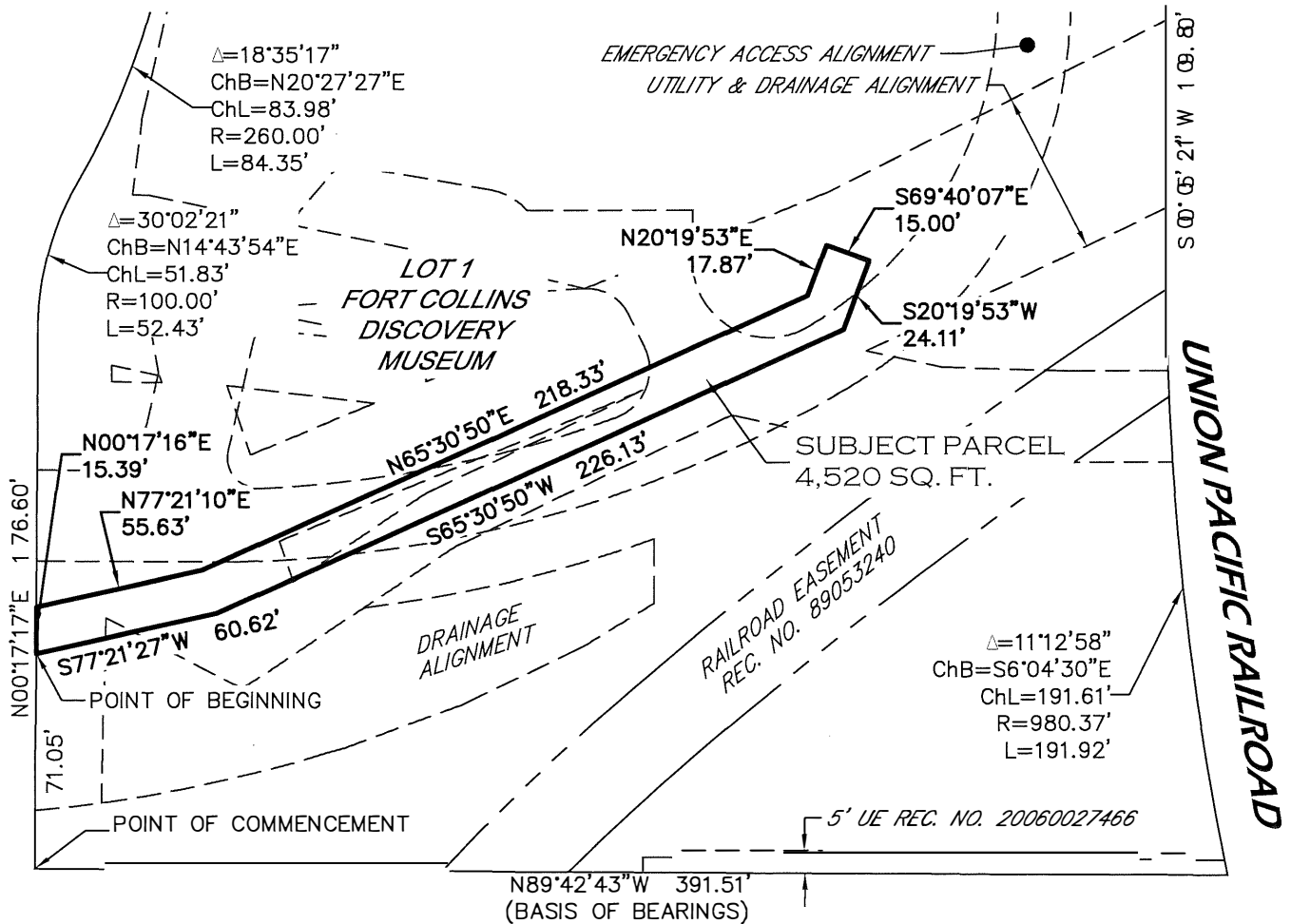
Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348



MAJESTIC SURVEYING
1111 Diamond Valley Drive, Suite 104
Windsor, Colorado 80550

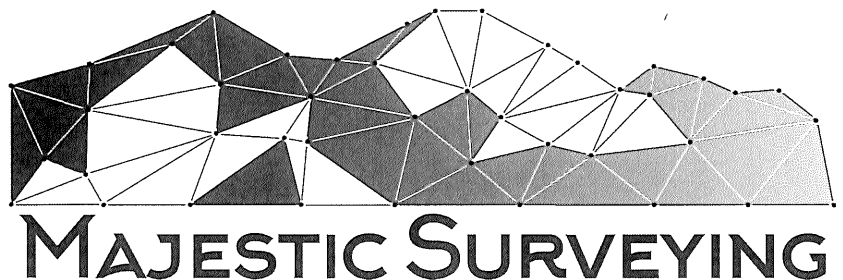
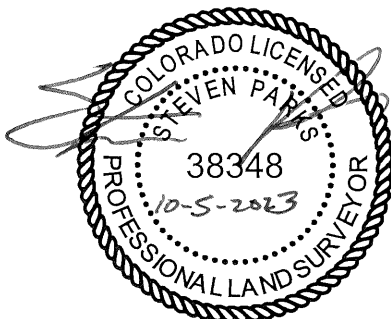
Easement

NE1/4 Section 11, T.7N., R.69W.

Second Easement**CHERRY STREET**

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)



Steven Parks, PLS 38348

f of Majestic Surveying, LLC

PROJECT NO: 2023260
DATE: 10-5-2023CLIENT: DITESCO
SCALE: 1"=60'

Page 4 of 6

Third Easement

A parcel of land, being part of Lot 1, Poudre River Whitewater Park as recorded July 23, 2018 as Reception No. 20180044854 of the Records of the Larimer County Clerk and Recorder, situate in the Northwest Quarter (NW1/4) of Section Twelve (12), Township Seven North (T. 7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 and assuming the most Southerly West line of Lot 1 as bearing North 00°16'45" East, as platted, a distance of 418.26 feet and with all other bearings contained herein relative thereto;

THENCE North 00°16'45" East, along said West line a distance of 327.01 feet to the POINT OF BEGINNING;

THENCE North 00°16'45" East, continuing along said West line, a distance of 15.21 feet;

THENCE North 80°49'09" East a distance of 104.71 feet;

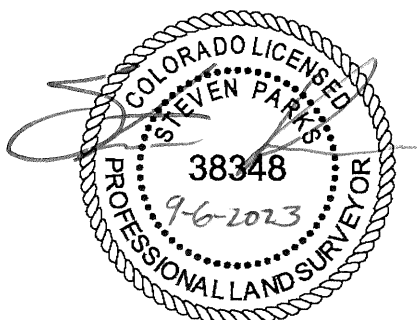
THENCE South 09°10'51" East a distance of 15.00 feet;

THENCE South 80°49'09" West a distance of 107.21 feet to the POINT OF BEGINNING.

Said described parcel of land contains 1,589 Square Feet, more or less (±).

SURVEYORS STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

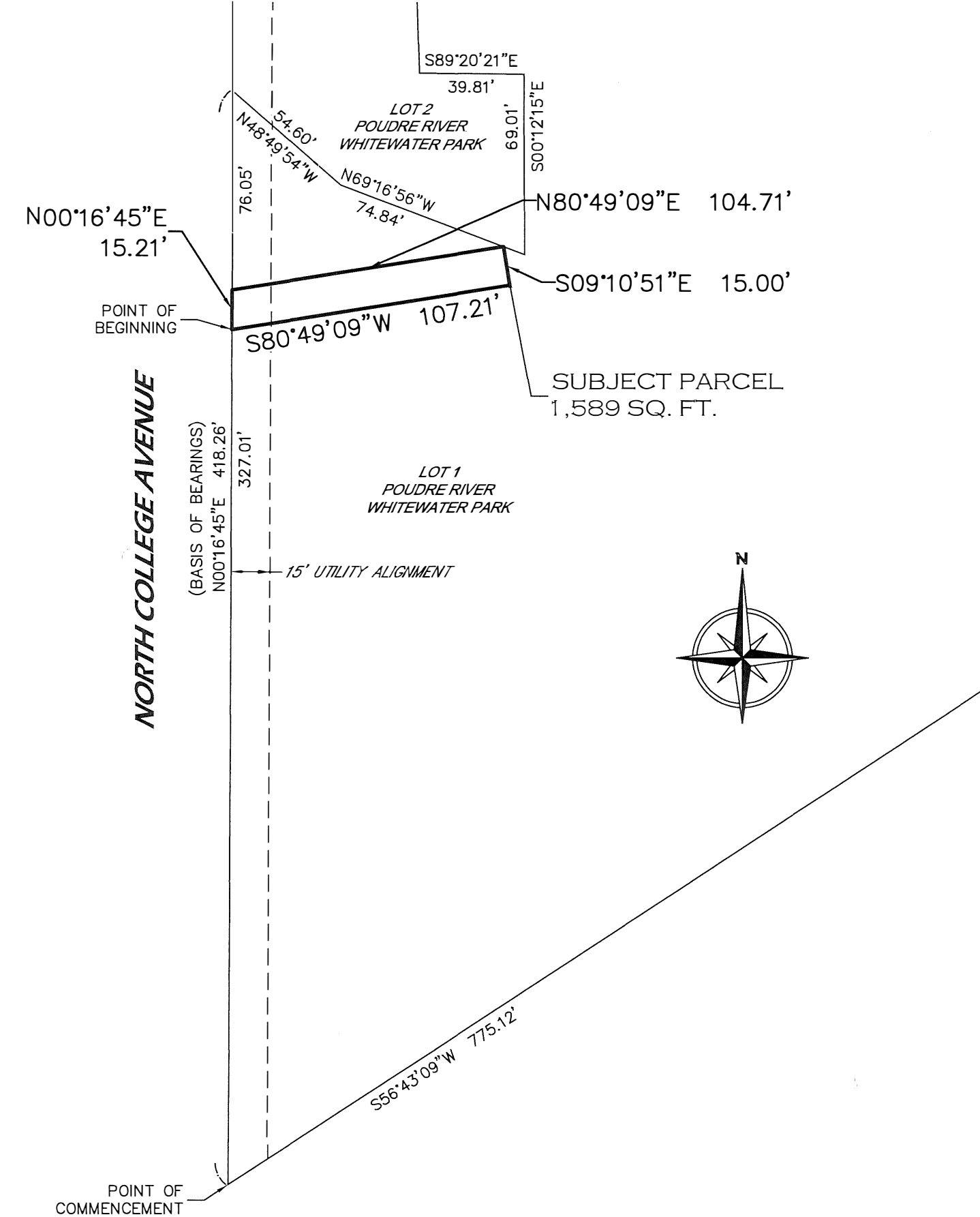


Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348



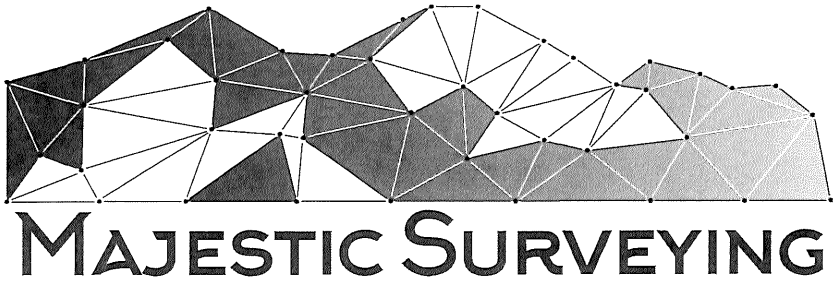
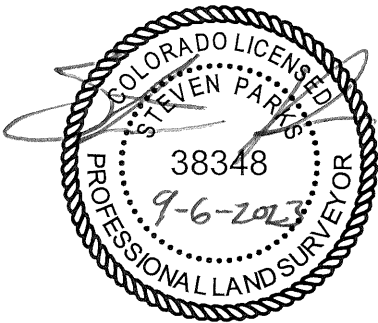
Assessment
NW1/4 Section 12, T.7N., R.69W.

Third Easement

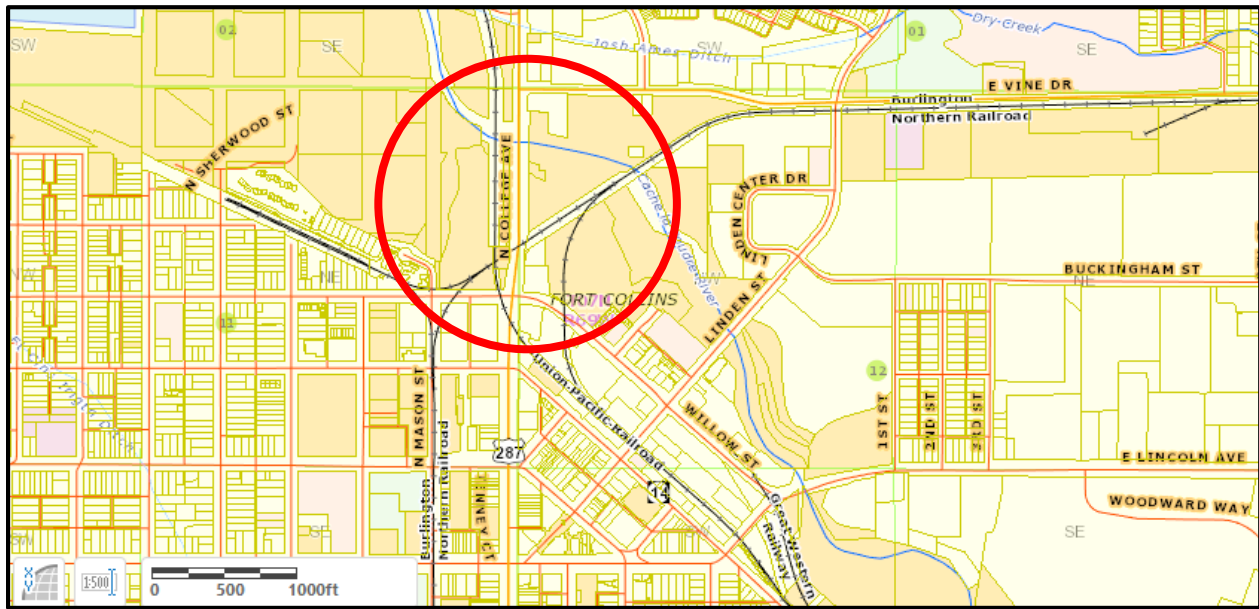


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Vicinity Map - Powerhouse



November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Brenda Ehleiter, Manager, Human Resources Information Systems
Gerry Paul, Purchasing Director
Ted Hewitt, Assistant City Attorney

SUBJECT

Resolution 2023-094 Approving an Exemption to the Competitive Purchasing Process to Procure Cornerstone OnDemand, Inc.'s Talent Management Software.

EXECUTIVE SUMMARY

The purpose of this item is to request approval of an exception to the competitive purchasing process to continue to use Cornerstone as the City's Talent Management software. The City's existing five-year agreement with Cornerstone for the software will expire in December 2023 and the City seeks to enter into a new agreement with Cornerstone. Not continuing the City's contractual relationship with Cornerstone would substantially impede the City's administrative functions and would also harm the City's financial interests.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The City facilitated a competitive process in 2013 to select an integrated talent management system to support the City's talent processes, including recruitment and onboarding, learning, performance management, succession, and workforce planning. The City selected Cornerstone and invested multiple years implementing three modules (recruitment, learning, performance), and continues to optimize their functionality and capabilities. In 2018 the City Manager approved a new sole-source contract with Cornerstone, which did not require City Council approval as the cost to the City was less than \$200,000 per year. The City's current five-year agreement with Cornerstone will expire in December 2023, and the City seeks to enter into a new agreement with Cornerstone. Continuing to utilize Cornerstone will enable the City to optimize and leverage the software to support the current and future strategic direction of the City's talent initiatives.

Cornerstone is considered a market leader for performance and learning management, and it is used daily by much of our workforce.

Moving away from Cornerstone would be a resource-intensive, multi-year project and would be very disruptive to our current operations. Section 8-161(d)(1)(b) specifically authorizes exceptions to the competitive process, with approval of the City Manager, when: "Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a

substantially higher cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public." The City Manager approved this procurement on October 23, 2023.

Additionally, as this procurement exceeds a cost of \$200,000, Section 8-161(d)(3) requires Council approval of the procurement. Staff seek Council's approval of this procurement.

CITY FINANCIAL IMPACTS

The cost of the Talent Management software has been provided by Cornerstone as outlined below, and is incorporated into the 2023-2024 budget for Human Resources:

	2023	2024	2025	2026	2027	2028
Software Licenses	\$ 181,561.09	\$ 192,780.00	\$ 199,527.30	\$ 206,510.76	\$ 213,738.63	\$ 221,219.48
Inbound Data Feed	\$ 4,303.21	\$ 4,406.25	\$ 4,560.47	\$ 4,720.09	\$ 4,885.29	\$ 5,056.27
Customer Support Package	\$ 13,458.68	\$ 13,458.68	\$ 13,929.73	\$ 14,417.27	\$ 14,921.88	\$ 15,444.14
Content Studio	\$ 44,086.53	\$ 46,415.52	\$ 48,040.06	\$ 49,721.47	\$ 51,461.72	\$ 53,262.88
Edge Marketplace	-	\$ 5,000.00	\$ 5,175.00	\$ 5,356.13	\$ 5,543.59	\$ 5,737.62
Total	\$ 243,409.51	\$ 262,060.45*	\$ 271,232.57*	\$ 280,725.71*	\$ 290,551.11*	\$ 300,720.39*

**This is an estimate based on a 3.5% annual fee increase. Beth Diven is meeting with our Cornerstone account manager to negotiate final pricing.*

Transitioning to an alternative source would likely result in a significant negative cost impact to Human Resources and require a delay in other projects for the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2023-094
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING AN
EXEMPTION TO THE COMPETITIVE PURCHASING PROCESS TO PROCURE
CORNERSTONE ONDEMAND INC.'S TALENT MANAGEMENT SOFTWARE

WHEREAS, Section 8-161(d)(1)b of the City Code authorizes the Purchasing Agent to negotiate for services without using a competitive process where the Purchasing Agent determines that although there exists more than one responsible source for the services, a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public; and

WHEREAS, in 2013, the City used a competitive process to procure Cornerstone OnDemand Inc.'s ("Cornerstone") integrated talent management system to support the City's talent processes, including recruitment and onboarding, learning, performance management, succession, and workforce planning; and

WHEREAS, in 2018 the City Manager approved a new sole-source contract with Cornerstone, which did not require prior City Council approval as the cost to the City per year was less than \$200,000; and

WHEREAS, the City's current five-year agreement with Cornerstone will expire in December 2023, and the City seeks to enter into a new agreement with Cornerstone for the integrated talent management software; and

WHEREAS, continuing to utilize Cornerstone's integrated talent management system will enable the City to optimize and leverage the software to support the current and future strategic direction of the City's talent initiatives; and

WHEREAS, acquiring and implementing an integrated talent management system other than Cornerstone's would be a resource-intensive, multi-year project and would disrupt the City's current operations and result in a significant negative cost impact to the City's Human Resources Department; and

WHEREAS, the estimated cost to continue with Cornerstone's integrated talent management system is \$262,060.45 for 2024, \$271,232.57 for 2025, \$280,725.71 for 2026, \$290,551.11 for 2027, and \$300,720.39 for 2028; and

WHEREAS, the Purchasing Agent has determined that although there is more than one source for integrated talent management software, the competitive process, if used, would substantially impede the City's administrative functions and would injure the City's financial interests; and

WHEREAS, the Purchasing Agent and other City staff recommend the adoption of this Resolution; and

WHEREAS, the Purchasing Agent has submitted the requisite justification to the City Manager for approval and the City Manager has reviewed and approved this justification; and

WHEREAS, Section 8-161(d)(3) of the City Code requires prior approval of this purchase as it exceeds \$200,000.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the Purchasing Agent to negotiate and enter into an agreement with Cornerstone OnDemand Inc. for up to five years for an integrated talent management system, and further approves this action as an exception to the City's competitive purchasing process requirements, for the reasons set forth herein.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Ginny Sawyer, Lead Project Manager
Tyler Marr, Deputy City Manager
Jenny Lopez Filkins, Deputy City Attorney

SUBJECT

Resolution 2023-095 Adopting the City's 2024 Legislative Policy Agenda.

EXECUTIVE SUMMARY

The purpose of this item is to consider and adopt the City's 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.

The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The Legislative Policy Agenda (LPA) is a guiding document meant to highlight our home rule status and reflect issues that affect the quality of life and governance of our community. It also reflects strategic goals of the City and areas of specific focus based on recent Council and staff policy efforts. It is used as a guide by Council and staff to determine positions on pending or introduced legislation, and as a general reference for residents, community organizations, state legislators, and members of Congress.

The Legislative Policy Agenda also refers to the City's partners in the legislative space, which include the Colorado Municipal League, the National League of Cities, the Colorado Association of Municipal Utilities, and the Colorado Communities for Climate Action.

The 2024 LPA was developed with direction from Council and input from staff, it was then reviewed by the Legislative Review Committee (LRC), which is currently comprised of Councilmembers Canonico and Peel, and Mayor Arndt.

A redlined version is attached to this Agenda Item Summary. A clean version is attached as Exhibit A to the Resolution. Once adopted, the Communications and Public Involvement Office will format and design into a polished document for limited printing and placement on fcgov.com.

noted changes in the 2024 version include:

- Added a section on ACCESSIBILITY to address recent legislative requirements.
 - *Supports clear definitions for public meetings requiring online accessibility.*
 - *Supports unified federal standards for web and online accessibility requirements and reasonable timelines to comply after standards and rules are made known, at either the state or federal level.*
 - *Supports ensuring municipalities' ability to engage vendors to ensure compliance with technology accessibility requirements.*
 - *Supports allowing local governments to exempt archived documents and allow "safe harbor" while working towards compliance.*
- Clarified language and reordered statements in the CLIMATE section and added a statement in support of emerging carbon reduction methods.
 - *Supports incentives, regulations, and other mechanisms to reduce emissions and **enhance resilience**, in energy, waste reduction, transportation, and water sectors, **as well as in responding to wildfire and other climate-related extreme weather events**.*
 - *Supports policies promoting emerging methods of effective atmospheric carbon reduction through proven means.*
- Added a statement in support of local control of energy generation.
 - *Supports the local determination of electric rates and distributed resources credits that balance the impacts to participants and non-participants to create a robust local renewable generation system.*
- Added a statement in support of an affordable housing right of first refusal.
 - *Supports legislation that would enable an affordable housing right of first refusal to encourage local government and partner acquisition of multifamily properties for the purpose of long-term affordable housing.*
- Renamed the "MARIJUANA AND HEMP" section to "LICENSED SUBSTANCES", changed the introduction, and added statements removed from the PUBLIC HEALTH section.
 - *State and local municipalities address licensing and regulations regarding the cultivation, sale, and use of tobacco, cannabis, and natural medicine and there are additional substances considered every year (Hemp intoxicants, Kratom, etc.) The City has and will have a continued interest in managing these licensed substances in a manner that balances the needs and desires of the community.*
- Added a statement about plugging and reclaiming old oil and gas wells.
 - *Supports the plugging and reclamation of older, low and non-producing oil and gas wells, and continuing assessment of the condition of abandoned wells.*
- Added a statement about body-worn camera (BWC) usage in law enforcement facilities and by personnel on administrative duty.
 - *Supports statute change to allow the deactivation of BWCs when in a law enforcement facility with active audio and video recording devices and clarify that law enforcement personnel assigned to administrative duties are exempt from the requirement to wear a BWC daily.*

• Removal of statements that have been addressed through legislation.

- *Supports legislation or regulatory efforts that restrict and better ensure the prevention of firearm purchases of those individuals convicted of a violent criminal offense and those who have been involuntarily committed to a mental institution or are otherwise suffering from a severe mental condition.*
- *Supports legislation that prohibits the sale or transfer of ghost firearms.*
- *Opposes efforts to increase influence of non-City jurisdictions over the use of Tax Increment Financing (TIF) within City limits.*

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Legislative Review Committee Draft Minutes, November 14, 2023
4. Legislative Policy Agenda with Redlines

RESOLUTION 2023-095
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE CITY'S 2024 LEGISLATIVE POLICY AGENDA

WHEREAS, state and federal legislation may impact the citizens of Fort Collins, affecting their quality of life; and

WHEREAS, such state and federal legislation may also influence or impact the operations of municipal governments, including the City; and

WHEREAS, the City has an interest in providing input on proposed legislation; and

WHEREAS, Councilmembers and City staff are asked to state the City's policy position on legislation; and

WHEREAS, in addition, on occasion the City has an interest in providing input on proposed county, state and federal regulations; and

WHEREAS, the 2024 Legislative Policy Agenda has been updated to reflect the current status of issues of interest and:

- Added a section on "Accessibility" to address recent legislative requirements;
- Clarified language and reordered statements in the "Climate" section and added a statement in support of emerging carbon reduction methods;
- Added a statement in support of local control of energy generation;
- Added a statement in support of an affordable housing right of first refusal;
- Renamed the "Marijuana and Hemp" section to "Licensed Substances", changed the introduction, and added statements removed from the "Public Health" section.
- Added a statement about plugging and reclaiming old oil and gas wells;
- Added a statement about body-worn camera (BWC) usage in law enforcement facilities and by personnel on administrative duty;
- Removed statements that have been addressed through legislation; and

WHEREAS, the Council's Legislative Review Committee reviewed the 2024 Legislative Policy Agenda at its October 3, 2023, and November 14, 2023, meetings and recommended Council approve it; and

WHEREAS, establishing the City's policy position assists the members of the Legislative Review Committee in their review of, and response to, these matters, and assists City staff in communicating and advocating the City's policy position on the same.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the policy statements contained in the attached 2024 Legislative Policy Agenda accurately reflect the City's policies on these issues.

Section 3. That the City Council hereby adopts the 2024 Legislative Policy Agenda attached hereto as Exhibit "A" and incorporated herein by this reference.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

2024 LEGISLATIVE POLICY AGENDA

ADOPTED NOVEMBER 21, 2023

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INTRODUCTION

Fort Collins is a community of approximately 175,000 residents. Incorporated in 1873, it has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a council-manager form of government.

The City provides exceptional service for an exceptional community and works toward its vision of fostering a thriving and engaged community through its operational excellence and culture of innovation. City leaders seek creative, data-informed solutions to issues facing Fort Collins and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts a Policy Agenda ahead of the upcoming Colorado General Assembly session for the purpose of guiding legislators and staff in supporting community goals.

The Policy Agenda is a broad set of policy statements meant to convey positions on issues that affect the community's quality of life and governance. It is structured to address areas of local concern and to also reflect the strategic planning that guides the City's organizational resource allocation and decision-making.

Fort Collins welcomes opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities:

- Culture & Recreation
- Economic Health
- Environmental Health
- High Performing Government
- Neighborhood Livability & Social Health
- Safe Community
- Transportation & Mobility

The Policy Agenda identifies this alignment as it is important for City staff to ensure that advocacy supports specific desired outcomes.

CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE

The Legislative Review Committee (LRC) is a representative group of Councilmembers that reviews and reacts to proposed legislation on behalf of City Council and the City.

In taking a position on bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Councilmembers presently serving on the Legislative Review Committee are:

- Councilmember Tricia Canonico, Chair
- Councilmember Shirley Peel
- Mayor Jeni Arndt

LEGISLATIVE REVIEW PROCESS

In 2023, the City of Fort Collins will rely heavily on the Legislative Policy Agenda, the Colorado Municipal League, and the Colorado Communities for Climate Action organizations for the majority of bill tracking and identification.

The City currently maintains memberships with the Colorado Municipal League (CML) and Colorado Communities for Climate Action (CC4CA); both groups maintain a full-time presence at the capitol and engage in bill identification and advocacy consistent with their own adopted policy agendas. The City influences both groups' policy agendas and, while not perfectly consistent with the City's, both generally advance and protect the City's interests.

Bills introduced in the Colorado General Assembly, United States Congress, and federal, state or county regulations or rule- makings are reviewed by City staff. Bills, regulations and rules that are identified as having a potential impact on the City will be brought to the LRC for discussion. If LRC adopts a position, staff will convey that information to the appropriate state or federal representative and advocate for the adopted position.

If staff or Councilmembers are contacted regarding letters of support or opposition from CML, CC4CA or representatives, staff will ensure alignment with LPA and provide a letter signed by the Mayor. If staff or Councilmembers are contacted by lobbyists or other interest groups with requests for letters of support or opposition, no action will be taken unless directed by the LRC.

Due to the time-sensitive nature of the General Assembly, if a bill's subject matter is addressed in this Policy Agenda, staff will proactively work with state and federal representatives to advance the City's position as expressed in this legislative policy agenda and other Council-adopted plans and policies. Staff will provide regular updates to the LRC and the full City Council regarding bills of consequence to the City and will consult with the LRC regarding bills for which direction under the adopted policy is unclear.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The City Attorney's Office also reviews selected bills and may provide confidential legal analysis. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins maintains membership with Colorado Association of Municipal Utilities (CAMU), which represents 29 municipal utilities throughout the state on utility issues, and Colorado Communities for Climate Action (CC4CA), which represents municipalities on climate issues. In addition, Fort Collins actively participates in various trade organizations that represent specific areas of interest to City operations.

2024 LEGISLATIVE POLICY STATEMENTS

HOME RULE AND LOCAL CONTROL

In order to consider and manage local conditions and desires, community issues and needs should be addressed locally. For this reason, home rule authority is of utmost importance to the City of Fort Collins. The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the cumulative effect of these and other activities has statewide ramifications that may call for statewide regulation to effectively manage such things as overall growth and development in the state, water, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City:

1. Supports strengthening and preserving home rule authority of municipal governments.
2. Opposes State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Opposes changes that increase (and supports changes that lessen) the burdens and limits on municipalities associated with public or other government records, public meetings and establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority including added cost burdens.
4. Supports enabling cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
5. Supports local control of the awarding of contracts and the accountability of local officials for those actions.
6. Opposes unfunded mandates that increase the complexity and cost of services.
7. Supports collaborative regional efforts for the benefit of participating communities.

ACCESSIBILITY - ONLINE AND PUBLIC MEETINGS

HIGH PERFORMING GOVERNMENT

The City recognizes the importance of making digital content and public meetings accessible for all. The City is committed to advancing statewide efforts to improve accessibility while believing that such efforts must be practical and achievable for impacted entities.

Therefore, the City:

1. Supports clear definitions for public meetings requiring online accessibility.
2. Supports unified federal standards for web and online accessibility requirements and reasonable timelines to comply after standards and rules are made known, at either the state or federal level.
3. Supports ensuring municipalities' ability to engage vendors to ensure compliance with technology accessibility requirements.
4. Supports allowing local governments to exempt archived documents and allow "safe harbor" while working towards compliance.

AIR QUALITY**ENVIRONMENTAL HEALTH**

The City's Air Quality Plan reiterates the adopted City Plan strong overall goal "to protect human health and the environment through continuous improvements in air quality."

Therefore, the City:

1. Supports programs and policies that improve public health and indoor and outdoor air quality, including attainment of National Ambient Air Quality Standards for ozone.
2. Supports local government authority to improve indoor and outdoor air quality beyond minimum State or Federal requirements.
3. Supports implementation of expanded air quality monitoring programs.
4. Supports adequate authority and resource at all levels of government to enforce air quality regulations.
5. Supports economic incentives, disincentives and other market approaches that promote low emission and zero emission alternatives to carbon-based fuels.
6. Supports strengthening vehicle and fuel efficiency standards, including programs and policies that promote the use of zero and low emission vehicles (e.g., electric) and the development of infrastructure needed to support the use of those vehicles.
7. Supports programs or incentives that reduce vehicle miles traveled through transit-oriented development and enhanced access to alternative modes (e.g., walking, biking and transit).

BEER AND LIQUOR**SAFE COMMUNITY**

The City issues and renews liquor licenses, enforces license rules, and holds hearings for liquor license violations.

Therefore, the City:

1. Supports greater local licensing final authority for all types of licensing and related fees (New, Transfers, Modifications, and Manager Registration.)
2. Supports a sharing of accountability of serving violations between license holder and individual server or store clerk.
3. Supports permanent ability for licensees to service alcohol on a temporary/permanent basis in non-contiguous areas.

BROADBAND AND CABLE**ECONOMIC HEALTH**

Reliable, high-speed and affordable access to broadband and cable programming throughout the community remains a priority and a long-term goal for the City to ensure economic vitality and allow equal access for all residents and businesses.

Therefore, the City:

1. Supports maintaining local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public

education and government (PEG) programming, and to charge franchise and PEG fees to support local programming and compensate for the use of rights-of-way.

2. Supports allowing communities to offer and/or partner to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.
3. Opposes restrictions on providing telecommunication services within City-owned facilities and on City property, and related restrictions on the manner in which such services may be financed, funded or structured.
4. Opposes infringement on municipalities' ability to compete in the broadband marketplace.
5. Opposes right-of-way use contrary to existing aesthetic policies and practices, including the addition of any above- ground cabling.
6. Supports revisions to the Colorado Open Meetings Law to allow local jurisdictions that provide or arrange for telecommunications services or facilities to authorize executive sessions for discussion of matters pertaining to competition in the provision of telecommunication services and facilities (such as matters subject to negotiation, strategic planning, pricing, sales and marketing, and development planning), along with any other conforming statutory changes.
7. Supports prioritizing state and federal broadband grants and funding to municipal and co-op broadband operations.

CHILDCARE

ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH

The City of Fort Collins recognizes the criticality of quality, affordable and accessible childcare for families and businesses in the community. The City's role is to help reduce barriers, increase capacity, leverage assets, identify and respond to childcare needs, and lead by example as an employer.

Therefore, the City:

1. Supports programs and policies that improve the severe shortage of childcare openings with licensed providers, including programs and incentives that promote the expansion of existing childcare centers and development of new centers, particularly those serving low-income families and offering extended hours of operation.
2. Supports regulations that streamline requirements and reduce the complexity and cost of childcare services, including licensing and educational requirements, when those mandates are not clearly benefiting the health and safety of children and the community.
3. Supports increased funding for early childhood education.
4. Supports workforce development in the early care and education field, including scholarships, training programs and simplified credentialing processes.
5. Supports increased and sustainable public subsidization of childcare costs, including proposals to support living wages for providers and those that reduce the cost burden on families.

CLIMATE

ENVIRONMENTAL HEALTH

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. In response to the climate emergency, Fort Collins has adopted aggressive emission reduction goals and supports policies and legislation helping communities and the state to achieve these goals and enhance the environment as detailed in the Our Climate Future Plan.

Therefore, the City:

1. Supports policies that put equity at the center of decision-making to consider systemic inequities in energy and climate impacts, based on race or socioeconomic status, to justly transition and grow a clean energy future.
2. Supports greenhouse gas (GHG) emission reduction targets, planning, mechanisms that support the gathering of data to inform greenhouse gas inventories, and implementation at all levels of government.
3. Supports incentives, regulations, and other mechanisms to reduce emissions and enhance resilience in energy, waste reduction, transportation, and water sectors, as well as in responding to wildfire and other climate related extreme weather events.
4. Supports protection of the Colorado self-audit law.
5. Supports policies promoting emerging methods of effective atmospheric carbon reduction through proven means.
6. Supports policies that influence investment decisions of public sector resources to reduce GHG emissions and increase community resilience.

ELECTIONS

HIGH PERFORMING GOVERNMENT

The City of Fort Collins conducts municipal elections and special elections as required by the citizen (or Council) initiative process. The City is committed to conducting a clear, legal and trustworthy elections process.

Therefore, the City:

1. Supports all efforts that assist the City in conducting fair and transparent election processes according to the City's adopted procedures.
2. Supports process improvements that encourage voter participation.
3. Supports additional mechanisms to prevent election tampering through increased cybersecurity around election data and the election processes.

ENERGY

ECONOMIC HEALTH, ENVIRONMENTAL HEALTH

Through its municipally owned electric utility, the City is committed to providing affordable, reliable and clean energy services to residents and businesses, as described in the Our Climate Future plan. Energy issues extend beyond electricity to also encompass the community's use of natural gas and petroleum.

Therefore, the City:

1. Supports efforts that promote energy affordability in general for residents, businesses

- and institutions and specifically for households with high energy bill burdens.
2. Supports efforts that promote safety in the generation, transmission and distribution of energy.
 3. Supports efforts and incentives that promote energy efficiency, conservation, distributed energy resources, electrification and grid flexibility.
 4. Supports opportunities for local economic activities related to energy efficiency, clean energy production and utility operations.
 5. Supports initiatives to reduce or eliminate natural gas and petroleum use via beneficial electrification for thermal and transportation needs.
 6. Supports initiatives that reduce barriers to coordinated integrated planning for energy supply and demands.
 7. Supports state and federal funding for resilience efforts to mitigate potential energy- and climate-related disruptions.
 8. Supports implementation of the state's Clean Energy Plans to reduce emissions from electricity statewide while considering reliability, affordability and regulatory roles.
 9. Opposes attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
 10. Supports smart grid technology adoption and grid modernization.
 11. Supports minimizing the environmental impacts of energy production, reducing fossil fuel generated electricity and eliminating the use of coal.
 12. Supports efforts that promote the development of regional electricity markets.
 13. Supports the local determination of electric rates and distributed resources credits that balance the impacts to participants and non-participants to create a robust local renewable generation system.

FINANCE

ECONOMIC HEALTH, HIGH PERFORMING GOVERNMENT

Strong fiscal planning, prudent debt management and investment policies, and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City:

1. Supports expanding municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).
2. Supports increased funding for K-12 and higher education, specifically Colorado State University and Front Range Community College.
3. Encourages the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Supports the equitable distribution sales tax collections on e-commerce transactions.
5. Opposes efforts that inhibit the City's ability and authority to increase its revenue base (i.e., sales, use and property taxes).
6. Supports protections that do not unnecessarily restrict the investments of government

entities.

7. Supports programs that provide economic assistance to organizations and individuals impacted by health emergencies.

HAZARDOUS MATERIALS MANAGEMENT

SAFE COMMUNITY, ENVIRONMENTAL HEALTH

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City:

1. Supports strengthening the enforcement of hazardous materials regulations.
2. Supports increasing diversion of hazardous waste from landfills.
3. Supports local governments' ability and authority to review and approve locations of facilities that use or store hazardous materials or hazardous waste.

HEALTH CARE

NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH, ECONOMIC HEALTH, HIGH PERFORMING GOVERNMENT

The City recognizes that the rapidly increasing cost of health care and health insurance is a barrier to real wage growth, equitable health outcomes, and economic gains among many Fort Collins residents. The City further recognizes that employer-sponsored health care and varying state regulations that are not consistent across the United States have resulted in the system we have today.

Therefore, the City:

1. Supports health care policy that provides single-payer, not-for-profit health care to all residents.
2. Supports the portability of health care plans across employers and state lines.
3. Supports health care policies that end the practice in the United States of employers being the primary source of health insurance for residents.

Supports policies that allocate costs to individuals and their families proportional to their ability to pay.

HOUSING

NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH

The City recognizes that the affordability and availability of quality housing is critical to a vibrant and diverse community. The City's Housing Strategic Plan establishes a housing-first community vision that everyone has stable, healthy housing they can afford.

Therefore, the City:

1. Supports enhancing funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program and providing funding for affordable for-sale homes, but not increases to unrelated fees.
2. Supports legislation that would enable an affordable housing right of first refusal to encourage local government and partner acquisition of multifamily properties for the

purpose of long-term affordable housing.

3. Supports increasing local governments' ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
4. Supports maintaining stronger amendments to construction defect laws to promote the construction of owner-occupied attached housing.
5. Supports creating an adequate supply of housing for all income levels and continued public- and private-sector support for these efforts.
6. Supports exploring expansion of the Mobile Home Act to address rent pad stabilization, transparency in utility billing and other livability issues.
7. Supports continued funding and expansion of programs for eviction and foreclosure prevention, including provision of free legal assistance and adopting a statewide right to counsel for residents facing eviction or foreclosure.
8. Supports consideration of incentives and/or requirements to encourage land use reforms that will increase housing supply statewide, particularly through eliminating zoning barriers to accessible, healthy, affordable housing (e.g., increased density, accessory dwelling units, conversion of existing buildings to housing).
9. Supports policies that intentionally link transportation funding and housing funding so that investment is prioritized where there is policy alignment between multimodal infrastructure and transit-supportive housing densities.
10. Supports funding and regional support for housing-first approaches to homelessness including housing coordination and placement, rapid rehousing and supportive services (e.g., rental assistance, utility assistance, case management) to assist with housing retention and stability.

HUMAN RESOURCES

HIGH PERFORMING GOVERNMENT

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars, ensuring that employee compensation and benefits are meaningful, equitable, market-based and competitive. The City believes that its residents, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City:

1. Supports the City's ability and authority to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.
2. Supports the development and expansion to the City's ability to determine how best to manage employee health and benefit programs.
3. Supports current state funding levels for police officers' and dispatchers' death and disability benefits made available by Fire & Police Pension Association of Colorado.
4. Opposes proposals that would allow employees and/or retirees with defined contribution or deferred plans to move into defined benefit plans if there is a cost to local government.

5. Opposes proposals that would limit the City's ability to test job applicants for presence of alcohol or controlled substances or employees at work for impairment due to consumption of alcohol, marijuana, or other controlled substances or to set limits related to such testing.
6. Opposes proposals that expand Colorado and federal anti-discrimination protections to allow individuals other than employees to file claims against public entities for violations, that expand the definition of "hostile work environment" beyond current state and federal protections, or that waive a public entity's sovereign immunity in an action for injuries resulting from a discrimination or unfair employment practice claim brought pursuant to Colorado anti-discrimination law.
7. Opposes proposals that require a municipality to collectively bargain with its employees in conflict with a home rule municipality's authority.

IMMIGRATION AND NATIONAL BORDER CONDITIONS

NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH, SAFE COMMUNITY, HIGH PERFORMING GOVERNMENT

The City recognizes that federal issues pertaining to civil rights at the United States' borders, and immigration law more broadly, have wide impacts that can directly impact the day-to-day life of Fort Collins residents. It can also impact those residents' willingness and comfort with engaging with local public safety agencies and other key service providers.

Therefore, the City:

1. Supports the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings to determine their status.
2. Supports pathways to legal immigration into the United States that are sustainable in the long term, including removing financial barriers and increasing access to legal services.
3. Supports regulations and laws that support the use of employment eligibility verification by employers.
4. Supports the 2011 ICE memorandum on "sensitive locations" limiting its immigration enforcement actions and arrests at the following locations so as to preserve the health, safety and education of all residents:
 - a. Hospitals;
 - b. Schools and scholastic bus stops (preschools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
 - c. Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
 - d. The site of a funeral, wedding, or other public religious ceremony; and
 - e. Public demonstrations, such as a march, rally, or parade.
5. Supports regulations and laws that add wage and labor protection requirements for workers currently excluded from minimum wages and overtime protections, breaks, and mandatory rest days.
6. Supports de minimus exemptions to Verification of lawful presence CO ST § 24-76.5-103 by adding a new section (3) (f) to the State law that exempts the City from following the verification process for any particular local public benefit that is valued at less than

\$500.00, or that is not provided directly to the beneficiary by the City.

7. Supports local control over how state and federal funding for healthcare, affordable housing and food security is allocated to meet the needs of all residents and their families regardless of immigration status.

INTEGRATED LAND USE, TRANSPORTATION PLANNING, AND DEVELOPMENT REVIEW ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH

City Plan and the Transit Master Plan guide the City's long- term decisions on land use and transportation investments and regulations. Fort Collins uses tools such as land use and building code, and well-established development review processes.

Therefore, the City:

1. Supports requirements for comprehensive land use planning that organizes and directs growth to achieve stated community vision, policies and goals.
2. Supports policies, standards or programs that require the analysis of public health, sustainability and equity in land use planning and regulation.
3. Supports local governments' ability to obtain financial compensation for additional work of inspectors through fees or other means.
4. Opposes any unfunded state-mandated review, permitting or inspection requirements.
5. Supports local governments' authority to determine zoning, development review, building and inspection standards, procedures and timelines.
6. Encourages regional cooperation in land use, transportation planning, utility and water resource planning and fostering sustainable development. Supports intergovernmental agreements between a municipality and a county to establish boundaries and annexation of a GMA and prohibit any outside parties to annex said GMA.
7. Supports municipal discretion concerning the imposition of building and development fees and requirements.
8. Supports retaining and/or increasing local authority related to the siting, design and regulation of wireless telecommunication facilities, including both small cell and macro sites.
9. Supports local adoption of building and other related codes, including addition of local amendments needed to safeguard public health and safety by regulating building construction, structural strength, sanitation, light, ventilation and energy conservation.
10. Supports local control and regulation of Building Department staff, including qualifications of building inspectors performing plumbing and electrical inspections.

LICENSED SUBSTANCES

SAFE COMMUNITY

State and local municipalities address licensing and regulations regarding the cultivation, sale, and use of tobacco, cannabis, and natural medicine and there are additional substances considered every year (Hemp intoxicants, Kratom, etc.) The City has and will have a continued interest in managing these licensed substances in a manner that balances the needs and desires of the community.

Therefore, the City:

1. Supports communities' ability to raise necessary funds to maintain public safety and enforce licensed substances and related products possession laws.
2. Supports additional state licensed substances enforcement resources, especially for field enforcement.
3. Opposes under-21 access to marijuana and natural medicine and supports increasing penalties to those supplying to underage individuals.
4. Supports greater education and research on the harmful effects of high concentrate THC and transparency in the spending of dedicated marijuana education dollars.
5. Supports local opt-in provisions regarding new permits and/ or licenses or other licensed substance related activities allowed under state law.
6. Supports further development of laws and regulations to stop the proliferation of gray- and black-market licensed substances while coordinating with the federal level to help address safety through research and legal banking, and to reduce conflict between Colorado and federal laws.
7. Supports statewide efforts to enforce retail tobacco sales compliance as well as prohibiting the sale of intoxicating hemp and THC products to minors.
8. Supports legislation that greatly reduces or eliminates the incidence of smoking and vaping. Specific measures may include the elimination of flavored vaping cartridges, state-wide retail licensing for tobacco and vaping products, and identical treatment of vaping and e-cigarette products to traditional forms of tobacco.

MUNICIPAL COURT

SAFE COMMUNITY, HIGH PERFORMING GOVERNMENT

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the City Charter and ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, civil infractions, and civil cases. Generally, cases are brought to Municipal Court by Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City:

1. Opposes limitations on the authority of municipalities to enforce their own ordinances in municipal courts and increased procedural requirements or limitations on municipal court proceedings, such as limitations on bonding requirements related to municipal court warrants and sentencing options, and supports elimination of requirements impinging on municipal court authority and discretion.
2. Opposes the imposition of state surcharges on municipal court fines for the purpose of funding state programs.
3. Opposes any unfunded mandates imposed on municipal courts by the state.

OIL AND GAS

ENVIRONMENTAL HEALTH

Fort Collins residents have expressed continuing concern about the human and environmental impacts from local oil and gas development. Additionally, community members have expressed concern over transported emissions from oil and gas operations outside of City limits that

contribute to local ozone formation.

Therefore, the City:

1. Supports local authority to regulate oil and gas operations as granted in 2019 through Senate Bill 19-181, which includes the ability to regulate the siting of new development and surface impacts.
2. Supports scientific studies that evaluate impacts of oil and gas operations on human health, the environment and property values.
3. Supports air pollution monitoring, emission characterization and modeling studies to better understand the contributions of the oil and gas industry to air pollution.
4. Supports the plugging and reclamation of older, low and non-producing oil and gas wells, and continuing assessment of the condition of abandoned wells.
5. Supports the current formula allocation of State Severance Tax and Federal Mineral Lease (FML) revenue to impacted jurisdictions so that they might address impacts from resource extraction.
6. Supports collaboration with operators, state agencies and local governments on oil and gas development within and adjacent to the City's Growth Management Area, and on City-owned properties outside of City limits.
7. Supports legislation that protects public health, safety, welfare, the environment and wildlife resources in consideration of surface owners and mineral owner rights.

OPEN RECORDS AND DATA MANAGEMENT

HIGH PERFORMING GOVERNMENT

The City is the collector and keeper of hundreds of datasets and recorded information and is legally bound and responsible for responding to Open Record requests. The City supports transparency and open data initiatives.

Therefore, the City:

1. Supports clear requirements that allow for reasonable requests and timeframes to provide information that is legally available.
2. Opposes mandates that include unrealistic timeframes and requests that require additional staff time with no means to recover costs.
3. Supports cybersecurity efforts that protect the City, consumers and infrastructure.
4. Supports data privacy regulations prohibiting the sharing of residents' data with federal agencies without a court- authorized subpoena, warrant or other valid order.

PARKS, NATURAL AREAS, AND PUBLIC AMENITIES

ENVIRONMENTAL HEALTH, CULTURE & RECREATION

The City is committed to providing the community with excellent natural areas, parks, recreation facilities, trails, cultural centers, and engaging programs. Residents and visitors enjoy improved health, less crime, a higher quality of life, and a greater sense of community because of the quality natural areas, parks and recreation programs, and other public spaces.

Therefore, the City:

1. Supports maintaining or enhancing funding for parks, trails, forestry, horticulture, natural

areas, cultural centers, and recreation services and facilities.

2. Supports local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Supports equal or greater funding levels of Great Outdoors Colorado grants awarded to municipalities.
4. Supports maintaining or enhancing tax incentives to private landowners for voluntary land conservation.
5. Supports protection of the Cache la Poudre River and local urban streams.
6. Supports programs and funding for equitable access to public space and services.

PUBLIC HEALTH

SAFE COMMUNITY, NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH

The City of Fort Collins strives to be a healthy, livable city that is a welcoming and inclusive community for all, including residents who may be experiencing the challenges of homelessness, mental health issues, substance use disorders, depression, and other challenging life situations. The City also supports primary prevention strategies to reduce the injuries and deaths associated with gun violence.

Therefore, the City:

1. Supports maintaining or increasing the funds available through the state and federal government for community-focused non- profits to provide human services and housing support.
2. Supports providing communities with resources to address chronic homelessness, supportive housing, mental health and substance use disorders, including tobacco, alcohol and drug prevention programs.
3. Supports a standardized statewide approach to addressing homelessness.
4. Supports research and necessary funding related to the root causes and effects of gun violence to better inform prevention strategies.
5. Supports research, funding and/or programs to address disparities in social determinants of health (e.g., housing, income, educational attainment, access to healthcare) to improve community-wide health outcomes, including addressing root cause issues such as racism and exclusion.
6. Supports efforts to ensure the health and safety of domestic animals and appropriate penalties for cases of abuse, cruelty and neglect.

PUBLIC SAFETY

SAFE COMMUNITY

The Fort Collins City Council recognizes the critical importance of maintaining public safety, providing a safe environment, and protecting the lives and property of the residents of Fort Collins on a daily basis as well as through preparedness and resiliency planning efforts.

Therefore, the City:

1. Supports greater protections to victims of crime, regardless of immigration status.
2. Supports the City's right to use camera enforcement of traffic laws, reduce operational

restrictions on the use of camera enforcement, and increase the fines associated with violations.

3. Supports protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve 911 diversity (back-up/resilience) issues.
4. Opposes increased 911 provider tariffs without clear documentation of cost needs.
5. Opposes initiatives that have the potential to compromise officer safety.
6. Supports minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Opposes municipal liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
8. Opposes efforts to undermine local control or enforcement of activities on public property.
9. Supports a state adopted fire and building code, the code of choice being the International Fire and Building Code, while allowing municipalities to adopt their own codes and local amendments.
10. Opposes limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
11. Opposes restricting any local jurisdiction from requiring the installation of fire sprinklers.
12. Supports the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks within City boundaries.
13. Supports efforts to reduce abuse and improper disposal of over-the-counter and prescription drugs.
14. Supports exclusive digital communication networks for public safety personnel during emergencies.
15. Supports the restoration of qualified immunity for government officials.
16. Supports practical standards related to use of force that appropriately balance the rights and safety of Fort Collins residents with the safety of first responders.
17. Supports increased reporting of crimes by refraining from inquiries about legal immigration status unless such inquiry is pertinent to a crime; supports continuation of non-restrictive U-Visa certification policies that allow victims of crime to access important legal protections.
18. Supports continued use of body-worn cameras (BWCs), protections for public recordings of police, and the maintenance and reporting of such data that does not compromise police operations or public safety.
19. Supports statute change to allow the deactivation of BWCs when in a law enforcement facility with active audio and video recording devices and clarify that law enforcement personnel assigned to administrative duties are exempt from the requirement to wear a BWC daily.

RECYCLING AND SOLID WASTE REDUCTION

ENVIRONMENTAL HEALTH

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes

recycling, re-use, composting and source reduction, and which also applies Zero Waste principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020, 90 percent by 2025, and 100 percent by 2030.

Therefore, the City:

1. Encourages integrated, sustainable waste management planning and implementation policy, including but not limited to centralized data collection requirements, local hauler licensing and initiatives to reach statewide diversion targets.
2. Supports a regulatory authority role for local government to ensure the efficient management of recyclable material and solid waste, including application of laws that prescribe the use of county-funded disposal facilities for certain types of wastes, and other local bans on landfill disposal for certain types of debris.
3. Encourages “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.
4. Supports incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
5. Supports continued or increased funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
6. Supports establishing a refundable deposit fee on beverage containers to increase recovery rates and pay for recycling programs.
7. Supports state and regional economic tools for existing and new businesses that provide end markets for recycled materials in support of a domestic, circular economy.
8. Supports incentives and programs to encourage the use of compost, developing end markets to help divert organic material (e.g., food and yard waste) from landfills, and developing composting infrastructure.
9. Supports incentives and programs to develop end markets for construction and demolition waste materials and other potentially recyclable materials.
10. Supports extended producer responsibility initiatives that fund recycling programs and incentivize products to be designed for reuse, recycling or composting, and maintain local control of recycling programs.

RISK MANAGEMENT AND LIABILITY

HIGH PERFORMING GOVERNMENT

The City of Fort Collins recognizes the dual purpose of the workers’ compensation system: providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. The City also recognizes that the City’s self-insurance program is a cost-efficient method to insure workers’ compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City:

1. Supports improving administrative efficiency of the Division of Workers’ Compensation.
2. Opposes increased insurance premium costs to employers.
3. Opposes administrative burdens or taxes to self-insurance programs.

4. Supports limits to insurance claim litigation.
5. Opposes limiting the City's options and ability to manage workers' compensation claims, including actions like removing existing offsets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Opposes efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.
7. Opposes efforts to reduce or weaken protections against liability through governmental immunity or other statutory provisions.

SMALL BUSINESS SUPPORT

ECONOMIC HEALTH, HIGH PERFORMING GOVERNMENT

The City of Fort Collins actively supports small businesses throughout their stages of formation and growth. Changing consumer habits and increased online competition threaten to disrupt the recovery for small businesses.

Therefore, the City:

1. Supports efforts to reduce the cost of food delivery for small businesses by managing third-party delivery fees and encouraging statewide licensing of these service providers.
2. Supports efforts to enhance statewide funding for small business support, including enhanced services to support new business formation owned by women, minority, low-income, and veteran individuals.

TRANSPORTATION INVESTMENT

TRANSPORTATION & MOBILITY

The City actively promotes transportation infrastructure that facilitates the safe and efficient movement of people, goods and services regardless of mode. Infrastructure improvements will support the Vision Zero plan and be in concert with land use development while being respectful of community values and the environment.

Therefore, the City:

1. Supports alternative methods of funding transportation infrastructure needs.
2. Supports funding the analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
3. Encourages flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
4. Supports guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
5. Supports funding for the build-out of Interstate 25 improvements.
6. Supports additional funding options and availability to increase safety in all modes of travel.
7. Supports broadening the definition of the gasoline tax to a "fuel tax" that encompasses other fuel options as they become more prevalent.
8. Opposes reductions to the present allocation formula of 60 percent state, 22 percent

counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula

9. Supports enhanced ability to implement railroad quiet zones in municipalities, further options in pursuing various degrees of quiet zones, and an overall reduction in train horn decibel and duration requirements.
10. Opposes divesting highway roads in urban areas from the state and making them the sole responsibility of local jurisdictions without adequate compensation for ongoing maintenance.
11. Supports safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
12. Supports local regulatory and design standard control of public roads, pedestrian paths and bike lanes to address all modes of transportation.

URBAN RENEWAL AND DOWNTOWN DEVELOPMENT

ECONOMIC HEALTH

The State of Colorado has empowered local authorities to use Urban Renewal Authorities (URA) and Downtown Development Authorities (DDA) to encourage downtown revitalization and the elimination of blight. The main funding tool for URAs and DDAs is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal and downtown revitalization restores economic vitality and improves the safety of a designated area with limited financial impact to other government jurisdictions.

Therefore, the City:

1. Opposes limitations on municipalities' ability to utilize financing mechanisms such as TIF.
2. Supports maintaining the ability of downtown development authorities to utilize the full offering of tools and powers provided in the DDA Act.
3. Supports maintaining the ability of Urban Renewal Authorities to utilize the full offering of tools and powers provided for in state statute.

WATER, WASTEWATER, AND STORMWATER

ENVIRONMENTAL HEALTH, SAFE COMMUNITY

The City operates a water utility, a wastewater utility, and a stormwater utility in a financially sound, reliable, safe and environmentally responsible manner. The availability of adequate water supplies is critical to the City and is managed by the Water Supply and Demand Management Policy, the Water Efficiency Plan, and other water-related codes, rules, regulations, plans and policies.

Therefore, the City:

1. Supports expanding the authority delegated to the state to administer federally mandated water, stormwater, and wastewater environmental regulatory programs.
2. Supports reasonable water quality regulations that are cost- effective and can show identifiable benefits.
3. Supports municipal flexibility to manage in-stream flows to preserve or improve the

natural environment while protecting the integrity of Colorado's appropriation doctrine, protecting the City's water supplies and preventing injury to other water users.

4. Supports financing for water conservation projects, such as turf conversions, and supports new financing opportunities for these projects including grants, zero/low interest loans, etc., with availability to all water districts and providers.
5. Supports funding for the recovery and treatment of the Fort Collins water supply, its watershed, and other waterways impacted by natural disasters and human-caused events, including fires.
6. Supports enhanced municipal authority to protect and increase the flexibility and resiliency of the City's water supplies under Colorado's appropriation doctrine, without causing injury to other water users and without adversely affecting in-stream flows or the natural environment. This includes potential bills related to treated water providers being able to more easily share treated water supplies between their distribution systems.
7. Supports reducing legal barriers and clarifying legal ambiguities related to water reuse and greywater projects while protecting the integrity of Colorado's appropriation doctrine, protecting the City's water supplies and preventing injury to other water users.
8. Supports streamlining federal and state permitting requirements for water development projects that increase coordination between permitting agencies, reduce administrative and financial burdens on permit applicants, and ensure robust and enforceable environmental protections.
9. Supports the enlargement of Halligan Reservoir as a common-sense, cost-effective and environmentally-beneficial approach to meet Fort Collins Utilities' future water supply needs.

CITY OF FORT COLLINS LEGISLATIVE CONTACTS

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EXHIBIT A TO RESOLUTION 2023-095

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City of Fort Collins

Legislative Policy Agenda

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INTRODUCTION

Fort Collins is a community of approximately 175,000 residents. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, “Exceptional service for an exceptional community”, through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts a Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

Fort Collins welcomes opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community’s priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation and Mobility. The Policy Agenda identifies this alignment as it is important for City staff to ensure that advocacy supports specific desired outcomes.

CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Tricia Canonico, Chair
- Councilmember Shirley Peel
- Mayor Jeni Arndt

LEGISLATIVE REVIEW PROCESS

In 2023, the City of Fort Collins will rely heavily on the Legislative Policy Agenda, the Colorado Municipal League, and the Colorado Communities for Climate Action organizations for the majority of bill tracking and identification.

The City currently maintains memberships with the Colorado Municipal League and Colorado Communities for Climate Action (CC4CA) - both groups maintain a fulltime presence at the capitol and engage in bill identification and advocacy consistent with their own adopted policy agendas. The City influences both groups' policy agendas, and while not perfectly consistent with our own, both generally advance and protect the City's interests.

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulations and rules that are identified as having a potential impact on the City will be brought to the LRC for discussion. If LRC adopts a position, staff will convey that information to the appropriate state or federal representative and advocate for the adopted position.

If staff or Councilmembers are contacted regarding letters of support or opposition from CML, CC4CA, or Representatives, staff will ensure alignment with LPA and provide a letter signed by the Mayor. If staff or Councilmembers are contacted by lobbyists or other interest groups with requests for letters of support or opposition no action will be taken unless directed by the LRC.

Due to the time-sensitive nature of the General Assembly, if a bill's subject matter is addressed in this Policy Agenda, staff will proactively work with state and federal representatives to advance the City's position as expressed in this legislative policy agenda and other Council-adopted plans and policies. Staff will provide regular updates to the LRC and the full City Council regarding bills of consequence to the City and will consult with the LRC regarding bills for which direction under the adopted policy is unclear.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The City Attorney's Office also reviews selected bills and may provide confidential legal analysis. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins maintains membership with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues, Colorado Communities for Climate Action (CC4CA) which represents municipalities on climate issues. In addition, Fort Collins actively participates in various trade organizations which represent specific areas of interest to City operations.

202~~43~~ LEGISLATIVE POLICY STATEMENTS

HOME RULE AND LOCAL CONTROL

In order to consider and manage local conditions and desires, community issues and needs should be addressed locally. For this reason, home rule authority is of utmost importance to the City of Fort Collins. The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the accumulative effect of these and other activities have statewide ramifications that may call for statewide regulation, to effectively manage such things as overall growth and development in the state, water, -traffic congestion in major transportation corridors and environmental quality.

Therefore, the City:

1. Supports strengthening and preserving home rule authority of municipal governments.
2. Opposes State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Opposes changes that increase (and supports changes that lessen) the burdens and limits on municipalities associated with public or other government records, public meetings and establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority including added cost burdens.
4. Supports enabling cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
5. Supports local control of the awarding of contracts and the accountability of local officials for those actions.
- ~~6.~~ Opposes **unfunded** mandates that increase the complexity and cost of services without improving those services.
- ~~7.~~
- ~~8-6.~~ Supports collaborative regional efforts for the benefit of participating communities.

ACCESSIBILITY - {ONLINE AND PUBLIC MEETINGS}

Supports clear definitions for public meetings requiring online accessibility.

Supports unified federal standards for web and online accessibility requirements and reasonable timelines to comply after standards and rules are made known.

Supports allowing local governments to exempt archived documents and allow “safe harbor” while working towards compliance.

AIR QUALITY

ENVIRONMENTAL HEALTH

The City’s Air Quality Plan reiterates the adopted City Plan strong overall goal “to protect human health and the environment through continuous improvements in air quality.”

Therefore, the City:

1. Supports programs and policies that improve public health and indoor and outdoor air quality, including attainment of National Ambient Air Quality Standards for ozone.
2. Supports local government authority to improve indoor and outdoor air quality beyond minimum State or Federal requirements.
3. Supports implementation of expanded air quality monitoring programs.
4. Supports adequate authority and resource at all levels of government to enforce air quality regulations.
5. Supports economic incentives, disincentives and other market approaches that promote low emission and zero emission alternatives to carbon-based fuels.
6. Supports strengthening vehicle and fuel efficiency standards, including programs and policies that promote the use of zero and low emission vehicles (e.g., electric) and the development of infrastructure needed to support the use of those vehicles.
7. Supports programs or incentives that reduce vehicle miles traveled, through transit-oriented development and enhanced access to alternative modes (e.g., walking, biking and transit).

BEER AND LIQUOR

SAFE COMMUNITY

The City issues and renews liquor licenses, enforces license rules, and holds hearings for liquor license violations.

Therefore, the City:

1. Supports greater local licensing final authority for all types of licensing and related fees (New, Transfers, Modifications, and Manager Registration.)
2. Supports a sharing of accountability of serving violations between license holder and individual server or store clerk.
3. Supports permanent ability for licensees to service alcohol on a temporary/permanent basis in non-contiguous areas.

BROADBAND AND CABLE

ECONOMIC HEALTH

Reliable, high-speed, and affordable access to broadband and cable programming throughout the community remains a priority and a long-term goal for the City to ensure our economic vitality and allow for equal access for all residents and businesses.

Therefore, the City:

1. Supports maintaining local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government (PEG) programming, and to charge franchise and PEG fees to support local programming and compensate for the use of rights-of-way.
2. Supports allowing communities to offer and/or partner to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions, and businesses.
3. Opposes restrictions on providing telecommunication services within City-owned facilities and on City property, and related restrictions on the manner in which such services may be financed, funded or structured.
4. Opposes infringement on municipalities' ability to compete in the broadband marketplace.
5. Opposes right of way use contrary to existing aesthetic policies and practices, including the addition of any above ground cabling.
6. Supports revisions to the Colorado Open Meetings Law to allow local jurisdictions that provide or arrange for telecommunications services or facilities to authorize executive sessions for discussion of matters pertaining to competition in the provision of telecommunication services and facilities (such as matters subject to negotiation, strategic planning, pricing, sales and marketing, and development planning), along with any other conforming statutory changes.

7. Supports prioritizing state and federal broadband grants and funding to municipal and co-op broadband operations.

8. —

9. —

CHILDCARE

ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

The City of Fort Collins recognizes the criticality of quality, affordable and accessible childcare for families and businesses in the community. The City's role is to help reduce barriers, increase capacity, leverage assets, identify and respond to childcare needs, and lead by example as an employer.

Therefore, the City:

1. Supports programs and policies that improve the severe shortage of childcare openings with licensed providers, including programs and incentives that promote the expansion of existing childcare centers and development of new centers, particularly those serving low-income families and offering extended hours of operation.
2. Supports regulations that streamline requirements and reduce the complexity and cost of childcare services, including licensing and educational requirements, when those mandates are not clearly benefiting the health and safety of children and the community.
3. Supports increased funding for early childhood education.
4. Supports workforce development in the early care and education field, including scholarships, training programs and simplified credentialing processes.
5. Supports increased and sustainable public subsidization of childcare costs, including proposals to support living wages for providers and those that reduce the cost burden on families.

CLIMATE

ENVIRONMENTAL HEALTH

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. In response to the climate emergency, Fort Collins has adopted aggressive emission reduction goals and supports policies and legislation helping communities and the state to achieve these goals and enhance the environment as detailed in the Our Climate Future Plan.

Therefore, the City:

1. Supports policies that put equity at the center of decision-making to consider systemic inequities in energy and climate impacts, based on race or socioeconomic status, to justly transition and grow a clean energy future.
- ~~1.2.~~ Supports greenhouse gas (GHG) emission reduction targets, planning, mechanisms that support the gathering of data to inform greenhouse gas inventories, and implementation at all levels of government.
- ~~2.3.~~ Supports ~~market-based incentives, regulations, and other and regulatory mechanisms to reduce emissions and enhance resilience, including incentives, enabling legislation, regulations and other mechanisms to achieve emissions reductions and increase resiliency~~ in energy, waste reduction, transportation, and water sectors, as well as in responding to wildfire and other climate-related extreme weather events.
4. Supports protection of the Colorado self-audit law.
5. Supports policies promoting emerging methods of effective atmospheric carbon reduction through proven means.
- ~~3.6.~~ Supports policies that influence investment decisions of public sector resources to reduce GHG emissions and increase community resilience.
- ~~4. Supports policies that put equity at the center of decision-making to consider systemic inequities in energy and climate impacts, based on race or socioeconomic status, to justly transition and grow a clean energy future.~~

ELECTIONS

HIGH PERFORMING GOVERNMENT

The City of Fort Collins conducts municipal elections and special elections as required by the citizen (or Council) initiative process. The City is committed to conducting a clear, legal, and trustworthy elections process.

Therefore, the City:

1. Supports all efforts that assist the City in conducting fair and transparent election processes according to the City's adopted procedures.
2. Supports process improvements that encourage voter participation.
3. Supports additional mechanisms to prevent election tampering, through increased cyber security around election data and the election processes.

ENERGY*ECONOMIC HEALTH, ENVIRONMENTAL HEALTH*

As a municipally-owned electric utility, the City is committed to providing affordable, reliable, and clean energy services to residents and businesses, as described in the Our Climate Future plan. Energy issues extend beyond electricity to also encompass the community's use of natural gas and petroleum.

Therefore, the City:

1. Supports efforts that promote energy affordability in general for residents, businesses and institutions and specifically for households with high energy bill burdens.
2. Supports efforts which promote safety in the generation, transmission and distribution of energy.
3. Supports efforts and incentives which promote energy efficiency, conservation, distributed energy resources, electrification and grid flexibility.
4. Supports opportunities for local economic activities related to energy efficiency, clean energy production, and utility operations.
5. Supports initiatives to reduce or eliminate natural gas and petroleum use via beneficial electrification for thermal and transportation needs.
6. Supports initiatives which reduce barriers to coordinated integrated planning for energy supply and demands.
7. Supports state and federal funding for resilience efforts to mitigate potential energy and climate related disruptions.
8. Supports implementation of the state's Clean Energy Plans to reduce emissions from electricity statewide while considering reliability, affordability and regulatory roles. federal and state incentives for renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.
9. Opposes attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
10. Supports smart grid technology adoption and grid modernization.

11. Supports minimizing the environmental impacts of energy production, reducing fossil-fuel generated electricity and eliminating the use of coal.

12. Supports efforts which promote the development of regional electricity markets.

12-13. Supports the local determination of electric rates and distributed resources credits that balance the impacts to participants and non-participants to create a robust local renewable generation system.

FINANCE

ECONOMIC HEALTH; HIGH PERFORMING GOVERNMENT

Strong fiscal planning, prudent debt management and investment policies, and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City:

1. Supports expanding municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).
2. Supports increased funding for K-12 and higher education, specifically Colorado State University and Front Range Community College.
3. Encourages the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Supports the equitable distribution sales tax collections on e-commerce transactions.
5. Opposes efforts that inhibit the City's ability and authority to increase its revenue base (sales, use and property taxes).
6. Supports protections that do not unnecessarily restrict the investments of government entities.
7. Supports programs that provide economic assistance to organizations and individuals impacted by the COVID-19 pandemic health emergencies.

HAZARDOUS MATERIALS MANAGEMENT

SAFE COMMUNITY; ENVIRONMENTAL HEALTH

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City:

1. Supports strengthening the enforcement of hazardous materials regulations.
2. Supports increasing diversion of hazardous waste from landfills.
3. Support City's ability and authority to review and approve locations of facilities that use or store hazardous materials or hazardous waste.

HEALTH CARE

NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH; ECONOMIC HEALTH; HIGH PERFORMING GOVERNMENT

The City recognizes that the rapidly increasing cost of health care and health insurance is a barrier to real wage growth, equitable health outcomes, and economic gains among many residents of Fort Collins. The City further recognizes that employer-sponsored health care and varying state regulations that are not consistent across the United States have resulted in the system we have today.

Therefore, the City:

1. Supports health care policy that provides single-payer, not-for-profit health care to all residents.
2. Supports the portability of health care plans across employers and state-lines.
3. Supports health care policies that end the practice in the United States of employers being the primary source of health insurance for residents.
4. Supports policies that allocate costs to individuals and their families proportional to their ability to pay.

HUMAN RESOURCES

HIGH PERFORMING GOVERNMENT

The City of Fort Collins is committed to the health, safety, and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are meaningful, equitable, market-based, and competitive. The City believes that its residents, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City:

1. Supports the City's ability and authority to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.
2. Supports the development and expansion to the City's ability to determine how best to manage employee health and benefit programs.
3. Supports current state funding levels for police officers' and dispatchers' death and disability benefits made available by Fire & Police Pension Association of Colorado.
4. Opposes proposals that would allow employees and/or retirees with defined contribution or deferred plans to move into defined benefit plans if there is a cost to local government.
5. Opposes proposals that would limit the City's ability to test job applicants for presence of alcohol or controlled substances or employees at work for impairment due to consumption of alcohol, marijuana, or other controlled substances or to set limits related to such testing.
6. Opposes proposals that expand Colorado and federal anti-discrimination protections to allow individuals other than employees to file claims against public entities for violations, that expand the definition of "hostile work environment" beyond current state and federal protections or that waive a public entity's sovereign immunity in an action for injuries resulting from a discrimination or unfair employment practice claim brought pursuant to Colorado anti-discrimination law.
7. Opposes proposals that require a municipality to collectively bargain with its employees in conflict with a home rule municipality's authority.

HOUSING

NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

The City recognizes that the affordability and availability of quality housing is critical to a vibrant and diverse community. The City's Housing Strategic Plan establishes a housing-first community vision that everyone has stable, healthy housing they can afford.

Therefore, the City:

1. Supports enhancing funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program and providing funding for affordable for-sale homes, but not increases to unrelated fees.

2. Supports legislation that would enable an affordable housing right of first refusal to encourage local government and partner acquisition of multifamily properties for the purpose of long-term affordable housing.

2.3. Supports increasing local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.

3.4. Supports maintaining stronger amendments to construction defect laws to promote the construction of owner occupied-attached housing.

4.5. Supports creating an adequate supply of housing for all income levels and continued public and private sector support for these efforts.

5.6. Supports exploring expansion of Mobile Home Act to address rent pad stabilization, transparency in utility billing, and other livability issues.

~~6. Supports consideration of changes that would permit municipalities to adopt rent stabilization policies.~~

7. Supports continued funding and expansion of programs for eviction and foreclosure prevention, including provision of free legal assistance and adopting a statewide right to counsel for residents facing eviction or foreclosure.

~~8.~~ Supports consideration of incentives and/or requirements to encourage land use reforms that will increase housing supply statewide, particularly through eliminating zoning barriers to accessible, healthy, affordable housing (e.g. increased density, accessory dwelling units, conversion of existing buildings to housing).

~~9.~~

10.8. Supports policies that intentionally link transportation funding and housing funding so that investment is prioritized where there is policy alignment between multi modal infrastructure and transit supportive housing densities.

11.9. Supports funding and regional support for housing-first approaches to homelessness ~~prevention~~ including housing coordination and placement, rapid rehousing, and supportive services (e.g. rental assistance, utility assistance, case management) to assist with housing retention and stability.

~~12. Supports the development of a statewide disparity study, in consultation with local governments, to assess the state and local impacts of systemic racism on multiple indicators, e.g., housing affordability, social inclusion and economic opportunity, educational attainment, mental and physical health, and more.~~

IMMIGRATION AND NATIONAL BORDER CONDITIONS

NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH; SAFE COMMUNITY; HIGH PERFORMING GOVERNMENT

The City recognizes that federal issues pertaining to civil rights at the United States' borders and immigration law more broadly have wide impacts that can directly impact the day-to-day life of Fort Collins residents. It can also impact those residents' willingness and comfort with engaging with local public safety agencies and other key service providers.

Therefore, the City:

1. Supports the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings to determine their status.
2. Supports pathways to legal immigration into the United States that are sustainable in the long term, including removing financial barriers and increasing access to legal services.
3. Supports regulations and laws that support the use of employment eligibility verification by employers.
4. Supports the 2011 ICE memorandum on "sensitive locations" limiting its immigration enforcement actions and arrests at the following locations so as to preserve the health, safety and education of all residents:
 - Hospitals;
 - Schools and scholastic bus stops (pre-schools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
 - Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
 - The site of a funeral, wedding, or other public religious ceremony; and
 - Public demonstrations, such as a march, rally, or parade.
5. Supports regulations and laws that add wage and labor protection requirements for workers currently excluded from minimum wages and overtime protections, breaks, and mandatory rest days.

~~Supports de minimus exemptions to Verification of lawful presence CO ST § 24-76.5-103 by adding a new section (3)(f) to the State law that exempts the City from following the verification process for any particular local public benefit that is valued at less than \$500.00, or that is not provided directly to the beneficiary by the City.~~

Supports local control over how state and federal funding for healthcare, affordable housing and food security is allocated to meet the needs of all residents and their families regardless of immigration status.

INTEGRATED LAND USE, TRANSPORTATION PLANNING, AND DEVELOPMENT REVIEW ***ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH***

City Plan and the Transit Master Plan guides the City's long-term decisions on land use and transportation investments and regulations. Fort Collins uses tools such as land use and building code, and well-established development review processes

Therefore, the City:

1. Supports requirements for comprehensive land use planning that organizes and directs growth to achieve stated community vision, policies and goals.
2. Supports policies, standards or programs that require the analysis of public health, sustainability, and equity in land use planning and regulation.
3. Supports local governments' ability to obtain financial compensation for additional work of inspectors through fees or other means.
4. Opposes any unfunded state mandated review, permitting or inspection requirements.
5. Supports local governments' authority to determine zoning, development review, building and inspection standards, procedures, and timelines.
6. Encourages regional cooperation in land use, transportation planning, utility and water resource planning, and fostering sustainable development. Supports intergovernmental agreements between a municipality and a county to establish boundaries and annexation of a GMA and prohibit any outside parties to annex said GMA.
7. Supports municipal discretion concerning the imposition of building and development fees and requirements.
8. Supports retaining and/or increasing local authority related to the siting, design and regulation of wireless telecommunication facilities, including both small cell and macro sites.
9. Supports local adoption of Building and other related Codes, including addition of local amendments needed to safeguard public health and safety by regulating building construction, structural strength, sanitation, light, ventilation, and energy conservation.
10. Supports local control and regulation of Building Department staff including qualifications of Building Inspectors performing plumbing and electrical inspections.

MARIJUANA AND HEMP LICENSED SUBSTANCES *SAFE COMMUNITY*

State and local municipalities address licensing and regulations regarding the cultivation, sale, and use of tobacco, cannabis, and mushrooms natural medicine and

there are additional substances considered every year (Hemp intoxicants, Kratom, etc.) The City has and will have a continued interest in managing these licensed substances in a manner that balances the needs and desires of the community. After the State's legalization of medical and recreational marijuana, the City of Fort Collins created local marijuana business licensing programs and adopted ordinances to balance the needs and desires of the community related to legal marijuana. The City also regulates hemp cultivation and extraction.

Therefore, the City:

1. Supports communities' ability to raise necessary funds to maintain public safety and enforce licensed substances marijuana and intoxicating hemp and related products possession laws.
2. Supports additional state marijuana and intoxicating hemp licensed substances enforcement resources, especially for field enforcement.
3. Opposes under-21 access to marijuana and natural medicine and supports increasing penalties to those supplying to underage individuals.
4. Supports greater education and research on the harmful effects of high concentrate THC and transparency in the spending of dedicated marijuana education dollars.
5. Supports local opt-in provisions regarding new permits and/or licenses or other marijuana-licensed substance related activities allowed under state law.
6. Supports further development of laws and regulations to stop the proliferation of gray and black-market marijuana-licensed substances while coordinating with the federal level to help address safety through research and legal banking, and to reduce conflict between Colorado and federal laws.
7. Supports statewide efforts to enforce retail tobacco sales compliance as well as prohibiting the sale of intoxicating hemp and THC products to minors.
- 6-8. Supports legislation that greatly reduces or eliminates the incidence of smoking and vaping. Specific measures may include the elimination of flavored vaping cartridges, an increase in the legal smoking age, state-wide retail licensing for tobacco and vaping products, and identical treatment of vaping and e-cigarette products to traditional forms of tobacco.

MUNICIPAL COURT

SAFE COMMUNITY; HIGH PERFORMING GOVERNMENT

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the City Charter and ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, civil infractions, and civil cases. Generally, cases are

brought to Municipal Court by Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City:

1. Opposes limitations on the authority of municipalities to enforce their own ordinances in municipal courts and increased procedural requirements or limitations on municipal court proceedings, such as limitations on bonding requirements related to municipal court warrants and sentencing options and supports elimination of requirements impinging on municipal court authority and discretion.
2. Opposes the imposition of state surcharges on municipal court fines for the purpose of funding state programs.
3. Opposes any unfunded mandates imposed on municipal courts by the state.

OIL AND GAS

ENVIRONMENTAL HEALTH

Fort Collins residents have expressed continuing concern about the human and environmental impacts from local oil and gas development. Additionally, community members have expressed concern over transported emissions from oil and gas operations outside of City limits that contribute to local ozone formation.

Therefore, the City:

1. Supports local authority to regulate oil and gas operations as granted in 2019 through Senate Bill 19-181, which includes the ability to regulate the siting of new development and surface impacts.
2. Supports scientific studies that evaluate impacts of oil and gas operations on human health, the environment and property values.
3. Supports air pollution monitoring, emission characterization and modeling studies to better understand the contributions of the oil and gas industry to air pollution.
4. Supports the plugging and reclamation of older, low and non-producing oil and gas wells, and continuing assessment of the condition of abandoned wells.
- 3.5. _____
- 4.6. Supports the current formula allocation of State Severance Tax and Federal Mineral Lease (FML) revenue to impacted jurisdictions so that they might address impacts from resource extraction.
- 5.7. Supports collaboration with operators, state agencies and local governments on oil and gas development within and adjacent to the City's Growth Management Area, and on City-owned properties outside of City limits.

- 6-8. Supports legislation that protects public health, safety, welfare, the environment and wildlife resources in consideration of surface owners and mineral owner rights.

OPEN RECORDS AND DATA MANAGEMENT

HIGH PERFORMING GOVERNMENT

The City is the collector and keeper of hundreds of datasets and recorded information and is legally bound and responsible for responding to Open Record requests. The City supports transparency and open data initiatives.

Therefore, the City:

1. Supports clear requirements that allow for reasonable requests and timeframes to provide information that is legally available.
2. Opposes mandates that include unrealistic timeframes and requests that require additional staff time with no means to recover costs.
3. Supports cybersecurity efforts that protect the City, consumers, and infrastructure.
4. Supports data privacy regulations, prohibiting the sharing of residents' data with federal agencies without a court-authorized subpoena, warrant or other valid order.

PARKS AND NATURAL AREAS, AND PUBLIC AMENITIES

ENVIRONMENTAL HEALTH; CULTURE AND RECREATION

The City is committed to providing the community with excellent natural areas, parks, recreation facilities, trails, cultural centers, and engaging programs. Our residents and visitors enjoy improved health, less crime, a higher quality of life, and a greater sense of community because of the quality natural areas, parks and recreation programs, and other public spaces. Equitable access to pools reduces drowning deaths and supports public health during extreme heat.

Therefore, the City:

1. Supports maintaining or enhancing funding for parks, trails, forestry, horticulture, natural areas, cultural centers, and recreation services and facilities.
2. Supports local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Supports equal or greater funding levels of Great Outdoors Colorado grants awarded to municipalities.

4. Supports maintaining or enhancing tax incentives to private landowners for voluntary land conservation.
5. Supports protection of the Cache la Poudre River and local urban streams.
6. Supports programs and funding for equitable access to public space and services.
- 6.—

PUBLIC HEALTH

SAFE COMMUNITY; NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

The City of Fort Collins strives to be a healthy, livable City that is a welcoming and inclusive community for all, including residents who may be experiencing the challenges of homelessness, mental health issues, substance use disorders, depression, and other challenging life situations. The City also supports primary prevention strategies to reduce the injuries and deaths associated with gun violence.

Therefore, the City:

1. Supports maintaining or increasing the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Supports providing communities with resources to address chronic homelessness, supportive housing, mental health, and substance use disorders, including tobacco, alcohol, and drug prevention programs.
3. Supports a standardized statewide approach to addressing homelessness.
4. ~~Supports statewide efforts to enforce retail tobacco sales compliance as well as prohibiting the sale of intoxicating hemp and THC products to minors.~~
5. ~~Supports legislation or regulatory efforts that restrict and better ensure the prevention of firearm purchases of those individuals convicted of a violent criminal offense and those who have been involuntarily committed to a mental institution or are otherwise suffering from a severe mental condition.~~
- 6.4. Supports ~~public health~~ research and necessary funding related to the root causes and effects of gun violence to better inform prevention strategies.
7. ~~Supports legislation that prohibits the sale or transfer of ghost firearms.~~
8. ~~Supports legislation that greatly reduces or eliminates the incidence of smoking and vaping. Specific measures may include the elimination of flavored vaping cartridges, an increase in the legal smoking age, state-wide retail licensing for tobacco and vaping products, and identical treatment of vaping and e-cigarette products to traditional forms of tobacco.~~

~~9.5.~~ Supports research, funding and/or programs to address disparities in social determinants of health (e.g. housing, income, educational attainment, access to healthcare) to improve community-wide health outcomes, including addressing root cause issues such as racism and exclusion.

6. Supports efforts to ensure the health and safety of domestic animals and appropriate penalties for cases of abuse, cruelty, and neglect.

~~— Supports the development of a statewide disparity study, in consultation with local governments, to assess the state and local impacts of systemic racism on multiple indicators, e.g., housing affordability, social inclusion and economic opportunity, educational attainment, mental and physical health, and more.~~

~~10.7.~~

PUBLIC SAFETY

SAFE COMMUNITY

The Fort Collins City Council recognizes the critical importance of maintaining public safety, providing a safe environment, and protecting the lives and property of the residents of Fort Collins on a daily basis as well as through preparedness and resiliency planning efforts.

Therefore, the City:

1. Supports greater protections to victims of crime, regardless of immigration status.
2. Supports the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increase the fines associated with violations.
3. Supports protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve 911 diversity (back-up/resilience) issues.
4. Opposes increased 911 provider tariffs without clear documentation of cost needs.
5. Opposes initiatives that have the potential to compromise officer safety.
6. Supports minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Opposes municipal liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
8. Opposes efforts to undermine local control or enforcement of activities on public property.

9. Supports a state adopted fire and building code, the code of choice being the International Fire and Building Code, while allowing municipalities to adopt their own codes and local amendments.
10. Opposes limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
11. Opposes restricting any local jurisdiction from requiring the installation of fire sprinklers.
12. Supports the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks within City boundaries.
13. Supports efforts to reduce abuse and improper disposal of over-the-counter and prescription drugs.
14. Supports exclusive digital communication networks for public safety personnel during emergencies.
15. ~~Opposes the reduction and loss of~~ Supports the restoration of qualified immunity for government officials.
16. Supports practical standards related to use of force which appropriately balance the rights and safety of Fort Collins residents with the safety of first responders.
17. Supports increased reporting of crimes by refraining from inquiries about legal immigration status unless such inquiry is pertinent to a crime; supports continuation of non-restrictive U-Visa certification policies that allow victims of crime to access important legal protections.
18. ~~Supports continued use of body-worn cameras (BWC), protections for public recordings of police, and the maintenance and reporting of such data that does not compromise police operations or public safety. Opposes unfunded legislative mandates in regard to such programs.~~
18. Supports statute change to allow the deactivation of BWCs when in a law enforcement facility with active audio and video recording devices and clarify that law enforcement personnel assigned to administrative duties are exempt from the requirement to wear a BWC daily.

RECYCLING AND SOLID WASTE REDUCTION

ENVIRONMENTAL HEALTH

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction, and which also applies Zero Waste principles such as redesigning systems to reduce pollution and waste. Additionally,

the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025, and 100 percent by 2030.

Therefore, the City:

1. Encourages integrated, sustainable waste management planning and implementation policy, including but not limited to centralized data collection requirements, local hauler licensing and initiatives to reach statewide diversion targets.
2. Supports a regulatory authority role for local government to ensure the efficient management of recyclable material and solid waste, including application of laws that prescribe the use of county-funded disposal facilities for certain types of wastes, and other local bans on landfill disposal for certain types of debris.
3. Encourages “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.
4. Supports incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
5. Supports continued or increased funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
- ~~6. Supports extended producer responsibility initiatives that fund recycling programs and incentivize products to be designed for reuse, recycling, or composting and maintain local control of recycling programs.~~
- ~~7.6.~~ Supports establishing a refundable deposit fee on beverage containers to increase recovery rates and pay for recycling programs.
- ~~8.7.~~ Supports state and regional economic tools for existing and new businesses that provide end markets for recycled materials in support of a domestic, circular economy.
- ~~9.8.~~ Supports incentives and programs to encourage the use of compost, developing end markets to help divert organic material from landfills (food and yard waste), and developing composting infrastructure.
- ~~10.9.~~ Supports incentives and programs to develop end markets for construction and demolition waste materials and other potentially recyclable materials.

RISK MANAGEMENT AND LIABILITY

HIGH PERFORMING GOVERNMENT

The City of Fort Collins recognizes the dual purpose of the workers' compensation system - providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. The City also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City:

1. Supports improving administrative efficiency of the Division of Workers' Compensation.
2. Opposes increased insurance premium costs to employers.
3. Opposes administrative burdens or taxes to self-insurance programs.
4. Supports limits to insurance claim litigation.
5. Opposes limiting the City's options and ability to manage workers' compensation claims; including actions like removing existing offsets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Opposes efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.
7. Opposes efforts to reduce or weaken protections against liability through governmental immunity or other statutory provisions.

SMALL BUSINESS SUPPORT

ECONOMIC HEALTH; HIGH PERFORMING GOVERNMENT

~~The COVID pandemic has further underscored the need for strong and stable small businesses in every community in the State.~~ The City of Fort Collins actively supports small businesses throughout their stages of formation and growth. Changing consumer habits and increased online competition threaten to disrupt the ~~faltering~~ recovery for small businesses.

Therefore, the City:

1. Supports efforts to reduce the cost of food delivery for small businesses by managing third-party delivery fees and encouraging statewide licensing of these service providers.
2. Supports efforts to enhance state-wide funding for small business support - including enhanced services to support new business formation owned by women, minority, low-income, and veteran individuals.

TRANSPORTATION INVESTMENT

TRANSPORTATION AND MOBILITY

The City actively promotes transportation infrastructure that facilitates the safe and efficient movement of people, goods, and services regardless of mode. Infrastructure improvements will [support the Vision Zero plan and](#) be in concert with land use development while being respectful of community values and the environment.

Therefore, the City:

1. Supports alternative methods of funding transportation infrastructure needs.
2. Supports funding the analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
3. Encourages flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
4. Supports guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
5. Supports funding for the build out of Interstate 25 improvements.
6. Supports additional funding options and availability [to increase safety in all modes of travel.](#) ~~for active transportation modes.~~
7. Supports broadening the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.
8. Opposes reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
9. Supports enhanced ability to implement railroad quiet zones in municipalities, further options in pursuing various degrees of quiet zones, and an overall reduction in train horn decibel and duration requirements.
10. Opposes divesting highway roads in urban areas from the state and making them the sole responsibility of local jurisdictions without adequate compensation for ongoing maintenance.
11. Supports safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
12. Supports local regulatory and design standard control of public roads, pedestrian paths, and bike lanes to address all modes of transportation.

URBAN RENEWAL AND DOWNTOWN DEVELOPMENT

ECONOMIC HEALTH

The state of Colorado has empowered local authorities to use Urban Renewal Authorities (URA) and Downtown Development Authorities (DDA) to encourage downtown revitalization and the elimination of blight. The main funding tool for URAs and DDAs is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal and downtown revitalization restores economic vitality and improves the safety of a designated area, with limited financial impact to other government jurisdictions.

Therefore, the City:

1. Opposes limitations on municipalities' ability to utilize financing mechanisms such as TIF.
- ~~2. Opposes efforts to increase influence of non-City jurisdictions over the use of TIF within City limits.~~
- ~~3.2.~~ Supports maintaining the ability of downtown development authorities to utilize the full offering of tools and powers provided in the DDA Act.
- ~~4.3.~~ Supports maintaining the ability of Urban Renewal Authorities to utilize the full offering of tools and powers provided for in state statute.

WATER, WASTEWATER, AND STORMWATER

ENVIRONMENTAL HEALTH; SAFE COMMUNITY

The City operates a water utility, a wastewater utility, and a stormwater utility in a financially sound, reliable, safe, and environmentally responsible manner. The availability of adequate water supplies is critical to the City and is managed by the Water Supply and Demand Management Policy, the Water Efficiency Plan, and other water-related codes, rules, regulations, plans, and policies.

Therefore, the City:

1. Supports expanding the authority delegated to the state to administer federally mandated water, stormwater, and wastewater environmental regulatory programs.
2. Supports reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Supports municipal flexibility to manage instream flows to preserve or improve the natural environment while protecting the integrity of Colorado's appropriation doctrine, protecting the City's water supplies, and preventing injury to other water users.
- ~~4. Opposes unfunded mandates.~~

5.4. ~~Opposes barriers~~ Supports to financing for water conservation projects, such as turf conversion sations, and supports new financing opportunities for these projects including grants, zero/low interest loans, etc. Across all water districts with availability to all water districts and providers.

6.5. Supports funding for the recovery and treatment of the Fort Collins water supply, its watershed, and other waterways impacted by natural disasters and human-caused events, including fires.

7.6. Supports enhanced municipal authority to protect and increase the flexibility and resiliency of the City's water supplies under Colorado's appropriation doctrine, without causing injury to other water users and without adversely affecting instream flows or the natural environment. This includes potential bills related to treated water providers being able to more easily share treated water supplies between their distribution systems.

8.7. Supports reducing legal barriers and clarifying legal ambiguities related to water reuse and greywater projects, while protecting the integrity of Colorado's appropriation doctrine, protecting the City's water supplies, and preventing injury to other water users.

9.8. Supports streamlining federal and state permitting requirements for water development projects that increase coordination between permitting agencies, reduces administrative and financial burdens on permit applicants, and ensures robust and enforceable environmental protections.

9. Supports the enlargement of Halligan Reservoir as a common-sense, cost-effective, and environmentally-beneficial approach to meet Fort Collins Utilities' future water supply needs.

CITY OF FORT COLLINS LEGISLATIVE CONTACTS

Legislative Review Committee			
Name	District/Title	Email	Phone
Councilmember Tricia Canonico	District 3	tcanonico@fcgov.com	970-305-6296
Mayor Jeni Arndt	Mayor	jarndt@fcgov.com	970-413-3146
Councilmember Shirley Peel	District 4	speer@fcgov.com	970-217-5817
Kelly DiMartino	City Manager	kdimartino@fcgov.com	(970) 416-2028
Carrie Daggett	City Attorney	cdaggett@fcgov.com	(970) 416-2463
Tyler Marr Ginny Sawyer	Legislative Staff	tmarr@fcgov.com gsawyer@fcgov.com	(970) 416-4205 (970) 224-6094

Legislative Staff Liaison Members				
Topic Area	Name	Title	Email	Phone
Affordable Housing and Social Sustainability	Meaghan Overton Beth Yonce	Housing Manager, Social Sustainability Director	moverton@fcgov.com byonce@fcgov.com	(970) 221-6752
Air Quality	Cassie Archuleta	Air Quality Program Manager	carchuleta@fcgov.com	(970) 416-2648
Broadband	Chad Crager	Broadband Director	ccreager@fcgov.com	(610) 224-6001
Cable Television Franchise	Carson Hamlin	Cable Television Manager	chamlin@fcgov.com	(970) 221-6510
Childcare	Adam Molzer	City Grants and Community Partnerships Coordinator	amolzer@fcgov.com	(970) 221-6757
Climate	Honore Depew	Climate Program Manager	hdepew@fcgov.com	(970) 224-6143
Environmental Protection	Lindsay Ex	Environmental Services Director	lex@fcgov.com	(970) 224-6085
Elections, Liquor and Marijuana Licensing	Anissa Hollingshead	City Clerk	ahollingshead@fcgov.com	
Energy	John Phelan	Energy Services, Senior Manager	jphelan@fcgov.com	(970) 416-2539
Finance	Travis Storin	Chief Financial Officer	tstorin@fcgov.com	(970) 221-6795
Economic Health	Josh Birks	Economic Health Director	jbirks@fcgov.com	(970) 221-6324

Item 23.

Protection and HAZMAT Mgmt	Derek Bergsten	Division Chief, Poudre Fire Authority	derek.bergsten@poudre-fire.org	(970) 566-7274
Human Resources	Teresa Roche	Chief Human Resources Officer	troche@fcgov.com	(970) 221-6717
Natural Areas, Open Lands and Cache la Poudre River Issues	Katie Donahue	Natural Areas Director	kdonahue@fcgov.com	(970) 416-8067
Building Services	Marcus Coldiron	Chief Building Official	mcoldiron@fcgov.com	(970) 416-2324
Parks and Recreation	Mike Calhoon, LeAnn Williams	Director of Parks, Director of Recreation	mcalhoon@fcgov.com lewiliams@fcgov.com	(970) 416-2079
Planning and Land Use	Paul Sizemore, Rebecca Everett	Community Development and Neighborhood Services Director, Planning Manager	psizemore@fcgov.com reverette@fcgov.com	(970) 224-6140 (970) 416-2625
Public Safety	Greg Yeager	Deputy Chief of Police	gyeager@fcgov.com	(970) 416-2185
Recycling and Solid Waste Reduction	Caroline Mitchell	Environmental Program Manager	cmitchell@fcgov.com	(970) 221-6288
Risk Management	Claire Goodwin	Safety, Security, and Risk Management Director	cgoodwin@fcgov.com	(970) 221-6774
Stormwater	Andrew Gingerich	Water Field Operations Director	agingrich@fcgov.com	(970) 221-6232
Transportation	Dean Klingner	Planning, Development and Transportation Deputy Director	dklingner@fcgov.com	(970) 416-2029
Utilities Customer Connections and Water Conservation	Gretchen Stanford	Interim Deputy Director, Customer Connections	gstanford@fcgov.com	(970) 416-2627
Water Supply and Quality	Jason Graham	Director of Water Utilities	jgraham@fcgov.com	970-221-6921

Legislative Review Committee Minutes
Tuesday, November 14, 2023
4:00-5:00PM

Councilmembers Present: Councilmember Canonico (chair), Mayor Arndt

Staff present: Tyler Marr, Ginny Sawyer, John Phelan, Sylvia Tatman-Burruss, Jenny Lopez-Filkins, Megan DeMasters, Lockie Woods

Guests present: Ed Bowditch (lobbyist, virtual), Jennifer Cassell (lobbyist, virtual), Kevin Jones (virtual)

1. Approval of the minutes from the October 3rd meeting. Mayor moved and Canonico seconded. Passed 2-0.
2. Approval of the 2024 Legislative Policy Agenda. Mayor moved and Canonico seconded. Passed 2-0.
3. Special Session Update (Ed)
 - a. In response to the failure of Proposition HH, session starts on Friday.
 - b. Colorado needs to sign up for a federal program that will give certain students a food and nutrition benefit over the summer.
 - c. The current property tax proposal is to increase the value exemption for homeowners. All proposals will only apply to the year. Many details remain uncertain.
4. Stakeholder outreach from the Governor's Office on Housing Policies/Bills (Mayor Arendt & Jennifer)
 - a. Transit Corridor Development
 - b. ADUs – Incentives to build & reduce fees
 - c. Strategic Housing Planning
5. Federal Topics (Tyler)
 - a. Upcoming visit to DC
 - b. Grants
 - i. Transportation
 - ii. State is applying for an EPA Greenhouse Gas grant.
6. Additional Topics (Ginny)
 - a. City and CCI are lobbying the state to push back the timeline for accessibility rules.
 - b. Legislative breakfast is on December 13th.

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Grants Compliance and Policy Manager
Ted Hewitt, Assistant City Attorney

SUBJECT

Public Hearing and Resolution 2023-096 Approving \$1.2 Million in HOME Investment Partnership Act American Rescue Plan Act Funding to the Heartside Hill Affordable Housing Development.

EXECUTIVE SUMMARY

The purpose of this item is to approve the funding recommendations of \$1.2 Million in HOME Investment Partnership Act-American Rescue Plan Act funding (HOME-ARP) to the Heartside Hill affordable housing development.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) into law, enabling over \$1.9 Trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals and businesses.

The American Rescue Plan Act appropriated \$5.0 billion to help communities provide housing, shelter and services for people experiencing homelessness and other qualifying populations. These funds are administered by the Department of Housing and Urban Development (HUD) through HOME-ARP to be used by HOME participating jurisdictions to address housing instability and homelessness.

As a HOME program participating jurisdiction, the City of Fort Collins received a HOME-ARP Award of \$2,628,410 to benefit qualifying populations in our community, including:

- homeless and those at-risk of homelessness;
- people fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking;
- other populations where provision of assistance would prevent homelessness or would serve those with the greatest risk of housing instability.

On November 15, 2022, Council passed Ordinance No. 126, 2022, which appropriated the funds to the City budget and allowed staff to begin the work needed to successfully deploy and administer the funding in accordance with the HOME-ARP Allocation Plan approved by HUD. This allocation plan outlined the distribution of funds as follows:

Development of Rental Housing	\$2,000,000
Supportive Services	\$ 400,000
Administration & Planning	\$ 228,410
TOTAL	\$2,628,410

On June 6, 2023, Council passed Resolution 2023-050, approving \$800,000 in HOME-ARP funding to Heartside Hill as part of the funding recommendations from the Competitive Process, leaving a remaining HOME-ARP balance of \$1.2 Million for development of rental housing. The remaining funds were then made available to all eligible housing developments through a rolling application that was deployed in July 2023. The intent of the rolling application was to receive applications any given month, as needed, and quickly have them reviewed by the Human Services and Housing Funding Board and forwarded to Council for recommendation.

The application criteria for these funds were as follows:

1. The request must be for final gap funding needed for a project that is anticipated to commence construction within 6 months.
2. Total HOME-ARP investment must provide 8 rental units for qualifying populations.
3. Multifamily developments that provide additional affordable housing units in support of the Housing Strategic Plan goals would be prioritized.
4. The applicant must have capacity and experience with compliance with HUD-assisted housing developments.

Heartside Hill submitted a request for the balance of funding needed to fill their financing gap and allow the project to commence as planned in early 2024. The proposed development will provide a total of 72 rental units serving households below 60% of Area Median Income and is expected to start construction in February 2023.

Staff is currently unaware of any other projects in development that would meet the HOME-ARP funding eligibility requirements.

CITY FINANCIAL IMPACTS

The HOME-ARP funding represents one-time funding of \$2.6 Million from HUD to the City of Fort Collins which can be used to address some of our most critical housing needs, thereby reducing the demand on the City's General Fund budget to address such needs.

Through the provision of affordable housing, more of Fort Collins' workforce can reside within the community. This means there is an available labor pool within the City, which is a positive benefit to economic sustainability.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Human Services and Housing Funding Board unanimously voted to recommend this request for funding on September 13, 2023.

PUBLIC OUTREACH

The Human Services and Housing Funding Board reviewed the proposal and deliberated the request at its regular meeting held on September 13, 2023. The meeting was open to the public and added to the City calendar.

The City of Fort Collins Citizen Participation Plan for HUD funds requires a 30-day public comment period on the proposed allocation of all HUD funds prior to Council's final decision. Staff placed an ad in the Coloradoan newspaper on October 19, 2023, detailing the proposed funding and that the public comment period would start on October 20, 2023, and end on November 21, 2023. The Council meeting on November 21, 2023, will serve as a Public Hearing and comments will be recorded and reported to HUD.

The public notice of funding recommendation was placed on the Social Sustainability Department's website.

ATTACHMENTS

1. Resolution for Consideration
2. HSHF Board Minutes, September 13, 2023

RESOLUTION 2023-096
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING \$1.2 MILLION IN HOME INVESTMENT PARTNERSHIP
ACT AMERICAN RESCUE PLAN ACT FUNDING TO THE HEARTSIDE
HILL AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the Home Investment Partnerships ("HOME") Program is an ongoing grant administration program funded by the Department of Housing and Urban Development ("HUD"); and

WHEREAS, the City may use HOME funds to create affordable housing for individuals who are experiencing homelessness or are at risk of homelessness; and

WHEREAS, the City has received in excess of \$2.6 million in HOME funds from the American Rescue Plan Act ("ARPA") through HUD; and

WHEREAS, the City Council approved \$800,000 of HOME - ARPA funding for eligible housing projects in Resolution 2023-050; and

WHEREAS, on September 13, 2023, the Human Services and Housing Funding Board ("HSHF") unanimously voted to recommend an additional \$1.2 million in HOME - ARPA funding for the Heartside Hill development; and

WHEREAS, the Heartside Hill development will provide a total of 72 rental units serving households earning below 60% of Area Median Income; and

WHEREAS, as required by HUD regulations and the City's Citizen Participation Plan, a 30-day comment period relating to this funding began on October 20, 2023, and any comments will be recorded and reported to HUD after the comment period, which ends on November 21, 2023; and

WHEREAS, the City Council has considered the recommendations of the HSHF Board and has determined that \$1.2 million of the City's 2023 allocation should be made as set out in this Resolution.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes City staff to submit an application to HUD based on the following recommended funding allocations:

Housing Category

Applicant Project/Program	Funding Request	HS&HF Board's Prioritized Ranking	Recommended Funding	Unfunded Balance	Percent of Request Funded
CARE Housing: Heartside Hill	\$ 1,200,000	#1	\$1,200,000	\$0	100%

Section 3. That, subject to the appropriation of funds by the City Council, the City Council hereby authorizes the City Manager to execute any agreements necessary to implement the funding allocation described herein on terms and conditions consistent with this Resolution, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Section 4. This Resolution shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR MEETING

September 13, 2023 at 5:30 PM

1200 Raintree Dr, Fort Collins – Foxtail 2 Meeting Room

1. CALL TO ORDER

- At 5:38 PM the meeting was called to order by Josh Johnson.

2. ROLL CALL

- Board Members Present
 - Josh Johnson, Chair
 - Olga Duvall, Vice Chair
 - Christine Koepnick
 - Erma Woodfin
 - Mike Kulisheck
 - Mike Nielsen
 - Pat Hastings
- Board Members Excused
 - Lori Kempter
 - Michaela Ruppert
- Staff Members Present
 - Beth Rosen, Social Sustainability – City of Fort Collins
 - Hannah Tinklenberg, Social Sustainability – City of Fort Collins
 - Tamra Leavenworth, Social Sustainability – City of Fort Collins
- Guests Present
 - None

For further information, details and insight, and audio recording, resources are available by contacting the HSHF-Board staff liaison.

3. AGENDA REVIEW

Josh Johnson reviewed the agenda. The Board accepted the agenda without modification.

4. COMMUNITY PARTICIPATION

None.

5. APPROVAL OF MINUTES

Olga Duvall motioned to approve the April 25, 2023 meeting minutes as presented. Pat Hastings seconded. Approved 7-0.

Olga Duvall motioned to approve the April 26, 2023 meeting minutes as presented. Josh Johnson seconded. Approved 7-0.

Erma Woodfin motioned to approve the May 10, 2023 meeting minutes as presented. Mike Nielsen seconded. Josh Johnson and Mike Kulisheck abstained due to absence at the May 10 meeting. Approved 5-0.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR BOARD MEETING

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

a. HOME-ARP Housing Request Funding Deliberation – Beth Rosen & Hannah Tinklenberg, City of Fort Collins

- Beth Rosen, Grants Compliance & Policy Manager, and Hannah Tinklenberg, Grants Program Administrator, joined the Human Services and Housing Funding Board members to present a \$1.2 million HOME-ARP funding request from CARE Housing for their Heartside Hill project.
- Hannah Tinklenberg provided an overview of HOME-ARP funding that included the original allocation of funds, remaining funds, eligible uses of funds, and goals identified in the HOME-ARP Allocation Plan that was approved by HUD in October 2022. Hannah then provided a brief overview of CARE Housing's Heartside Hill project application that included total project cost, per unit total development costs, and total City investments in the project to-date.
- The Board asked if City staff anticipated receiving additional applications and what would occur if another application was received. Beth Rosen explained that an email was sent to all known housing providers prior to the deployment of the application and that staff is not aware of any other eligible projects. If another application is received, staff will inform the applicant that another application is pending Council approval.
- Although the Board understands this project has faced several challenges with increased costs and fees, they still had concerns about the number of times this project has returned to the City seeking additional funding. Beth Rosen explained that the project is ambitious, but CARE Housing anticipates the HOME-ARP funds will close their funding gap so they can close on their tax credits in February 2024.
- The Board asked if CARE Housing would have to pay the City back if they were to eventually sell the development at market rate. Beth Rosen explained that the development will be deed-restricted affordable housing for 20 years because that is the affordability term outlined in the Land Use Code. If CARE Housing were to sell it out of the affordable housing inventory after 20 years, the funds invested by the City would have to be paid back. This policy exists so that the City can continue reinvesting in affordable housing.

Pat Hastings motioned that the Human Services and Housing Funding Board recommend HOME-ARP funding of \$1.2 million to CARE Housing Heartside Hill. Erma Woodfin seconded. Approved 7-0.

8. BOARD MEMBER REPORTS

Olga Duvall shared that she attended the City of Fort Collins' Volunteer Appreciation Picnic in August and was grateful for the offering of free classes to City volunteers.

9. STAFF REPORTS

None.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR BOARD MEETING

10. OTHER BUSINESS

Grantee Client Story: Josh Johnson read a letter from the Food Bank for Larimer County thanking the Board for recommending funding for the Kids Cafe program.

11. NEXT MEETING

Wednesday, October 11, 2023 | 5:30pm | Location: Zoom

13. ADJOURNMENT

Josh Johnson adjourned meeting at 6:19 PM.

Minutes were finalized and approved by the Human Services & Housing Funding Board on October 11, 2023.

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Deputy Director, Sustainability Services
Ryan Malarky, Assistant City Attorney

SUBJECT

Resolution 2023-097 Approving the 2024 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.

EXECUTIVE SUMMARY

The purpose of this item is to consider a Resolution approving the Fort Collins Midtown Business Improvement District's 2024 Annual Budget and 2024 Operating Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On December 5, 2017, Council adopted Ordinance No. 165, 2017, creating and establishing the Midtown Business Improvement District (BID), approving the BID's initial budget and operating plan, and appointing the BID's initial board of directors. On November 6, 2018, a TABOR election regarding the formation of the BID passed unanimously.

Council created the BID under, and in accordance with, the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the "Act"). Section 31-25-1211 of the Act requires that the Council review and either approve or disapprove by December 5th the BID's budget and operating plan for each upcoming fiscal year. The BID has timely submitted its proposed 2024 Budget and proposed 2024 Operating Plan for Council's consideration and approval. The Resolution, if adopted by Council, approves the BID's 2024 Budget and 2024 Operating Plan. The Operating Plan and Budget are attached to the Resolution as Exhibits A and B respectively.

BID Boundaries

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

The BID's Role in Midtown

The Midtown BID provides a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life. Working with the City's previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip to vital exciting urban form.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

BID Assessment Method and Budget

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. The assessment will be \$10 per linear foot, annually. Only commercially assessed properties will be included. The BID will raise approximately \$160,000 in 2024.

2024 Proposed BID Budget and Services

The table below outlines the proposed 2024 budget for the Midtown BID.

Table 1
Proposed 2024 Midtown BID Budget

Expenditure	Annual Budget Amount
Staff/Administration Funds for a part-time staff position to support the board and administer the programs and projects of the BID.	\$36,000
Branding, Marketing and Activation In 2024, the BID will continue to support promotions and marketing of the BID through brand development, marketing and PR.	\$5,000

Placemaking and Maintenance A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement the 100% design of South College Avenue, as identified in the Midtown in Motion Plan.	\$101,500
Other Fees These may include: <ul style="list-style-type: none"> • 1% collection fee for BID Funds • Legal costs • Accounting • Creation of a reserve account 	\$17,500
Total 2024 Budget	\$160,000

CITY FINANCIAL IMPACTS

This Resolution has no impact on the City's finances.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Exhibit B to Resolution

RESOLUTION 2023-097
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE 2024 OPERATING PLAN AND PROPOSED BUDGET OF THE FORT
COLLINS MIDTOWN BUSINESS IMPROVEMENT DISTRICT

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 165, 2017, creating the Midtown Business Improvement District (the “District”) in accordance with the provisions of the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the “Act”); and

WHEREAS, Section 31-25-1211 of the Act requires a business improvement district (“BID”) to submit by September 30 of each year to the clerk of the municipality that established it, the BID’s proposed operating plan and proposed budget for the upcoming year; and

WHEREAS, on September 28, 2023, the District timely submitted to the City Clerk the District’s proposed 2024 operating plan, a copy of which is attached as Exhibit “A” and incorporated herein by reference (the “2024 Operating Plan”), and the District’s proposed 2024 budget, a copy of which is attached as Exhibit “B” and incorporated herein by reference (the “2024 Budget”); and

WHEREAS, Section 31-25-1211 of the Act provides that the City Council shall either approve or disapprove the 2024 Operating Plan and the 2024 Budget by December 5, 2023, and, if approved, the District’s services, improvements and financial arrangements for 2024 are to conform as far as practicable to the 2024 Operating Plan and the 2024 Budget unless amended with the City Council’s prior approval; and

WHEREAS, the City Council has reviewed the 2024 Operating Plan and the 2024 Budget and finds and determines that they satisfy the requirements of the Act and should be approved.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the 2024 Operating Plan and the 2024 Budget are hereby approved and, as required by the Act, the District’s 2024 services, improvements and financial arrangements shall conform as far as practicable with the 2024 Operating Plan and the 2024 Budget.

Section 3. That the District’s directors and their corresponding terms set forth in the 2024 Operating Plan are hereby appointed and approved.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Midtown Business Improvement District (BID) 2024 Operating Plan

BID NAME

Midtown Business Improvement District (BID)

LEGAL AUTHORITY

The Midtown BID is organized pursuant to the Business Improvement District Act, Section 31-25-1201 et seq., Colorado Revised Statutes.

ABOUT THE MIDTOWN BID

Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from Drake to Boardwalk, as well as the Foothills Mall properties located on Foothills Parkway, make up the Midtown BID. In total, the corridor spans slightly over one and a half miles.

THE VISION FOR MIDTOWN

Midtown stakeholders have been working together for the last ten years through significant planning efforts to envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities, and unique urban living. The formation of the BID brought with it a commitment to establish a distinctive identity, placemaking, events, activities and people-oriented uses to establish a vibrant and dynamic shopping and entertainment area in the heart of Fort Collins. Historically characterized as the strip retail corridor of Fort Collins, the vision for Midtown will incorporate urban redevelopment, urban design, and enhanced pedestrian spaces to begin a long term transition to a place where citizens need to go for services but want to stay once they arrive. Continuous BID and City investment in revitalization will ensure the City's planning efforts for the corridor will be realized and the retail core of the community will be stable.

THE BID'S ROLE IN MIDTOWN

The Midtown BID provides a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life. Working with the City's previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10 years that will transform the Midtown Corridor from classic suburban strip, to vital exciting urban form.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Provide awareness, recognition, promotion and education about Midtown.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

BID BOUNDARIES

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

BID SERVICES

The specific types of services that the BID will fund were developed and prioritized by the business and property owners of Midtown, and include:

- **Midtown Promotion and Management:** The BID aims to be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders' needs to create an environment that's welcoming to the larger community and visitors. Projects to support the stakeholders will include:
 - Administrative support to help manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
 - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
 - Building partnerships and developing strategies to increase community participation, leadership and coordination, including (but not limited to) partnerships with the City of Fort Collins, the Midtown Business Association, the Fort Collins Downtown Development Authority and the Downtown Fort Collins Business Association.
 - Providing business support for Midtown businesses, serving as the "concierge" for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
- **Midtown Branding, Marketing, and Activation:** The BID aims to develop and deliver a unique experience that encourages locals and visitors to explore Midtown, and to establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects include:
 - Promotion of the Midtown brand.
 - Producing targeted marketing and messaging to the community and visitors.
 - Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.
- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
 - Completion of full design documents for the S. College corridor, as envisioned in the Midtown in Motion plan.
 - Development of a unifying aesthetic for Midtown's public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
 - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.

BID ASSESSMENT METHOD AND BUDGET

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. **The assessment will be \$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately \$160,000.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships, memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

2024 Proposed BID Budget and Services

The following table lays out the proposed 2024 budget for the Midtown BID, as well as some considerations for each proposed expenditure:

Expenditure	Annual Budget Amount
Staff/Administration Funds for a part-time staff position to support the board and administer the programs and projects of the BID	\$36,000
Branding, Marketing and Activation In 2024, the BID will continue to support promotions and marketing of the BID through brand development, marketing and PR.	\$5,000
Placemaking and Maintenance A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement the 100% design of S. College Ave., as identified in the Midtown in Motion Plan.	\$101,500
Other Fees These may include: <ul style="list-style-type: none"> ▪ 1% collection fee for BID Funds ▪ Legal costs ▪ Accounting ▪ Insurance 	\$17,500
TOTAL 2024 BUDGET	\$160,000

BID BONDING

The BID is not authorized to bond or take on debt.

BID GOVERNANCE

The BID statute allows for a board of 5 to 11 members who are BID electors. The Midtown BID Board consists of nine appointed members from the Midtown BID area. The terms of office shall be staggered to encourage continuity in BID governance. The Midtown BID's current board current Board of Directors is comprised of the following individuals:

Board Member	Affiliation
Rayno Seaser	The Egg & I/First Watch Restaurants
Mike Dellenbach	Dellenbach Chevrolet
David Fritzler, Treasurer	Collegiate Peaks Bank/Representative of Palmer Properties
Luke McFetridge, Chair	Noble Venture/Representative of Midtown Business Moot House
Lauren DeRosa	Wild Birds Unlimited Nature Shop
Carrie Baumgart	Markley Motors
John Hoxmeir	Gilded Goat Brewing
Patrick Bunyard	Foothills Mall
OPEN SEAT – TO BE FILLED	

BID TERM

The Midtown BID will have an initial ten-year term, commencing December 5, 2017. This will allow for property and business owners to evaluate the BID's effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

CITY SERVICES

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Opportunity to further demonstrate the commitment to Midtown outlined in the City's Midtown Plan and Midtown in Motion Plan
- Create a second activity center in Fort Collins and a "place" beyond downtown in Fort Collins for visitors and locals
- Beautification of the City through a refreshed and invigorated area

ANNUAL REVIEW

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

MIDTOWN BUSINESS IMPROVEMENT DISTRICT
SUMMARY
2024 BUDGET AS PROPOSED
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31

EXHIBIT B TO RESOLUTION 2023-097

	2022	Budget 2023	Actual Jan-Aug 2023	Estimated 2023	Proposed 2024
BEGINNING FUND BALANCES	\$ 225,657.10	\$ 162,678.10	\$ 147,039.85	\$ 147,039.85	\$ 250,128.85
REVENUES					
01 Property Taxes	\$ 159,817.71	\$ 165,000.00	\$ 159,747.00	\$ 160,000.00	\$ 160,000.00
03 Local Grants	\$ 19,520.00	\$ 20,000.00	\$ 132,106.25	\$ 280,480.00	\$ 25,000.00
Total Revenue	\$ 179,337.71	\$ 415,000.00	\$ 291,853.25	\$ 440,480.00	\$ 185,000.00
TRANSFERS IN	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 404,994.81	\$ 577,678.10	\$ 438,893.10	\$ 587,519.85	\$ 435,128.85
EXPENDITURES					
Management and Administration	\$ 30,000.00	\$ 36,000.00	\$ 24,272.06	\$ 36,000.00	\$ 36,000.00
Accounting and Tax Services	\$ 11,940.00	\$ 13,000.00	\$ 9,000.00	\$ 11,500.00	\$ 11,500.00
Legal	\$ 3,107.81	\$ 1,450.00	\$ 390.69	\$ 1,500.00	\$ 2,500.00
Larimer County Collection Fees	\$ 280.60	\$ 225.96	\$ 186.90	\$ 260.00	\$ 300.00
Insurance	\$ 2,719.00	\$ 2,000.00	\$ 2,951.00	\$ 2,951.00	\$ 2,700.00
Emergency Funds		\$ -	\$ -	\$ -	\$ -
Office Rent, Parking, Supplies and Misc.	\$ 1,327.48	\$ 800.00	\$ 595.72	\$ 700.00	\$ 500.00
Repayment of BID Start-up Expenses	\$ -	\$ -	\$ -	\$ -	\$ -
PROGRAM EXPENSES					
Promotion, Mgmt and Business Support	\$ 2,389.02	\$ 5,000.00	\$ 2,384.20	\$ 4,000.00	\$ 2,500.00
Branding, Marketing, Activation	\$ -	\$ 4,000.00	\$ -	\$ -	\$ 2,500.00
Placemaking and Maintenance	\$ 206,191.05	\$ 347,247.00	\$ 132,106.25	\$ 280,480.00	\$ 250,000.00
Total Expenditures	\$ 257,954.96	\$ 409,722.96	\$ 171,886.82	\$ 337,391.00	\$ 308,500.00
Net Income	\$ (78,617.25)	\$ 5,277.04	\$ 119,966.43	\$ 103,089.00	\$ (123,500.00)
Emergency Funds	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING FUND BALANCE	\$ 147,039.85	\$ 167,955.14	\$ 267,006.28	\$ 250,128.85	\$ 126,628.85

November 21, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Deputy Director, Sustainability Services
Ryan Malarky, Assistant City Attorney

SUBJECT

Resolution 2023-098 Approving the 2024 Annual Plan and Proposed Budget of the Fort Collins Tourism Improvement District.

EXECUTIVE SUMMARY

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2024 Annual Budget and 2024 Annual Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On August 4, 2021, Council adopted Ordinance No. 097, 2021, establishing the Fort Collins Tourism Improvement District (the "District"). The District's purpose is "...to operate as a [tourism improvement district] charging fees to the lodging businesses included within the District to fund and provide specific tourism services and improvements for the benefit of the feepayers' lodging businesses. These services and improvements will be primarily used to increase room night sales for those lodging businesses." Council adopted the District's Initial Plan as part of establishing the District. The District's Initial Term in the Initial Plan is for 10 years, 4 months beginning on September 1, 2021, and ending December 31, 2031, but the end date was erroneously stated as December 1, 2021. Council subsequently adopted Ordinance No. 161, 2021, amending the Initial Plan to correct the end date of the District so that it ends December 31, 2031. On June 7, 2022, Council adopted Ordinance No. 061, 2022, expanding the TID Board from five to seven members.

District Boundaries

The District's boundaries are coterminous with City limits. All "lodging establishments" within the City limits that fall within the definition of this term as stated in Section 5 of Ordinance No. 097, 2021, are included with the District and pay the fee set by the District.

The District's Role

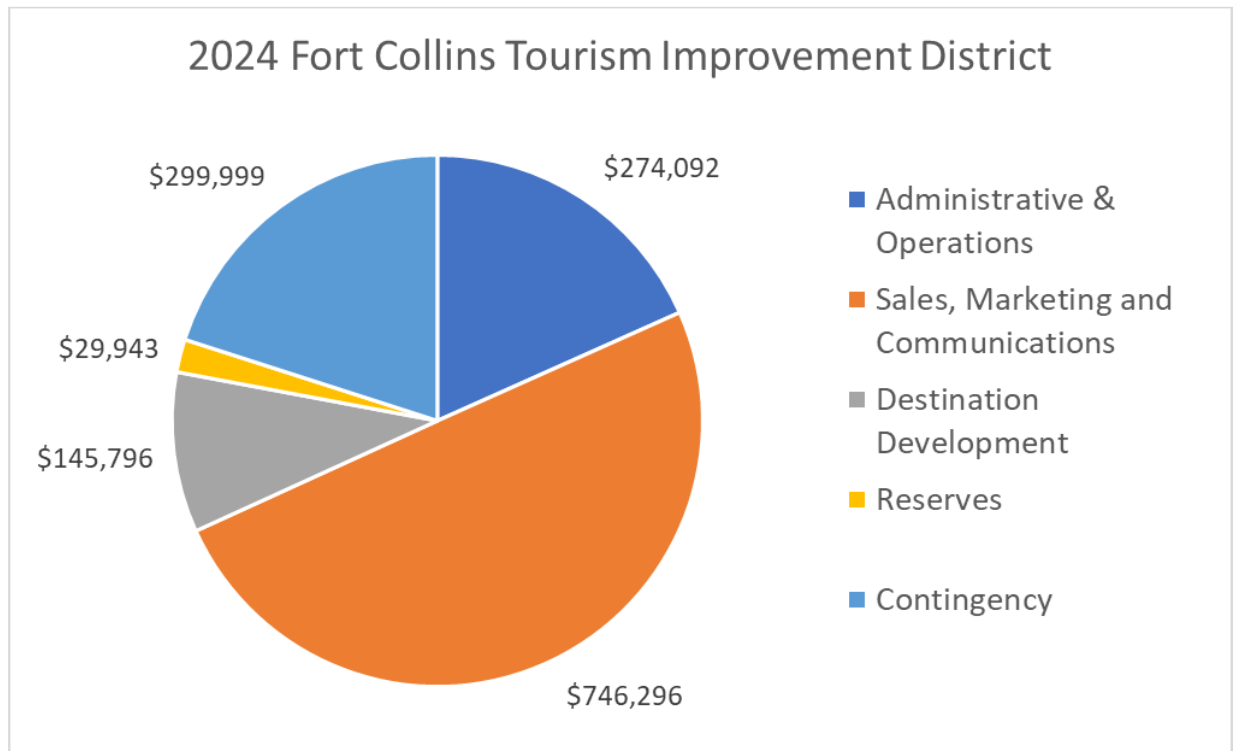
The District provides a sustainable funding source for lodging business owners to organize their efforts and increase room night sales. The District aims to provide sales, marketing, and communication support for members of the District along with destination development to increase room night sales. Some of the activities proposed for 2024 include:

- Establish a Local Conference Champion Program to leverage local contacts (Colorado State University and Corporate) to uncover new lead opportunities.
- Drive demand for meetings and conferences in Fort Collins through qualified lead distribution. Uncover lead opportunities through targeted prospecting and business development, industry event and trade show participation, strategic meetings marketing, partnerships, and enhanced presence in online Request for Proposal (RFP) platforms.
- Create awareness about Fort Collins as a sought-after and unique destination for individual and group travelers through positive publicity, innovative advertising, outstanding marketing and sales collateral, robust digital and social media campaigns and differentiating brand strategy.
- Increase awareness of Fort Collins as a premier, four-season destination through positive news stories and influencer reach.
- To provide extraordinary assistance and information to visitors by enhancing all interactions and aspects of a visitor's experience in Fort Collins while personifying the destination's brand promise.
- Increase communication and connectivity with visitors.
- Support the Sales Team as the primary resource for meetings and conferences. This will allow the Sales Team to focus on selling and provide an avenue for conference services previously not facilitated.
- Maximize strategy and execution opportunities with one Visitor Services Team. Fully cross train and integrate best practice systems.

District Assessment Method and Budget

The District assesses a 3% fee of the lodging establishment's "lodging price" as defined in the City's Lodging Tax Ordinance. The District anticipates generating \$1,500,000 in revenue from the 3% fee in 2024.

The chart below outlines the proposed 2024 budget for the District:



The District has filed with the City its proposed Annual Budget and Annual Plan for 2024. The proposed Resolution, if approved by the Council, would approve the Annual Budget and Annual Plan.

CITY FINANCIAL IMPACTS

This Resolution has no impact on the City's finances.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Exhibit B to Resolution

RESOLUTION 2023-098
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE 2024 ANNUAL PLAN AND PROPOSED BUDGET OF THE
FORT COLLINS TOURISM IMPROVEMENT DISTRICT

WHEREAS, on August 4, 2021, the City Council adopted Ordinance No. 097, 2021, establishing the Fort Collins Tourism Improvement District (the “District”); and

WHEREAS, the District was established under and pursuant to Article V of Chapter 22 of the City Code that allows for the establishment of tourism improvement districts within the City’s boundaries (“Article V”); and

WHEREAS, Section 22-166 of Article V requires the District’s Board of Directors (the “Board”) to file with the City Clerk by September 30 of each year the District’s annual plan and budget for the ensuing calendar fiscal year; and

WHEREAS, Section 22-166 also provides that the District’s annual plan and budget are subject to the City Council’s approval in a manner consistent with the way operating plans and budgets of business improvement districts are approved by Council under Colorado Revised Statutes Section 31-25-1211; and

WHEREAS, Section 22-153 of Article V provides that the annual plan is to outline the District’s revenues, expenditures, projects, and goals; and

WHEREAS, on September 15, 2023, the District filed with the City its proposed annual plan and budget for its fiscal calendar year 2024, and subsequently revised it based on comments from City staff; and

WHEREAS, a copy of the District’s proposed 2024 annual plan is attached as Exhibit “A” and incorporated herein by reference (the “2024 Annual Plan”); and

WHEREAS, a copy of the District’s proposed 2024 budget is attached as Exhibit “B” and incorporated herein by reference (the “2024 Budget”); and

WHEREAS, the City Council has reviewed the 2024 Annual Plan and the 2024 Budget and finds and determines that they satisfy the requirements of Article V and should be approved.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the 2024 Annual Plan and the 2024 Budget pursuant to City Code Section 22-166.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

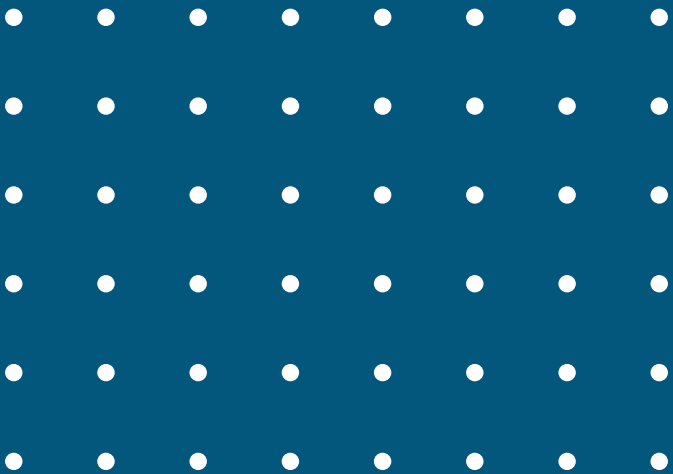
City Clerk

FORT COLLINS TOURISM IMPROVEMENT DISTRICT

STRATEGIC PLAN 2024

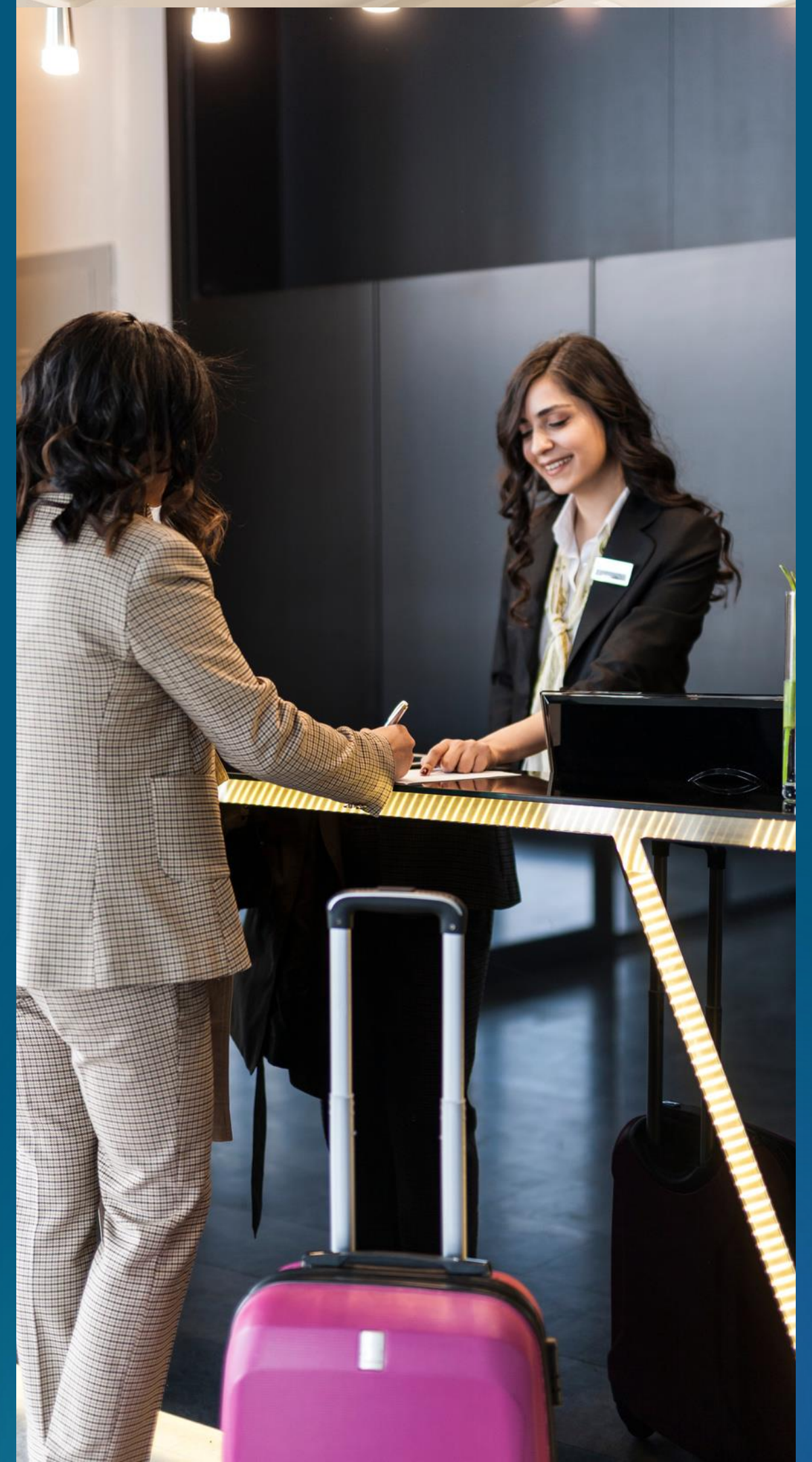
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02	DISTRICT OBJECTIVES
03	ANNUAL FEE COLLECTIONS SUMMARY
04	GROUP SALES
05	MARKETING & COMMUNICATION
06	PUBLIC RELATIONS
07	VISITOR SERVICES
08	BUDGET
09	SUMMARY
10	APPENDIX



PURPOSE

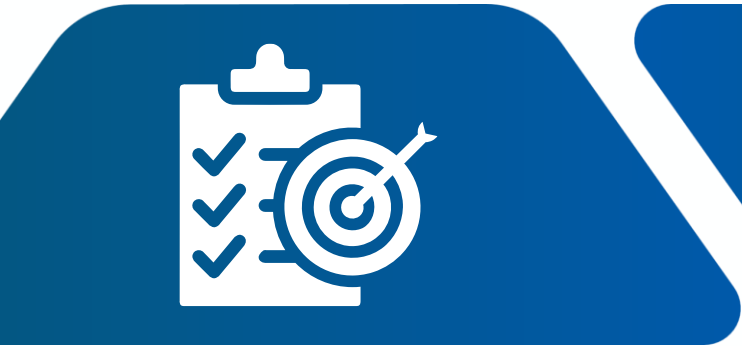
The Fort Collins Tourism Improvement District serves all areas within the City of Fort Collins. Lodging properties are assessed a three percent fee on each room night. The FCTID uses these dollars to support marketing and sales efforts, visitor services, meetings and conferences to increase room night sales. This consistent source of funding for tourism marketing allows Fort Collins to be competitive within the market and is vital to the strength and success of the City's tourism economy.



DISTRICT OBJECTIVES

ADMINISTRATION & OPERATIONS

The administration and operations portion of the budget shall be utilized for administrative staffing cost, office costs, advocacy and other general administrative costs such as insurance, legal and accountyng fees.



CONTINGENCY

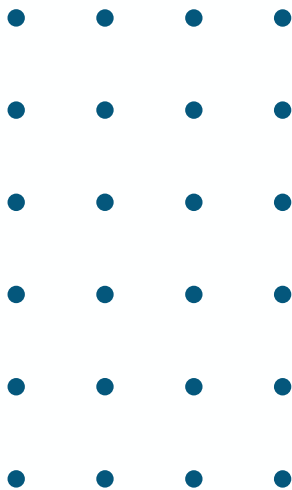
The budget includes a contingency line item that may be held in reserve fund or utilized for other program, administration or renewal costs.

MARKETING, SALES & PUBLIC RELATIONS

- Internet marketing
- Advertising which could include print, television and radio
- Building the Fort Collins brand to attract overnight guest
- Attendance at trade shows, conferences or participating in a sales blitz
- Bids or/fees associated with securing contracted business
- Transportation programs
- Familiarization tours for lodging business
- Collateral to support district needs such as brochures, flyers, maps
- Lead generation tool
- Additional sales staff
- Education for improving service, safety or strategy for the district to be successful

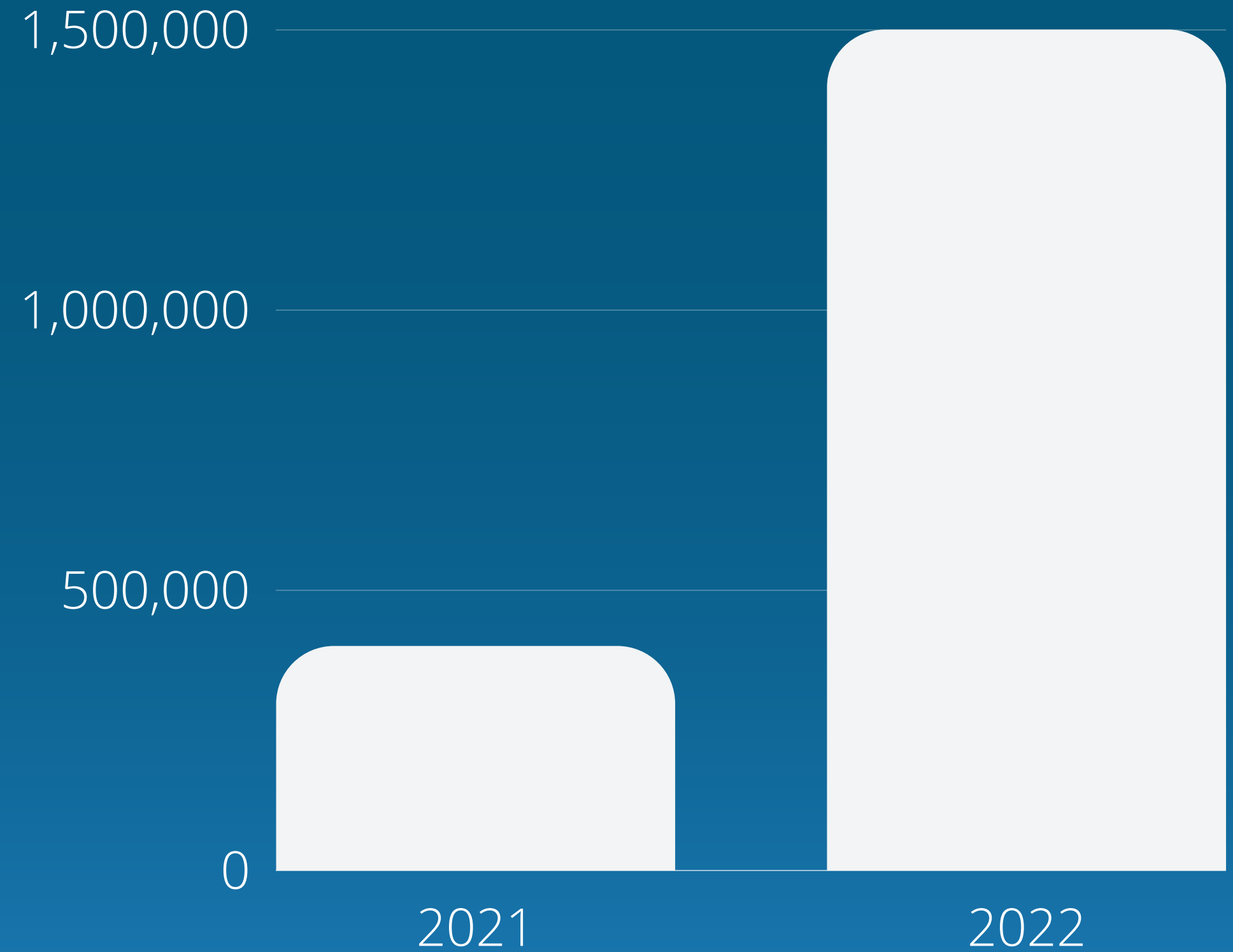
DESTINATION DEVELOPMENT

- Comprehensive and integrated wayfinding signage
- A city-wide special event transportation program
- Research studies to determine the feasibility of building meeting spaces
- Gateway enhancements to attract overnight visitors
- Improvement to existing parks and sports facilities utilized by overnight visitors
- Live music venues to attract overnight visitors
- Bids and fees associated with hosting special events



ANNUAL MARKETING FEE COLLECTIONS

2021-2022



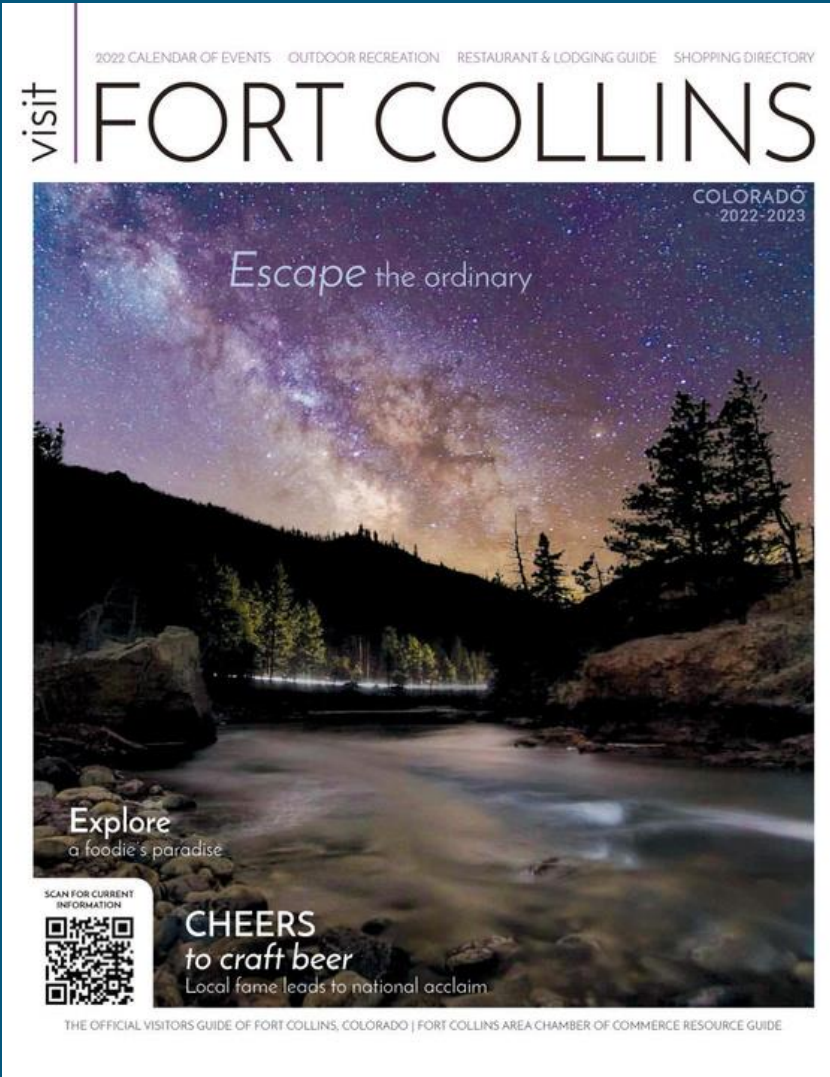
GROUP SALES

Meetings/Conferences/Sports

Objective: Drive demand for meetings and conferences in Fort Collins through qualified lead distribution. Uncover lead opportunities through targeted prospecting and business development, industry event and trade show participation, strategic meetings marketing, partnerships, and enhanced presence in online RFP platforms.



MARKETING & COMMUNICATIONS



Objective: Create awareness about Fort Collins as a sought-after and unique destination for individual and group travelers through positive publicity, innovative advertising, outstanding marketing and sales collateral, robust digital and social media campaigns and differentiating brand strategy.

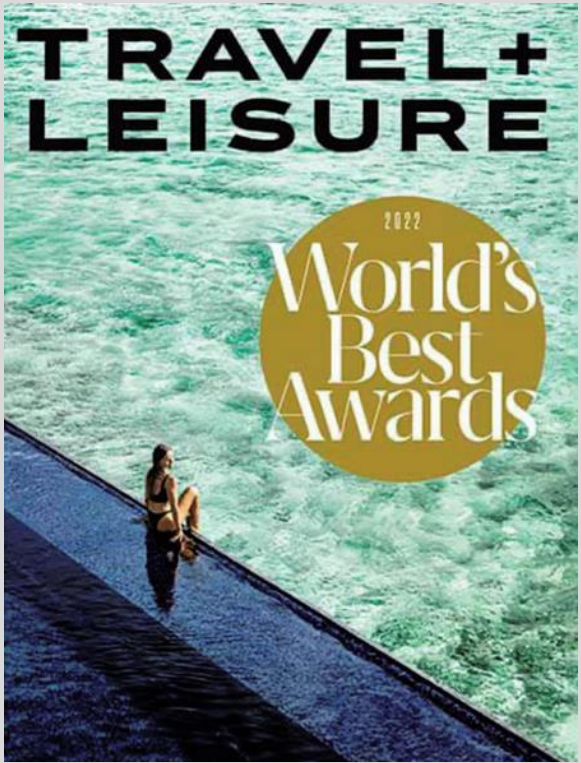


PUBLIC RELATIONS

Objective: To increase awareness of Fort Collins as a premier, four season destination through positive news stories and influencer reach.



Visit the Quintessential American Town That Inspired Disneyland: Fort Collins, Colorado —...



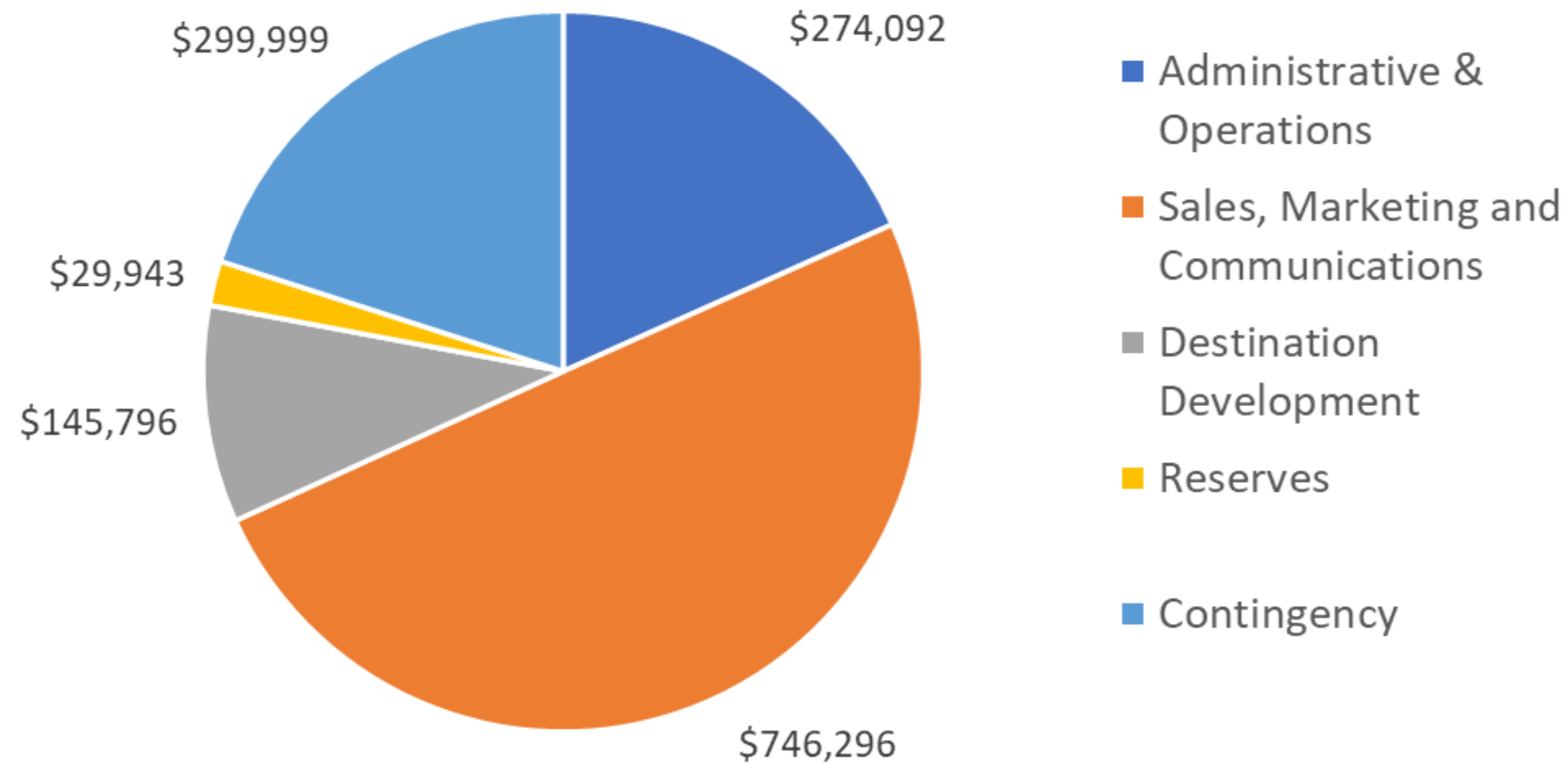
VISITOR & DESTINATION SERVICES

OBJECTIVE: To provide extraordinary assistance and information to visitors. Enhance all interactions and aspects of a visitor's experience in Fort Collins while personifying the destinations brand promise.



2024 DRAFT TID BUDGET

2024 Fort Collins Tourism Improvement District



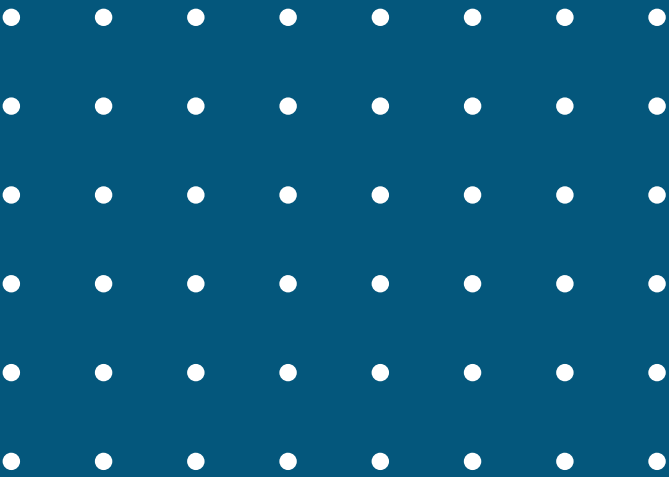
Total Anticipated Revenue
\$1,500,000



Appendix

APPENDIX INDEX

01	ORDINANCE
02	FEE ASSESSMENT
03	DISTRICT MAP
04	DISTRICT GOVERNANCE
05	BOARD OF DIRECTORS
06	CONCEPT
07	EXPERIENCE



FORT COLLINS

TOURISM IMPROVEMENT DISTRICT

LEGAL AUTHORITY

Ordinance No. 097,2021

Article V of Chapter 22 of City Code authorized the establishment of tourism districts.

The District commenced on September 1, 2021

PURPOSE OF THE DISTRICT

The District funds provide specific tourism services and improvements for the benefit of the feepayers lodging business.

DISTRICT BOUNDRIES

The boundaries of the District shall be coterminous with the City's boundaries as now existing and hereafter modified through the City's annexation and de-annexation of real property.

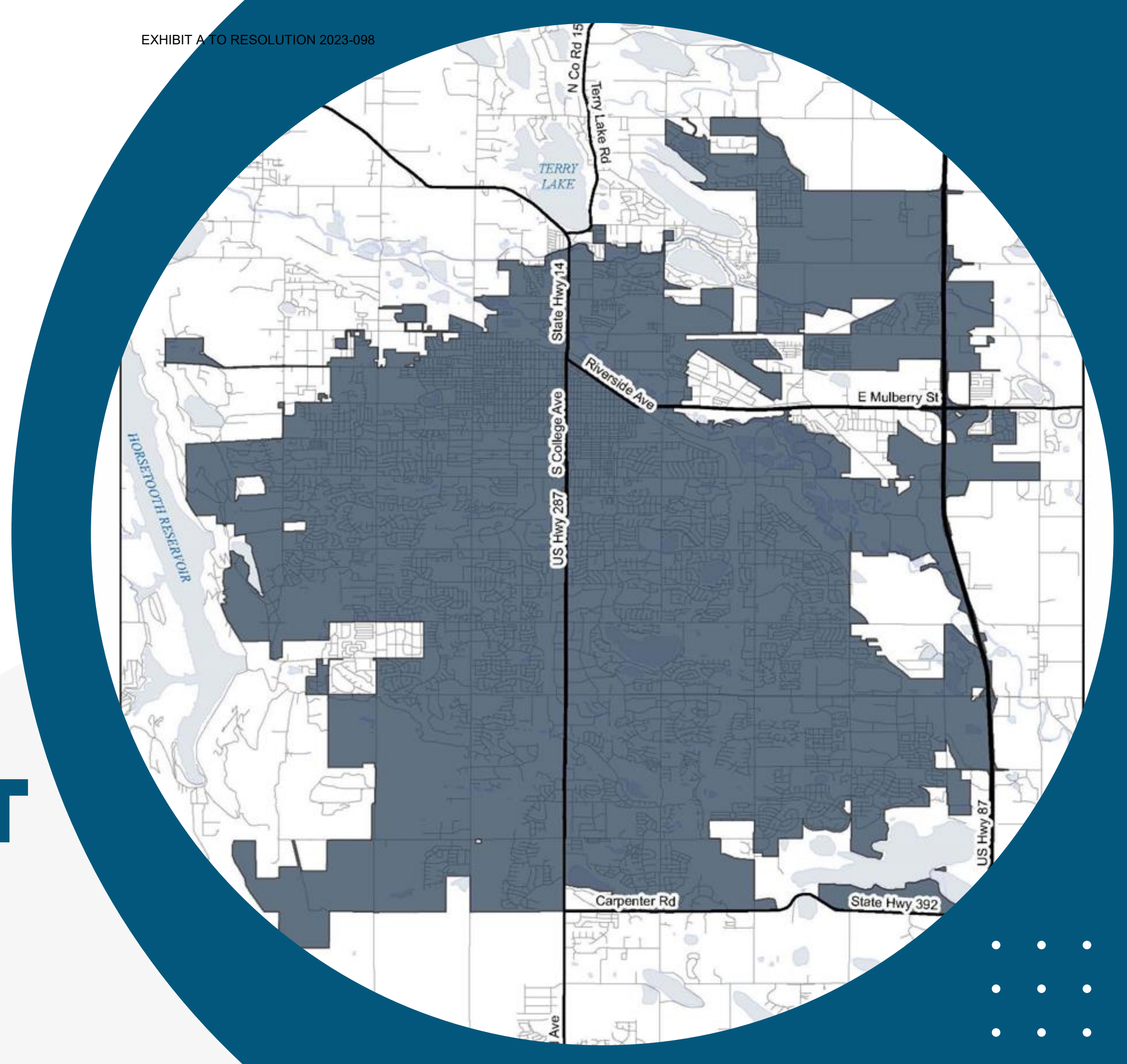
FORT COLLINS TOURISM IMPROVEMENT DISTRICT

Fee Assessment

The District will assess a fee that will be three percent (3%) of a lodging business's "lodging price" as this term is defined in City Code Section 25-241

The fee will not be collected on those transactions that are exempt from the City's lodging tax as provided in City Code Section 25-243. Fee revenue will only be used to fund destination sales, marketing, communication, and destination development programs, and related administration.

FORT COLLINS TOURISM IMPROVEMENT DISTRICT BOUNDRIES



DISTRICT GOVERNANCE

The TID Ordinance requires the District to have a governing board consisting of an odd number of directors of no fewer than five (5) directors and no more than nine (9) directors. All directors on the board must be qualified electors of the District. The board is proposed to have five (5) directors who are electors of the District having the following additional qualifications: (i) three (3) directors must be affiliated with a large, full-service lodging business; (ii) one (1) director must be affiliated with a small, limited-service lodging businesses; (iii) one (1) director must be affiliated with a boutique or specialty lodging business; and (iv) the remaining directors may be affiliated with any type of lodging business. ok forward to working with you

DISTRICT GOVERNANCE

Board Member	Affiliation	Rationale for Inclusion oh the Board	Initial Term: 1, 2 and 3 years
Carl Pratt	The Elizabeth	Full-service	1 year (2023)
Danielle Lowry	Hampton Inn	Limited-service	2 years (2024)
<i>George Prine</i>	The Armstrong	Full-service	3 years (2025)
<i>Abbie Stout</i>	The Edwards House	Boutique/Specialty	2 years (2024)
<i>Aryell Mattern</i>	Spirit Hospitality	Limited Service	1 year (2023)

EXHIBIT B TO RESOLUTION 2023-098

Item 26.

	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Dec 24	2024 TOTAL
41000 · FCTID Revenue	137,631.44	70,413.00	77,525.58	89,372.56	95,425.12	159,589.25	155,792.69	155,792.69	155,792.69	155,792.69	155,792.69	88,319.00	1,497,239.40
Other Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	137,631.44	70,413.00	77,525.58	89,372.56	95,425.12	159,589.25	155,792.69	155,792.69	155,792.69	155,792.69	155,792.69	88,319.00	1,497,239.40
61000 · Employee Expense													
61010 · Salaries/Wages													
61012 · Wages	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	233,269.20
62023 · Employee Parking	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total 61010 · Salaries/Wages	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	19,439.10	233,269.20
61020 · Payroll Related													
61022 · Payroll Taxes	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	1,487.08	17,844.96
61024 · Unemployment Taxes	145.80	145.80	145.80	145.80	145.80	145.80	145.80	145.80	145.80	145.80	145.80	145.80	1,749.60
61026 · Workers Compensation	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	1,200.00
61028 · Employee Insurance	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00
61031 · Employee Benefits	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	4,200.00
Total 61020 · Payroll Related	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	3,082.88	36,994.56
Total 61000 · Employee Expense	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	22,521.98	270,263.76
62000 · Administrative and General													
Administrative													
62002 · Accounting	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	7,200.00
62006 · Bank Charges	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	600.00
62008 · Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62025 · Supplies	691.92	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,391.92
Total Administrative	1,341.92	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	16,191.92
Office Rent	790.00	790.00	790.00	790.00	790.00	790.00	790.00	790.00	790.00	790.00	790.00	790.00	9,480.00
62070 · Telephone													
62078 · Telephone - Cellular	200.00	200.00	700.00	200.00	200.00	200.00	700.00	200.00	200.00	700.00	200.00	200.00	3,900.00
Total 62070 · Telephone	200.00	200.00	700.00	200.00	200.00	200.00	700.00	200.00	200.00	700.00	200.00	200.00	3,900.00
62080 · Equipment/Computer Lease													
62081 · Office Equipment Lease/Rental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62084 · Office Furniture	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62085 · Computer Software Purchase	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62086 · Computer Equipment	0.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00	0.00	0.00	0.00	3,000.00
62087 · Maintenance	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	1,200.00
Total 62080 · Equipment/Computer Lease	100.00	100.00	1,600.00	100.00	100.00	100.00	100.00	1,600.00	100.00	100.00	100.00	100.00	4,200.00
62099 · Reserves	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	2,495.33	29,943.96
TOTAL 62000 · Administrative and General	2,431.92	2,440.00	4,440.00	2,440.00	2,440.00	2,440.00	2,940.00	3,940.00	2,440.00	2,940.00	2,440.00	2,440.00	274,091.72
Sales Expense													
78015 · Trade Shows	6,350.00	0.00	0.00	16,350.00	8,350.00	10,000.00	3,000.00	0.00	0.00	2,000.00	0.00	0.00	46,050.00
78015.2 · Sports	0.00	0.00	0.00	0.00	6,350.00	0.00	6,350.00	6,350.00	0.00	0.00	0.00	0.00	19,050.00
78016 · Sales Marketing	15,000.00	0.00	0.00	15,000.00	0.00	0.00	15,000.00	0.00	0.00	15,000.00	0.00	0.00	60,000.00
78016.2 · Sports	750.00	0.00	0.00	750.00	0.00	0.00	750.00	0.00	0.00	750.00	0.00	0.00	3,000.00
73007 · Lead Generation	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	3,700.00	44,400.00
73007.2 · Sports	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
73000 · Sales Activities	3,000.00	0.00	0.00	3,000.00	0.00	0.00	3,000.00	0.00	0.00	3,000.00	0.00	0.00	12,000.00
73000.2 · Site Visits / FAMS	12,500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	18,000.00
73000.3 · Client Engagement			0.00	5,000.00	5,000.00	0.00	0.00	5,000.00	5,000.00	0.00	0.00	0.00	20,000.00
73005 · Bid Activities	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
73005.2 · Sports	5,000.00	5,000.00	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00	5,000.00	25,000.00
73010 · Local Champions Program	0.00	0.00	0.00	3,500.00	0.00	0.00	3,500.00	0.00	0.00	3,500.00	0.00	0.00	10,500.00
73015 · Research	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
73015.2 · Sports	0.00	0.00	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
73020 · Professional Development	0.00	0.00	1,500.00	1,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,000.00
73020.5 · Sports Academy	0.00	2,000.00	0.00	750.00	0.00	0.00	400.00	0.00	750.00	0.00	0.00	0.00	3,900.00
78030 · Travel	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	6,000.00
TOTAL Sales Expense	47,300.00	12,200.00	16,700.00	51,050.00	24,900.00	15,200.00	37,200.00	16,550.00	10,950.00	29,450.00	10,200.00	10,200.00	281,900.00
Marketing													
62004 · Advertising													

EXHIBIT B TO RESOLUTION 2023-098

Item 26.

80000 · Digital	10,500.00	10,500.00	10,500.00	10,500.00	75,000.00	40,096.00	0.00	0.00	10,500.00	10,500.00	10,500.00	10,500.00	199,096.00
62005 · Promotions	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
62004 · Print	0.00	0.00	0.00	0.00	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,000.00
Total 62004 · Advertising	15,500.00	10,500.00	10,500.00	10,500.00	79,000.00	40,096.00	0.00	0.00	10,500.00	10,500.00	10,500.00	10,500.00	208,096.00
62003 · Web/Internet Expenses													
Website Redesign	0.00	0.00	40,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00
80030 · Website Service	5,000.00	5,000.00	3,000.00	0.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	29,000.00
Total 62003 · Web/Internet Expenses	5,000.00	5,000.00	43,000.00	0.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	69,000.00
62028 · Graphics													
80040 Visual Assets	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	30,000.00
Total 62028 · Graphics	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	30,000.00
Public Relations													
80070 · Agency Fees	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00
80080 · FAM Trips	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00	0.00	0.00	2,500.00	0.00	0.00	5,000.00
80090 · Media Events	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00	0.00	0.00	4,500.00	0.00	0.00	9,500.00
Total Public Relations	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	8,500.00	1,000.00	1,000.00	8,000.00	1,000.00	1,000.00	26,500.00
Leisure Sales													
81000 · Trade Shows	7,500.00	0.00	0.00	7,500.00	0.00	0.00	3,000.00	7,500.00	7,500.00	0.00	0.00	0.00	33,000.00
81110 · Promotions	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00
81115 · Sales Missions	0.00	0.00	7,500.00	0.00	7,500.00	3,000.00	8,000.00	0.00	0.00	0.00	0.00	0.00	26,000.00
Total International Marketing	7,500.00	0.00	7,500.00	7,500.00	7,500.00	3,000.00	11,000.00	7,500.00	17,500.00	0.00	0.00	0.00	69,000.00
TOTAL Marketing	31,500.00	19,000.00	64,500.00	21,500.00	92,000.00	48,596.00	24,000.00	13,000.00	33,500.00	23,000.00	16,000.00	16,000.00	402,596.00
Destination Development													
82015 · Initiatives	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	12,033.00	144,396.00
82060 · Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
82050 · CTA Program Fees		0.00	0.00	0.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	2,400.00
82020 · Promotional Items	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL Destination Development	12,033.00	12,033.00	12,033.00	12,033.00	12,333.00	12,333.00	12,333.00	12,333.00	12,333.00	12,333.00	12,333.00	12,333.00	146,796.00
Visitor Services													
Visitor Service Expense													
62022 · Rent	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	54,000.00
83020 · Supplies	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00
83000 · Programming	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00
83017 · Staffing	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	42,000.00
83015 · Janitorial	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	1,800.00
TOTAL Visitor Services	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	10,150.00	121,800.00
Total Expense	100,919.59	53,327.67	105,327.67	94,677.67	139,327.67	86,223.67	84,127.67	53,477.67	66,877.67	75,377.67	48,627.67	48,627.67	1,197,239.76
Net Ordinary Income	36,711.85	17,085.33	-27,802.09	-5,305.11	-43,902.55	73,365.58	71,665.02	102,315.02	88,915.02	80,415.02	107,165.02	39,691.33	299,999.64

Net Income - Will allocate for opportunities that arrive in 2024

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist
Carrie Daggett, City Attorney

SUBJECT

Resolution 2023-099 Making an Appointment to the Human Services and Housing Funding Board.

EXECUTIVE SUMMARY

The purpose of this item is to appoint Michael Kulisheck to the Human Services and Housing Funding Board. Michael Kulisheck was originally appointed in 2020, however, his term has expired, creating a vacancy he has applied to fill.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

None.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Volunteer Application

RESOLUTION 2023-099
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AN APPOINTMENT TO THE HUMAN SERVICES
AND HOUSING FUNDING BOARD

WHEREAS, the Human Services and Housing Funding Board has a vacancy due to the expiration of the term of Michael Kulisheck; and

WHEREAS, on January 21, 2020, Council adopted Resolution 2020-011 originally appointing Michael Kulisheck to the Human Services and Housing Funding Board (formerly known as the “Community Development Block Grant Commisison”); and

WHEREAS, the City Council desires to reappoint Michael Kulisheck to fill this vacancy on the Human Services and Housing Funding Board.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named person is hereby reappointed to fill an open vacancy on the Human Services and Housing Funding Board with a term to begin and expire as noted below next to the appointee’s name:

Human Services and Housing Funding Board

Appointment	Term Effective Date	Expiration of Term
Michael Kulisheck	November 22, 2023	June 30, 2024

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

VOLUNTEER APPLICATION

Michael Kulisheck

10/17/2023 6:35 AM

Application: HSHFB - Human Services and Housing Funding Board

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: PhD
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Services and Housing Funding Board

Job Description

☒ I have read the job description

Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	HSHF
I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	20
Which Council District do you live in? Please refer to the map at: https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts	3
Current Occupation:	Public Opinion Consultant
Current Employer:	Benenson Strategy Group
Prior work experience (please include dates):	BSG: 2015 to Present Harstad Strategic Research: 2001-2015
Volunteer experience (please include dates):	Human Service Housing Funding Board – City of Fort Collins January 2020 - Present Sathi Fund for Social Innovators September 2016 - Present Economic Advisory Commission – City of Fort Collins January 2011 – May 2015 Budget Advisory Committee – Poudre School District January – April 2010 Community Development Block Grant (CDBG) Commission – City of Fort Collins January 2003 – December 2010

Have you applied for this board before If yes, please explain.

Yes.

Are you currently serving on a City board or Commission If so, which one

Yes;
On HSHF Board. issues with my appointment

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

I am interested in the impact organizations have on the FC community in the area they work. Some organizations / project help a large number of people a little, while other help fewer people a lot. The important thing is that they are providing valuable assistance efficiently and effectively.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community

Yes. FC has a responsibility to make sure its residents are housed and have affordable opportunities to live and raise their families. The market is not addressing these needs sufficiently. We as a community - through and in partnership with the city - needs to address these issues.

Why do you want to become a member of this particular board or commission

The HSHF Board affects people's lives each year through its funding cycle for housing and human services programs. I want to volunteer my time in a way that helps people in this way.

Have you had any exposure to the board or commission you are applying for If yes, please explain:

Yes;
I have served on this board in the past

Specify any activities which might create a serious conflict of interest if you are appointed:

none

How did you learn of a vacancy on this board or commission

Other (please specify)

PROFILE SUMMARY

A versatile and data-oriented market researcher and pollster with over two decade's experience developing and implementing strategy for corporations, political candidates, advocacy groups, and non-profits to direct communications, increase market share, identify battleground issues, and tease out emerging trends. Uses innovative research designs, methodologies and outreach modes to reach representative samples of target populations. Combines quantitative and qualitative custom research with big data to provide clients holistic and contextual understanding of their target audiences and current and potential customers.

Skills: Operations management | strategic planning | program and project management | performance improvement | financial management and budgeting | business process re-engineering | technology adoption | creative problem solving | talent management

CORPORATE EXPERIENCE

BENENSON STRATEGY GROUP (BSG) – SVP OF RESEARCH

2015-PRESENT

- Direct and manage all BSG research projects across industries, geographies, clients, and methodologies
 - Collaborate with clients to find appropriate methodologies and research tools for their projects
 - Develop quantitative and qualitative research designs across modes (online, phone, in-person) to meet clients' research goals, with a specialty in experimental research designs
 - Work closely with BSG analytical teams, clients, and vendors to anticipate and overcome problems, meet tight deadlines, and ensure project success
- Work across sectors including but not limited to politics, the gig economy, fast food, tech, philanthropy and foundations, telecom, public policy, and election campaigns
- Direct research projects in the U.S., Latin America, Europe, Asia, and Africa for clients across sectors
- Manage the BSG operations and fieldwork teams that include programmers, data processors, fieldwork specialists, and developers
- Lead research innovation and development at BSG
 - Build and implement new research tools for data collection, processing, and analysis
 - Develop new social media strategies to increase reach and relevance of all research projects
 - Identify new opportunities to combine cutting edge big data methodologies with custom research
- Directed BSG's polling for Hillary Clinton's primary and general election campaigns in 2016 – including battleground state polling, Millennial polling, ad testing, and online research

HARSTAD STRATEGIC RESEARCH (HSR) – SENIOR VICE PRESIDENT

2001-2015

- Provided strategy and polling for political clients, advocacy organizations, foundations and local government
 - Specialized in creating and implementing data-driven plans for effective communications and mobilization
 - Designed custom research projects to meet clients' needs and presented recommendations to clients in formal written and oral presentations as well as ad hoc advisory meetings and discussions
 - Provided issue expertise on topics including public education, immigration, economic issues, health care, energy, environmental issues and climate change
- Directed battleground state polling for all of Barack Obama's election campaigns from 2002 through 2012 and conducted strategic issue polling for the Obama White House/DNC
 - 2004 primary and general election campaigns for U.S. Senate in Illinois
 - 2008 primary (including the critical Iowa caucuses) and general election campaigns
 - 2012 re-election campaign
 - Issue polling for President Obama's policy teams from 2009 through 2015

- Managed and directed the HSR research team, clients, and vendors across clients and projects
- Directed statewide polling for Senators Michael Bennet (Colorado, 2010), Tom Harkin (Iowa 2008, 2002), Claire McCaskill (Missouri, 2006), Barack Obama (Illinois, 2004), and Governor Tom Vilsack (Iowa, 2002)
 - Provided strategic consulting for political clients in Argentina, Mexico, Serbia, Trinidad and Tobago, Tanzania, and Ukraine

TALMEY-DRAKE RESEARCH & STRATEGY – RESEARCH MANAGER

1999-2000

VOLUNTEERING

Human Service Housing Funding Board – City of Fort Collins

- *January 2020 - Present*

Sathi Fund for Social Innovators

- *September 2016 - Present*

Economic Advisory Commission – City of Fort Collins

- *January 2011 – May 2015*

Budget Advisory Committee – Poudre School District

- *January – April 2010*

Community Development Block Grant (CDBG) Commission – City of Fort Collins

- *January 2003 – December 2010*

ACADEMIA, TEACHING and RESEARCH

SEMESTER AT SEA, INSTITUTE FOR SHIPBOARD EDUCATION

Fall 2000

- Faculty – Taught courses on globalization, comparative politics, and U.S. politics

COLORADO STATE UNIVERSITY

1998

- Instructor – Taught courses on globalization and comparative politics

FULBRIGHT IIE SCHOLAR IN VENEZUELA, UNITED STATES INFORMATION AGENCY

1996-1997

- Research Scholar – Conducted dissertation research in Venezuela, interviewing members of congress, political parties, and interest groups

UNIVERSITY OF PITTSBURGH

1992-1998

- Teaching Fellow / Teaching Assistant – Taught courses on politics and society in Latin America and the United States

EDUCATION

UNIVERSITY OF PITTSBURGH, Pittsburgh, Pennsylvania

1992-1998

- Ph.D.** Faculty of Arts and Sciences, *Concentrations:* Latin American Politics, Legislative Politics, U.S. Political Process, Quantitative Methodology

1998

Graduate Certificate in Latin American Studies

1996

- M.A.** Faculty of Arts and Sciences, *Concentrations:* Latin American Politics, U.S. Political Process, Quantitative Methodology

1994

UNIVERSITY OF MICHIGAN, Ann Arbor, Michigan

1988-1991

- B.A. with Distinction** School of Literature, Arts, and Sciences
Majors: Political Science and History

LANGUAGES — Native English / Fluent Spanish

Books

- *Reinventing Legitimacy: Democracy and Political Change in Venezuela*. 1998. Westport, CT: Greenwood Press. Co-editor, Damarys Canache.
- *Legislators, Representation, and Democracy: An Institutional Analysis of Deputy Responsiveness in Venezuela*. Ph.D. Dissertation, University of Pittsburgh, 1998.

Chapters

- "The Legislative Consequences of MMP Electoral Rules in Venezuela." 2001. In M. Shugart and M. Wattenberg, eds., *Mixed-Member Electoral Systems: The Best of Both Worlds?* Oxford: Oxford University Press. Co-author, Brian F. Crisp.
- "The Republic of Venezuela." 1999. In G. DeLury and D. Kaple, eds., *World Encyclopedia of Political Systems and Parties*, pp. 1220-1230. New York: Facts on File Publications.
- "Democratic Legitimacy and Political Change in Venezuela." 1998. In D. Canache and M. Kulisheck, eds., *Reinventing Legitimacy: Democracy and Political Change in Venezuela*, pp. 39-50. Westport, CT: Greenwood Press. Co-author, Damarys Canache.

Articles

- "Reformas en el Congreso y Representación Política en Venezuela" 1999. *América Latina Hoy* 21 (Abril): 73-84.
- "Candidate Quality and the Congressional Vote: A Causal Connection?" 1996. *Electoral Studies* 15: 237-253. Co-author, Jeffery J. Mondak.

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Megan Keith, Senior Planner
Sylvia Tatman-Burruss, Senior Project & Policy Manager
Aaron Guin, Senior Assistant City Attorney
Brad Yatabe, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan.

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider adoption of the draft East Mulberry Plan and potential annexation considerations related to the plan. Staff will share a potential approach to annexation for Council to consider based on a concept referred to as "Thresholds."

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Staff have been working towards an update to the East Mulberry Plan, including extensive community engagement, since 2020. While the plan provides an approach for future potential annexation of the East Mulberry enclave, the overarching purpose of the plan seeks to create a clear vision for many aspects of the area, especially issues raised during internal city staff and community engagement. Because the existing 2002 East Mulberry Corridor Plan is now over 20 years old, updated guidance for future land uses, transportation, and development review are necessary for city staff now. Even for developments in the area that are not immediately eligible for annexation, these tools are helpful resources for Larimer County staff consultation as they approach development review. Since 2021, staff have participated in several discussions with Council on this topic, including the following work sessions and Council committee meetings:

- March 2021: Work session focused on the public engagement plan and the fiscal impact analysis of a potential phased annexation approach.
- March 2022: Work session focused on the plan update, strategic approach to plan-making and annexation evaluation.
- April 2022: Council and County Commissioner discussion of potential future annexation and the existing Intergovernmental Agreement for Growth Management.

- April 2022: Work session focused on overall community approach to annexation and growth management, including implications for the East Mulberry Enclave area.
- August 2022: Staff presented a financial analysis framework for five subarea designations within a 20-year timeframe separated into 5-year increments.
- October 2022: Staff presented Opportunities and Tradeoffs by Character Area and received feedback to provide ranges of costs to inform future discussions at the November 8th full Council Work Session.
- June 2023: Engagement summary and memo shared with Council.
- October 2023: Staff presented the draft of the East Mulberry Plan and the Thresholds potential annexation approach to illustrate how the strategy may be utilized in the future.
- November 2023: Memo shared with Council to answer questions from the October 2023 work session.

Feedback from Council

Significant discussion has occurred regarding the East Mulberry Plan and the implications of potential annexation. Council feedback has generally centered around an interest in moving slowly and deliberately to avoid acquiring infrastructure without adequate resources to support them; focusing on lessons learned from the most recent large annexation project – the Southwest Enclave Annexation; and a desire to conduct substantial analysis prior to annexation of large portions of the East Mulberry Enclave.

History

The current East Mulberry Corridor Plan was adopted in 2002. The plan was jointly adopted by the City of Fort Collins and Larimer County. The plan update reexamines the East Mulberry area relative to changed conditions, emerging trends, and aligning with key policy recommendations found in the 2019 City Plan update. Through engagement with area business owners, residents, and extensive internal staff conversations, the plan aims to highlight area priorities, guide thoughtful growth, and prioritize future public investments.

An area of unincorporated County land surrounded by land within the City limits, referred to as an 'enclave', was formed along East Mulberry in August 2018. Three years after an enclave is formed, the City of Fort Collins may initiate involuntary annexation. Therefore, the East Mulberry Enclave became eligible in August 2021. Although not statutorily required to annex the enclave, the City has an agreement with Larimer County that such an enclave annexation will be pursued when it becomes eligible. Given the size of the East Mulberry enclave, such an annexation could be phased over several years.

Annexation has been a tool used to grow the boundary of the City's jurisdiction since the late 1800s. Since the 1950s, many of the City's annexations have occurred to the south in conjunction with development proposals on otherwise "greenfield" land, often of formerly agricultural lands or undeveloped prairie lands. Much of the East Mulberry area developed between the 1950s and 1970s, especially the industrial area north of East Mulberry Street. This area was generally isolated from the development occurring to the west around the core of College Avenue. As development occurred outward from the Fort Collins core in the 1980s, the East Mulberry area eventually became surrounded by City limits.

Fort Collins Subarea Plans: Position and Purpose

Subarea plans, like the East Mulberry Plan, are important tools for implementing geography-specific implementation strategies of broader City policy and goals. Subarea plans can achieve the following:

- Address important issues and opportunities unique to a given area.
- Offer context-sensitive implementation and funding strategies that are actionable.
- Provide vision, policy, and land use guidance for a particular area.

- Guide policy considerations related to large potential annexations.

East Mulberry Plan Update: Why Update? Why Now?

Much has changed since the East Mulberry Corridor Plan was created in 2002. In the 20 years since the plan was adopted, conditions have changed both in the East Mulberry Plan area and across the broader Fort Collins community. A plan update should be pursued for the following reasons:

- The East Mulberry Enclave was created in 2018 and became eligible for annexation in 2021. Since the adoption of the 2002 plan predated these conditions, the East Mulberry Plan did not outline an annexation strategy specifically through policy recommendations or other elements of the plan.
- Many comprehensive Citywide documents have been updated since the East Mulberry Corridor Plan was adopted. This includes City Plan, updates to the City's Land Use Code, key outcome areas of the City's Strategic Plan, amongst others. An East Mulberry Plan update could ensure alignment with these documents.
- Substantial development activity is occurring in the East Mulberry Plan area. Specifically, the Bloom and Mosaic communities may be catalysts for additional development proposals in this area. A plan update could address known future development and proactively address the remaining undeveloped areas of the East Mulberry Plan area.
- Market conditions have also changed, creating a need to analyze current zoning designations and explore application of policies that could serve to protect and preserve existing land uses while creating opportunity for new development.

East Mulberry Plan

The East Mulberry Plan is broken down into five distinct sections:

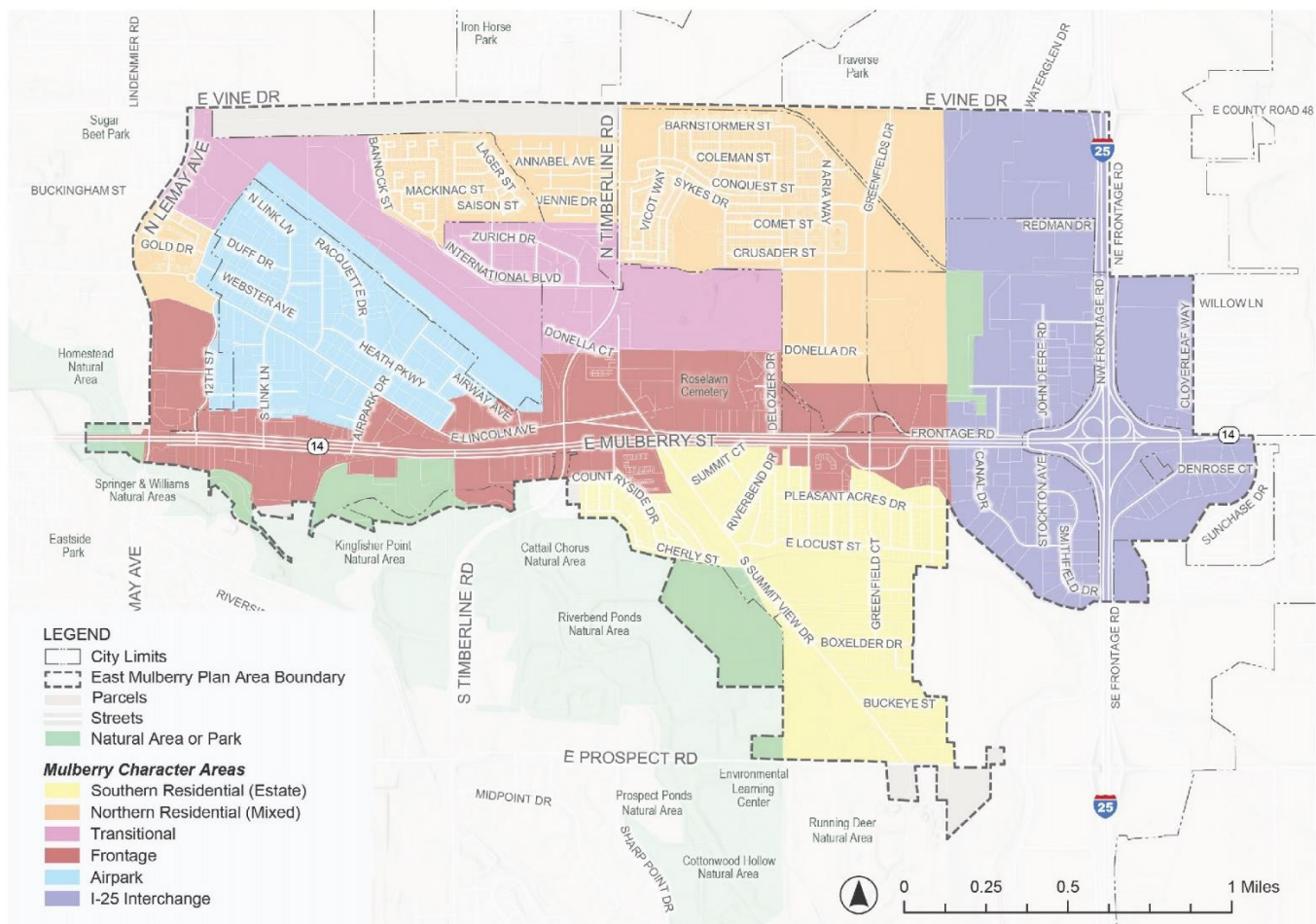
Introduction	This section provides background and context on the East Mulberry Plan Area.
Character Areas	The Character Areas section describes how character areas were formulated, the unique attributes of the character areas, and how character areas serve to provide more customized recommendations within the plan strategies.
Goals & Strategies	The Goals & Strategies section contains the goal statements for the East Mulberry Plan Area as well as the policies and strategies that will help bring these goals to fruition.
Implementation	This section includes the place type framework plan that envisions the future place types within the East Mulberry Plan Area, the Transportation Framework Map, and the Development Review Framework.
Annexation Thresholds	The Annexation Thresholds section provides a detailed overview of the annexation thresholds approach, how thresholds will be identified, and how the thresholds approach could be managed in the long-term.

Introduction

This section provides background and context on the East Mulberry Plan Area, including history of the area since the 1950s, a comprehensive review of existing conditions, community priorities and what we heard through community engagement, and review of the formation of the enclave and the general purpose of annexation.

Character Areas

The East Mulberry Plan Area is a large area that encompasses various land use types. While several of the goals above apply to the entire area, each of the distinct land use types requires some specificity when it comes to the application of each goal. That said, the plan area has been divided into distinct Character Areas. Considerations for defining character area boundaries included land uses, the built form, transportation system factors, and other defining aspects of each area. Character areas are not intended to create hard edges or boundaries, but instead generally serve to define and strengthen each area's distinct qualities. The map of all Character Areas is depicted below:



The Plan Area has been broken into 6 distinct Character Areas:

- Airpark
- East Mulberry Frontage
- I-25 Interchange
- Northern Residential (Mixed)

- Southern Residential (Estate)
- Transitional

Through community engagement and internal staff conversations, specific issues and areas of opportunity continued to present themselves. Many of these issues are geographically tied to a specific character area given the diversity of land uses and context across the Plan Area. For example, small-business preservation and support continued to come up for industrial business owners within the Airpark area, while concerns about crime and aesthetics came up frequently for business-owners within the I-25 Interchange area. As mentioned above, while several of the plan goals apply to all character areas, there are unique priorities and implementation action items for future consideration.

Goals and Strategies

When approaching this update to the East Mulberry Plan, study of existing conditions and conversations with residents and business owners reveal the complexity and challenge of planning within this area. The diversity and uniqueness of land uses, combined with the desire to simultaneously preserve many things about the plan area, while at the same time, improving other aspects, like deteriorating infrastructure and lack of community amenities, pose a unique challenge from a planning perspective. For these reasons, establishing a set of goals that cover a wide breadth of elements impacting the East Mulberry Plan area felt like an appropriate way to balance both the preservation and augmentation needs of this area that a single vision statement could not adequately capture. The plan goals speak to desired future outcomes for the plan area and were collaboratively generated with community members and staff.

There are seven major goals within the East Mulberry Plan. Below each of the seven plan goals are strategies and implementation action items. Strategies are action-oriented statements that support achievement of the goal. The implementation action items are more specific than the strategy statements and provide more detailed methods for how the strategies may be achieved.

Because annexation of the East Mulberry Enclave under a thresholds approach may take a long time, the sections called “Note on Fulfillment of this Strategy” acknowledge that implementation of these strategies and implementation action items are mostly dependent on when the areas are brought under city jurisdiction. Ongoing coordination and collaboration with Larimer County will continue throughout a threshold annexation strategy.

- *Goal 1: Commercial/Industrial Hub (industrial/ag uses):* Foster a healthy and prosperous commercial and industrial hub for the City, while remaining viable for small businesses and industry.
- *Goal 2: Stormwater infrastructure:* Master plan, construct and maintain stormwater infrastructure to provide safe conveyance of stormwater flows and reduce flood risk.
- *Goal 3: Multimodal (mobility, streets):* Plan and support safe and comfortable infrastructure for multi-modal transportation.
- *Goal 4: Community Access (amenities & services):* Increase access for residents and businesses to community amenities & services.
- *Goal 5: Housing Affordability:* Explore mechanisms to maintain housing affordability and existing character of residential neighborhoods.
- *Goal 6: Historic, Cultural, Natural Features (ecological health):* Protect and promote natural, historic, and cultural resources that support a cohesive and resilient community using nature-based solutions.
- *Goal 7: Gateway Aesthetic:* Improve the function and visual appearance of the Mulberry & I-25 interchange and Mulberry Street frontage as a gateway into Fort Collins.

Implementation

The Implementation Section explores more practically how the goals, strategies, and implementation action items recommended within this plan could be accomplished. Within this section, there is a Place Type Framework map that depicts future land uses, a Transportation Framework map that explores a potential transportation network, and a Development Review Spectrum to guide future development activity in the East Mulberry Plan Area.

Place Type Framework: Place Types were developed through the creation of the most recent iteration of City Plan, adopted in 2019. These place types provide a framework for the ultimate buildout of Fort Collins and help guide future land use decisions, such as initial zoning when areas of the East Mulberry Enclave are annexed. Place types are not zoning districts but instead broader categories that focus on the types of land uses and development intensities to encourage.

Transportation Framework: The Transportation Framework map depicts connectivity needs, proposed streets for augmentation, and areas that require future evaluation and improvement. Some areas, such as the East Mulberry Street corridor, would benefit from a standalone design effort in partnership with the Colorado Department of Transportation (CDOT). This framework is not meant to be a comprehensive transportation plan and is instead a reflection of opportunities and concerns surfaced through community and internal staff engagement.

Development Review Spectrum: The Development Review Spectrum highlights typical requirements and areas of flexibility for site upgrades within the City of Fort Collins' development review process. The purpose of this spectrum is to provide a structured and strategic approach for revitalizing and improving properties over time as they come through the City's Development Review process. It can also serve as a resource for Larimer County reference when reviewing properties within the East Mulberry Enclave that are going through the County's Development Review process, but not yet eligible for annexation. Each of the categories outlined within this spectrum highlights the requirements based on the level of proposed site improvements and the priorities for each of the corresponding City departments.

Threshold Annexation Strategy

The Annexation Threshold strategy occupies its own section of the East Mulberry Plan but continues to detail implementation of this potential approach. Staff have been further analyzing and exploring this potential approach for Council consideration. This approach is based on "Thresholds". Thresholds are a set of conditions that when reached, may represent an opportune time to consider annexations of portions of the East Mulberry Enclave. When a threshold is identified, strategic annexation of the area in question and the surrounding parcels could be initiated. Thresholds for consideration could include a combination of predictable or anticipated events, opportunities, and other defined conditions. Specifically, opportunities to achieve city priorities, major development/redevelopment activity, maintenance of logical jurisdictional boundaries, funding opportunities, and infrastructure upgrades. In many cases, thresholds would be initiated when future conditions are met, therefore, thresholds and opportunities to consider annexation may be spread across a longer time horizon. Some potential thresholds that staff have begun formulating for evaluation include:

- *Maintaining Logical Boundaries:* Over time, voluntary annexation establishes a smaller enclave or area that is essentially surrounded by City of Fort Collins. To create or maintain logical boundaries for enforcement, provision of services (i.e., police services, roadway/sidewalk improvements, and create areas of compatible land uses), annexation of the parcels to form more logical or contiguous boundaries may be a threshold.
- *Proactive Resource Protection:* Imminent impact to a critical natural resource or buffer. To apply natural resource protection under city codes, this may be considered a threshold for considering annexation.
- *Redevelopment Risk:* A redevelopment risk threshold represents the ability to preserve mobile home parks and other sources of naturally occurring affordable housing. Future property sales may pose risk

of redevelopment to existing mobile home parks. To protect these sources of existing affordable housing stock, bringing the mobile home park into the City of Fort Collins could allow application of the City's Manufactured Housing district, which would aid in preservation of these communities.

- *External Funding and Capital Project Alignment:* This threshold is related to receipt of external funding that could help alleviate some of the cost burden associated with annexation. It also would include the ability to consider annexation of areas containing multiple priority project sites from adopted plans.

Example Threshold

During the October 10, 2023, Work Session, staff explored with Council an example threshold that demonstrated what types of considerations would be made when examining potential thresholds. The example threshold combines a variety of the identified categories and how potential annexation boundaries could be established for Council consideration. While this example was meant to illuminate the threshold annexation process, the example is not included in the Draft Plan document and will not be included in the final version of the Plan. The example threshold is included as an attachment to this Agenda Item Summary.

CITY FINANCIAL IMPACTS

When a phased approach to annexation of the East Mulberry area was contemplated, a full financial modeling tool was built by a financial consultant, Economic & Planning Systems (EPS) in partnership with our Finance team. The results of that modeling are included in appendices attached to the plan document. While the modeling tool was originally created to evaluate the potential costs of a phased approach for both governmental and utilities services, the model can still be used to evaluate costs associated with a potential annexation through the thresholds approach. The evaluation framework and associated analysis would be applied consistently to study each threshold, offering predictability and standardization within this approach.

Each time a threshold is triggered, an analysis period begins for the areas within the proposed threshold boundary. This analysis period would include an extensive cost analysis in partnership with each of the departments that would be providing services if the threshold area were to be annexed. The Planning department would take lead in facilitating a team from across the system toward a realistic timeline for service and a cost estimate based on various time periods and level of service. At a minimum, the analysis team would include Finance, Utilities (Light & Power & Stormwater), Streets, and other supporting departments depending on the area being considered. A full report of findings would be presented to Council for consideration and feedback. At this time, geographic threshold boundaries and resource adjustments could be honed.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff have presented to several Boards and Commissions, including the Economic Advisory Board, the Transportation Board, the Bicycle Advisory Board, and the Planning & Zoning Commission. Staff have also presented to Larimer County Board of Commissioners on several occasions, and to the Larimer County Agricultural Board. A recommendation from the Economic Advisory Board has been received and is attached to this AIS. The Planning & Zoning Commission will review the plan at their November 16, 2023, hearing. A recommendation and meeting notes will be provided in a read-before memo prior to the November 21, 2023, regular Council meeting.

PUBLIC OUTREACH

Community engagement for this plan began in 2020 and has focused primarily on the business owners and residents within this area. While this area is important to the community of Fort Collins and the Northern Colorado region as a whole, Area Plan engagement usually occurs first with those who experience and interact with the place on a daily basis as an employee, business owner, resident or a combination of these.

During the December 13, 2022, Council Work Session, members of Council directed staff to perform a full update of the existing 2002 East Mulberry Corridor Plan and to explore the annexation thresholds approach (formerly referenced as tipping points). As part of this exploration into annexation thresholds, staff launched a new series of public outreach events to inform and engage residents and businesses on the proposed thresholds approach. Most recently, staff held an open house on October 26, 2023, from 3 to 7 p.m. in the East Mulberry area.

Recent Project Activities

A series of four sessions were held spanning February and March of 2023. At these virtual and in-person sessions, staff offered a 45-minute presentation, followed by a 45-minute Q&A session to allow attendees to clarify questions and share concerns with staff members. A report prepared by the Institute for the Built Environment (IBE) documents the community engagement activities that occurred between February and March of 2023. This and other engagement summaries from previous engagement events are included as an appendix in the plan document.

As noted in the IBE report, notification methods used to inform and invite residents and community members to these events in February and March 2023 included:

- Over 2,200 postcard invitations were mailed to all addresses within the East Mulberry Enclave.
- Press Release distributed February 23, 2023.
- Over 200 in-person business visits to hand delivered invitations.
- Invitation and event reminders distributed to over 300 East Mulberry email newsletter subscribers.

Previous Engagement: The engagement activities that took place in February and March of 2023 are just the most recent events in an extended series of engagement work that has been conducted as part of the East Mulberry Plan update efforts. It is important to note that in addition to the most recently heard feedback, previous community and business feedback is being utilized to formulate recommendations in the updated East Mulberry Plan. As previously mentioned, summary documents of all engagement activities spanning the project history are included as an appendix in the plan.

Beginning in 2020, some of the notable previous engagement activities included the following:

- East Mulberry Business Focus Groups, August 2020
- Community Q&A Sessions, April 2021
- Community Visioning Sessions, June 29, July 14, and August 4, 2021
- Online Visioning Survey, Summer 2021
- Community Advisory Group Meetings – five meetings spanning October 2021 through April 2022
- Community Workshops, October 2021
- Community and Business Workshops, January and February 2022

Some of the primary opportunities and priorities that have been highlighted thus far in the public engagement process and internal conversations include:

- Infrastructure and Development
 - Flooding and its impact on the community
 - Integrated transportation system connecting neighborhoods to the surrounding area
 - Safety and accessibility
 - Sustainable development practices
- Gateway and Entry Aesthetic
 - An interest in aesthetic improvements at the I-25 and East Mulberry interchange as well as along the East Mulberry Highway corridor
 - An interest in maintaining the diverse uses within the area
 - An interest in preserving the industrial and agricultural function and character of the area
- Amenities and Services
 - Access to essential amenities and services, such as parks, schools, and grocery stores
 - Residents and business owners have struggled with issues related to vandalism, drug use, and homelessness, especially near the I-25 interchange
- Housing and Gentrification
 - Interest in preserving the affordability in the area

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Potential Annexation Threshold Example
4. Presentation

ORDINANCE NO. 162, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE EAST MULBERRY PLAN AS AN UPDATE
OF THE 2002 EAST MULBERRY CORRIDOR PLAN

WHEREAS, in 2002, City Council adopted the East Mulberry Corridor Plan as an element of City Plan to guide development and annexation within the area covered by the plan, a large portion of which was and still is located outside of City limits but within the City's Growth Management Area; and

WHEREAS, since 2002, conditions have changed within the area addressed by the East Mulberry Corridor Plan and across the City including the formation of the East Mulberry Enclave in 2018, updating of key City policy documents including the City's Comprehensive Plan ("City Plan"), substantial development activity, and changing market conditions; and

WHEREAS, such changes necessitated an update of the East Mulberry Corridor Plan to provide updated guidance for the City, Larimer County, and the community members living and working within the area; and

WHEREAS, the updated plan has been renamed as the East Mulberry Plan; and

WHEREAS, in drafting the East Mulberry Plan, City staff has coordinated with Larimer County and conducted extensive outreach with residents and business owners within the area covered by the plan; and

WHEREAS, on November 16, 2023, the Planning and Zoning Commission **[on a vote of ...]** recommended that City Council adopt the East Mulberry Plan; and

WHEREAS, City Council finds that the East Mulberry Corridor Plan adopted in 2002 is in need of updating in light of changed circumstances and that the East Mulberry Plan promotes the public welfare and is consistent with City Plan.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the East Mulberry Plan, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby adopted as an element of City Plan and shall update and replace the East Mulberry Corridor Plan adopted in 2002.

Section 3. That the East Mulberry Plan is advisory only and is not intended to establish development standards or requirements applied through the Land Use Code to any development within the City unless a provision of the Land Use Code, other than a provision of Article 1, explicitly applies all or a portion of this plan as a development standard or requirement.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk



East Mulberry Plan

Acknowledgments

City Council

Jeni Arndt, Mayor
 Emily Francis, Mayor Pro Tem, District 6
 Susan Gutowsky, District 1
 Julie Pignataro, District 2
 Tricia Canonico, District 3
 Shirley Peel, District 4
 Kelly Ohlson, District 5

Planning and Zoning Commission

Michelle Haefele
 David Katz (Chair)
 Adam Sass
 Ted Shepard
 Julie Stackhouse (Vice Chair)
 Samantha Stegner
 York

City Leadership

Kelly DiMartino, City Manager
 Tyler Marr, Deputy City Manager
 Travis Storin, Chief Financial Officer
 Caryn Champine, Director of PDT
 Paul Sizemore, Director of CDNS

Boards and Commissions

Planning and Zoning Commission
 Larimer County Board of County Commissioners
 Transportation Board
 Economic Advisory Board

Members of the Public

Many property owners, residents, and members of the public participated in this planning effort. Thank you to all who contributed to the Plan.

Community Advisory Group

The Community Advisory Group was comprised of residents and business owners from within the East
 y Plan Area.

Staff Project Management Team

Megan Keith, Senior Planner
 Ryan Mounce, City Planner
 Sylvia Tatman-Burruss, Senior Policy Manager
 Shawna Van Zee, City Planner
 Janelle Guidarelli, Associate Planner

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 Caryn Champine, Director of PDT
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 Rebecca Everette, Larimer County Community Development Director
 SeonAh Kendall, Director of Economic Sustainability
 Amanda King, Communications Director
 David Lenz, Director of Financial Planning & Analysis
 Paul Sizemore, Director of CDNS
 Travis Storin, Chief Financial Officer
 Greg Yeager, Deputy Chief of Police

Plan Team Working Group

Phillip Amaya	Kirk Longstein
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Dave Betley	Cody Snowdon
Dashiell Bubar-Hall	Brad Yatabe
Maren Bzdek	Marcy Yoder
Heidi Hansen	

Business Community Participants

Fort Collins Area Chamber of Commerce, Local Legislative Affairs Committee.

Consultant Team

Metta Urban Design
 Economic and Planning Systems
 Institute for the Built Environment

This policy plan is advisory only, and it is not intended to establish development standards applied through the Land Use Code to any development within the City of Fort Collins unless a provision of the Land Use Code, other than a provision set forth in Article 1, explicitly applies all or a portion of this plan as a development standard.

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Appendices

Appendix A: Community Engagement Reports
Appendix B: Mulberry Corridor Financial Considerations (Phased Annexation Approach)
Appendix C: Mulberry Corridor Financial Impact Analysis
Appendix D: Role of Subarea Plans

1 Introduction

About this Document
Introduction to East Mulberry
Planning for East Mulberry
Why Update, Why Now?

About this Document

East Mulberry Plan Update

PURPOSE & INTENT

The 2023 East Mulberry Plan serves as an update to the previously adopted 2002 East Mulberry Corridor Plan. The Plan incorporates new goals, the Plan policy direction and action items for the next 10-20 years based on extensive business-owner and resident feedback within the area and internal policy discussions amongst City staff. Much like the previously adopted plan, the East Mulberry Plan will continue to be a guidance document for Larimer County staff prior to annexation and a policy document for future areas potentially annexed into Fort Collins. The Plan incorporates recently completed planning efforts and studies, including the City Plan, the Transportation Master Plan, the Active Modes Plan, the Parks and Recreation Master Plan, and other relevant work related to utilities and small business support services.

PLAN ORGANIZATION

The Plan is organized into the following sections:

1. INTRODUCTION

- About this Document
- Introduction to East Mulberry
- Planning for East Mulberry
- Why Update, Why Now?

This section provides background and context on the East Mulberry Plan Area. Coverage of existing conditions, how the plan area is evolving, and community and stakeholder input frame why this plan update is needed.

2. CHARACTER AREAS

This section introduces Character Areas and describes the unique characteristics of each easily identified area within the East Mulberry Plan Area.

3. GOALS & STRATEGIES

- Plan on a Page
- Goals & Strategies

The Big Ideas section contains the goal statements for the East Mulberry Plan Area as well as the policies and strategies that will help bring these goals to fruition.

4. IMPLEMENTATION

- Place Types Framework
- Transportation Framework
- Development Review Framework

This section provides guidance related to plan implementation, including the place type framework plan that envisions the future place types within the East Mulberry Plan Area, the transportation framework plan, and the development review framework plan.

5. ANNEXATION

- Annexation Thresholds Framework

This section includes a discussion of the annexation thresholds strategy.

How to Use this Document

In addition to the five sections and appendices of the East Mulberry Plan Document, you will see the gray call-out boxes like this one indicating terminology or more detailed information on supporting plan items.



When you see this 'Information' icon it either indicates a definition of terms or additional information on a subject.



When you see this icon, funding sources for implementation of the goals and strategies are addressed.

Item 28.

Introduction to East Mulberry

East Mulberry began to develop as an industrial and agricultural area in the 1950s, separated from the core of Fort Collins. Residential neighborhoods to the south were predominantly developed in the 1960s, as a combination of large lots and traditional suburban block patterns. As Fort Collins grew geographically, the East Mulberry area became surrounded by commercial and residential development.

East Mulberry remains an important gateway into the City of Fort Collins and connects downtown and Colorado State University campus to I-25. It is also a Scenic Byway and gateway to the Poudre Canyon. The East Mulberry “enclave” - an area of unincorporated Larimer County surrounded by the City of Fort Collins, was established in 2018 and encompasses roughly 2,500 acres of land to the east of Downtown Fort Collins. The area is now comprised of over 400 businesses, serving customers both locally and internationally.

400
BUSINESSES

5141
RESIDENTS

4.6
SQ. MILES
2500+
ACRES

THE AREA IS UNIQUE IN SEVERAL WAYS:

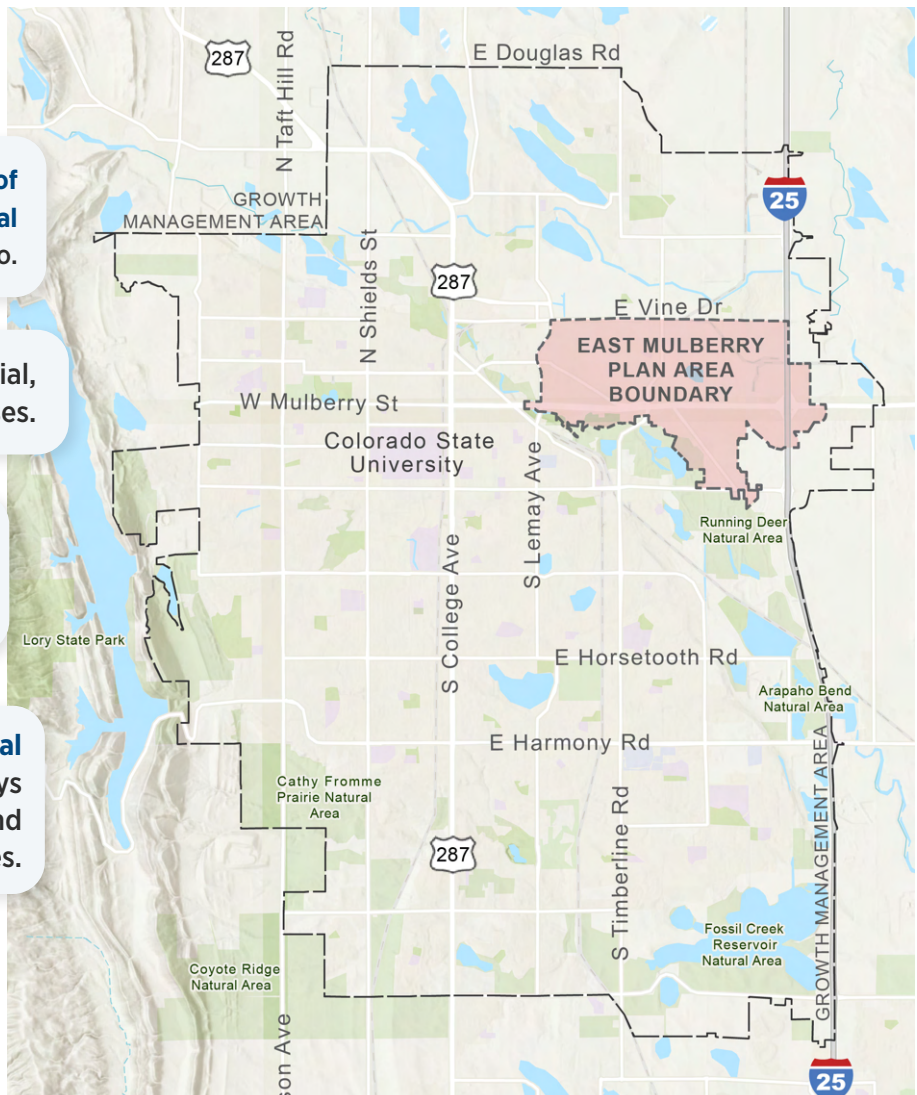
It is the **largest concentration of independent and industrial businesses** in Northern Colorado.

It is a **mixed-use area** of industrial, commercial/retail, and residential uses.

It is a **gateway** to Downtown, the Poudre Canyon, and is the start of the designated Highway 14 Scenic Byway.

It is a **unique confluence of natural areas, floodways, and waterways** with multiple jurisdictions and agencies providing services.

The East Mulberry Plan Area is located in the Northeastern section of Fort Collins, at the gateway of Interstate I-25 to the east, East Vine Drive to the north, Lemay Avenue to the west and the Poudre River to the South.



Introduction to East Mulberry

History of East Mulberry



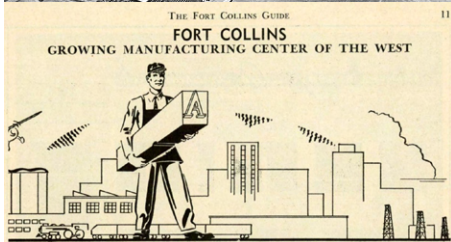
State Highway (SH) 14 began as a dirt road surrounded by farms and ranches, stretching from Fort Collins east beyond Ault and west to the Poudre Canyon. The highway later became East Lincoln Avenue.



1950s

East Mulberry began to develop as an industrial and agricultural area in the 1950s, separated by the Poudre River from the city core of Fort Collins.

The SH 14 Bypass was created in the 1950s and soon became more traveled than the older East Lincoln Avenue. By 1957 it was no longer a bypass but relabeled as SH14.



The Greeley Water Transmission Line that ran diagonal northwest to southeast along East Lincoln Avenue/Summit View Drive helped to shape the area. Many of the early businesses and homes were built on this diagonal to tap into the line for a steady water supply. Only later did the City of Fort Collins and other utility companies provide water to developing areas east of city limits.



1960s

Much of the development in this area occurred under County jurisdiction in the 1950s and 1960s. As Fort Collins grew geographically, the East Mulberry area became surrounded by commercial and residential development.

Residential neighborhoods to the south were predominantly developed in the 1960s, some as large lots and others with more traditional suburban block patterns.



1970s

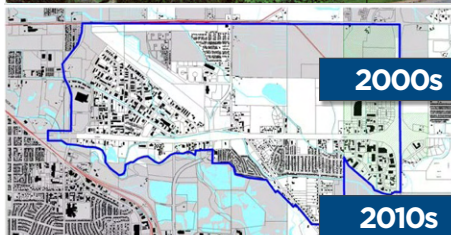
The Fort Collins Downtown Airport (originally named "Airpark" and now "Airport") was constructed during the spring and summer of 1966 and opened the following fall with a 2,700ft runway and ten "T" hangars, housing about 25-30 planes. The thirty stockholders who financed the airport also built the industrial park to the southwest.

As Fort Collins began to grow more rapidly in the 1960s and 1970s, staff and elected officials from Larimer County and the City of Fort Collins began to discuss a formal service-area agreement for the East Mulberry area, which would also set the stage for a potential future annexation.



1980s

Fort Collins and Larimer County establish an Intergovernmental Agreement to set Fort Collins' Growth Management Area, which includes the Mulberry Corridor.



2000s

Discussions regarding the future of East Mulberry became more detailed in 1997 when the City of Fort Collins identified this area of land as a priority for planning in anticipation of potential future annexation.



2010s

East Mulberry Corridor Plan Adopted

The East Mulberry "enclave" was established in 2018 and encompasses roughly 2,500 acres of land to the east of Downtown Fort Collins. The area is now comprised of over 400 businesses, serving customers both locally and internationally.



2023

East Mulberry Plan Update

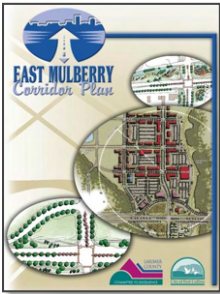
Planning for East Mulberry

Updating the 2002 East Mulberry Corridor Plan

In 2002, the development of the East Mulberry Corridor Plan (EMCP) was led by staff at the City of Fort Collins and was jointly adopted by Fort Collins City Council and the Larimer County Board of County Commissioners. Objectives outlined in the EMCP include provision and maintenance of public facilities and services, annexation, costs of improvements, redevelopment, and streetscape design. The EMCP acknowledged that continued growth and change may impact current conditions, including the robust industrial business mix and the rural feel of the residential neighborhoods.

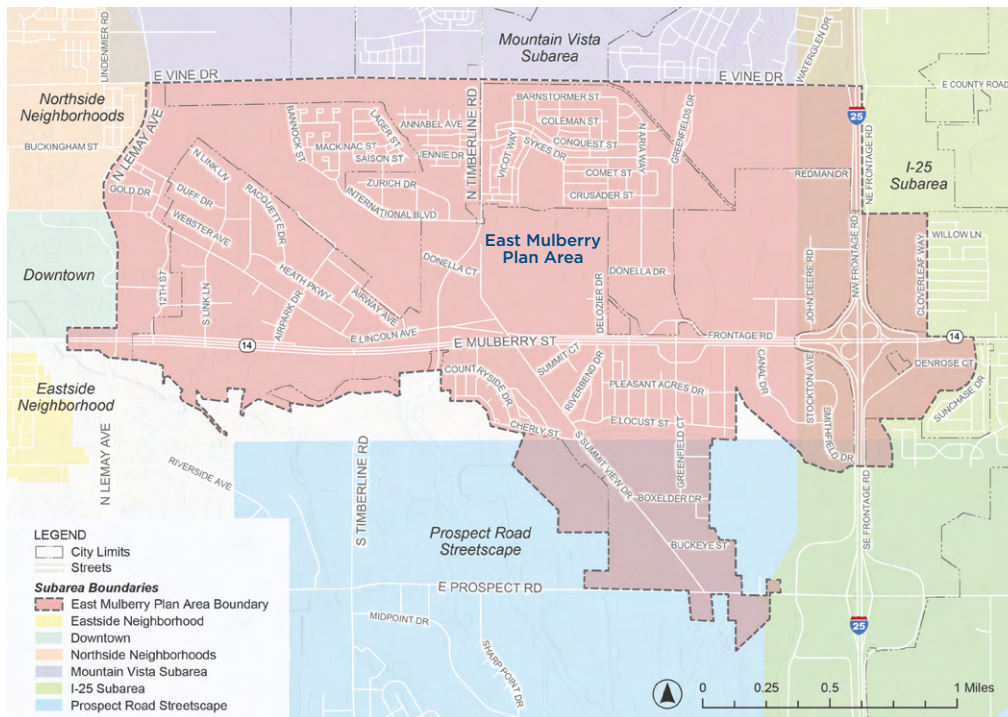
2002 EAST MULBERRY PLAN TOPICS INCLUDE:

- Goals for the future of the area
- Allowed land uses
- Look & feel of the area
- Public transportation needs
- Bicycle & pedestrian infrastructure



While some of the objectives from the 2002 plan will carry over into the new plan, the new plan will address concepts and services that have changed since 2002 and update policies and objectives to align with various plans that have been adopted since, including City Plan, the Transportation Master Plan, the Active Modes Plan, and the Parks and Recreation Master Plan, among others.

East Mulberry Plan Area



The **East Mulberry Plan Area** is the area of focus for both the 2002 East Mulberry Corridor Plan and this newly updated plan document. The plan area is different than the enclave area, but largely overlaps. Plan area boundaries are typically established based on other adjacent City of Fort Collins subarea plans. It is important that subarea plan boundaries do not largely overlap so that guidance for each area can remain clear. The East Mulberry Plan Area is adjacent to the Mountain Vista Subarea Plan, the Downtown Plan, the I-25 Subarea Plan, and the Northside Neighborhoods Plan.

THE PLAN BOUNDARY FOR THE UPDATED 2023 EAST MULBERRY PLAN WAS ADJUSTED FROM THE 2002 EMCP BOUNDARY IN SOME LOCATIONS TO INCLUDE MORE OF THE AREAS CONTAINED WITHIN THE EAST MULBERRY ENCLAVE.

i Refer to Page 24 for more information on Annexation and Enclave terminology

Why Update, Why Now?

In the ever-evolving landscape of the East Mulberry Plan Area, it's important to recognize the dynamic nature of the built environment and the impact of changes in growth patterns, social structures, community goals, business trends, technology, and more.

Twenty years after adoption of the 2002 East Mulberry Corridor Plan, these changes warrant a reevaluation of existing goals and strategies for today's issues and tomorrow's opportunities. Through a comprehensive understanding of existing and changed conditions, reflection of past and present stakeholder input and priorities, and context from the history and formation of the East Mulberry Enclave, this plan seeks to address new and emerging issues and shape a vision and framework for the future of the East Mulberry Plan Area.

I. EXISTING & CHANGED CONDITIONS

Existing & Changed Conditions in the plan area since the EMCP in 2002, including infrastructure, growth, and development.

II. COMMUNITY PRIORITIES & WHAT WE HEARD

Priorities have shifted since the 2002 EMCP; we're also hearing about new goals from a new generation of residents and businesses in the corridor.

III. EAST MULBERRY ENCLAVE & ANNEXATION

Planning history of the East Mulberry Enclave and a reexamination of how future annexation for this area could occur.

I. EXISTING & CHANGED CONDITIONS

At the highest level, the Mulberry Corridor looks and functions much as it had twenty years ago in 2002 when the first East Mulberry Corridor Plan was adopted. It's a primary entrance to the community, an important commercial and industrial hub, and an area where one can best experience both the benefits and drawbacks of urban-level County development. Many of the same concerns that have long been associated with the corridor persist – street maintenance and traffic congestion, a lack of access to certain amenities, and uncertainty about the impacts and timing of potential annexation into the City of Fort Collins.

Dig deeper and changes in growth patterns, new development, and the application of recent community-wide goals and strategies present new opportunities and challenges. Many of the original 2002 EMCP strategies and implementation actions have also been completed or may no longer be relevant and invite further study of what elements of the original corridor plan should be continued forward.

Transportation & Infrastructure

Development in the plan area spans more than seven decades across multiple jurisdictions and features an environment constructed to varying development standards, a patchwork of urban-level infrastructure, and an assortment of street maintenance quality. Compared with the broader community, one of the most recognizable characteristics of the corridor is its **lack of certain infrastructure such as curb & gutter, sidewalks, and on-site stormwater detention.**

- **STREETS & SIDEWALKS** pg. 13
- **STORMWATER** pg. 14
- **ELECTRIC GRID** pg. 14
- **BICYCLE & MULTIMODAL** pg. 15
- **TRANSIT** pg. 15

Community Services & Infrastructure

While many policy goals for the community and plan area remain the same today as in 2002, there are also several policy areas where the community has established new goals and plans that will need to be contextualized to the East Mulberry Plan Area. **Key among these changes is the importance of Community Services & Infrastructure; including housing, recreation, equity and opportunity, and accessibility.**

- **OPPORTUNITY, EQUITY, & ACCESSIBILITY** pg. 16
- **FIRE & SAFETY** pg. 17
- **NATURAL AREAS & FEATURES** pg. 17
- **PARKS & RECREATION** pg. 17
- **HOUSING & AFFORDABILITY** pg. 18

Changing Growth & Development Patterns

Over the past twenty years, new development in the East Mulberry Plan Area has been modest when compared to the broader community and region, and slower than originally anticipated by the market study completed for the 2002 EMCP. **However, since 2020, over 2,400 new residential units have been constructed or approved as part of future phased developments, which would represent almost a doubling of the housing in the plan area over the next 10-20 years.**

- **DEVELOPMENT & GROWTH** pg. 19
- **LAND USE** pg. 20
- **EMPLOYMENT & INDUSTRY** pg. 21

Update, Why Now?

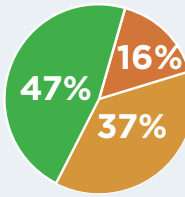
i. Existing & Changed Conditions

Transportation & Infrastructure

STREETS & SIDEWALKS

Surface condition is only one component of what the City calls, “Complete Streets” which include sidewalks, curb and gutter, bike lanes, and proper markings, among other details depending on the street type.

Mulberry Enclave Street Surface Conditions

**47% - GOOD/SATISFACTORY**

Good asphalt surface condition, including few major cracks or potholes

37% - FAIR/POOR

Larger cracks and may have chips that have become potholes over time

16% - VERY POOR/FAILING

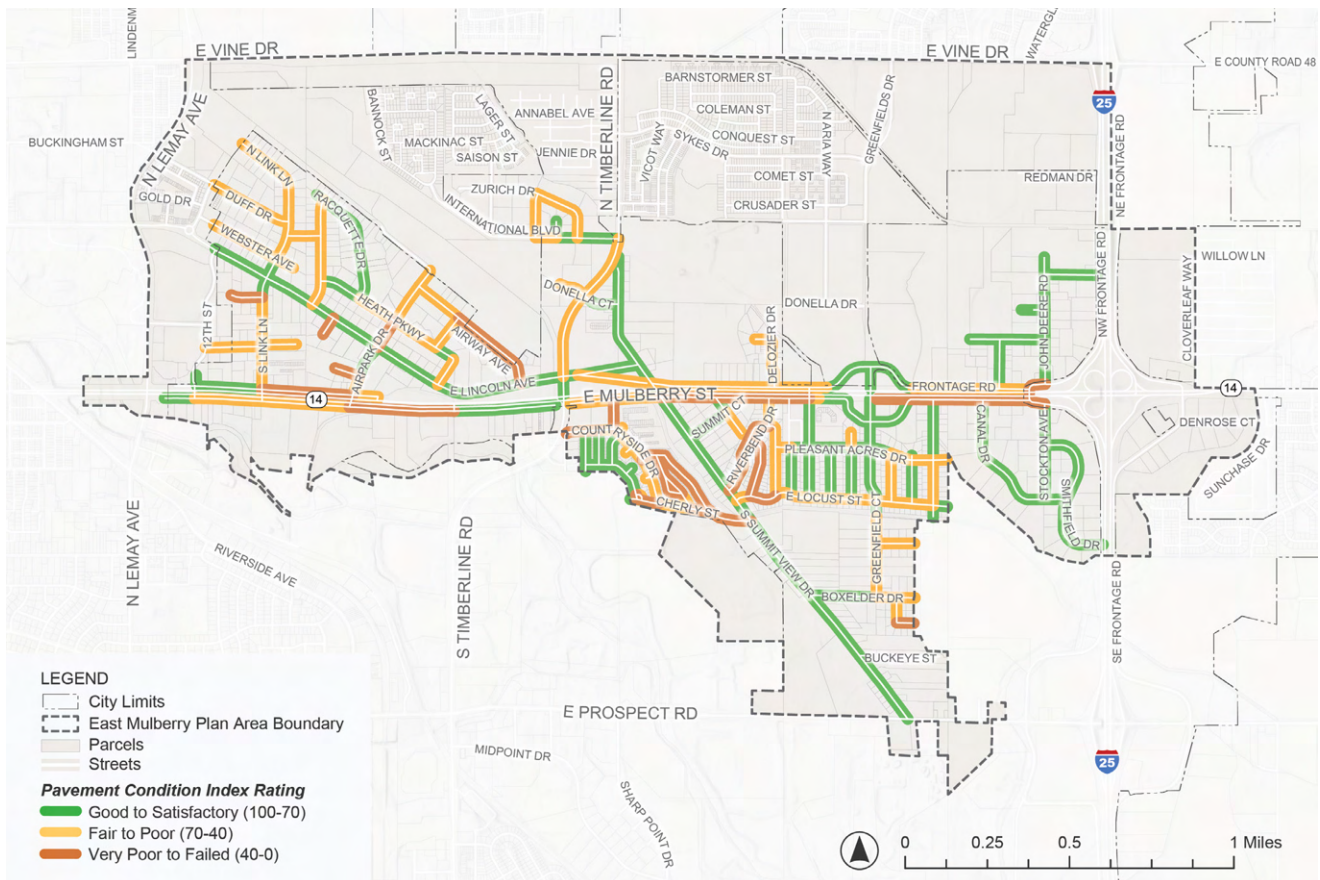
Large cracks and potholes. Generally, these streets must be completely rebuilt to be considered functional



15% of streets have sidewalks

34% of streets have Curb & Gutter

50% have markings (travel and bike lanes, shoulder demarcation)



Pavement Condition Data collected by the City of Fort Collins in 2021.

SURFACE CONDITIONS OF ROADS MAP

The City of Fort Collins streets and maintenance are paid for through a combination of a dedicated 1/4-cent tax for street maintenance plus general fund dollars and are spread across the entire City. Some streets are maintained by the Colorado Department of Transportation (CDOT) including East Mulberry outside of City limits. Some streets within the East Mulberry area are maintained through Special Improvement Districts whereby business owners or residents' tax themselves and the money is managed and applied to the specified tax district. These are expected to remain in place through any future annexation activity.

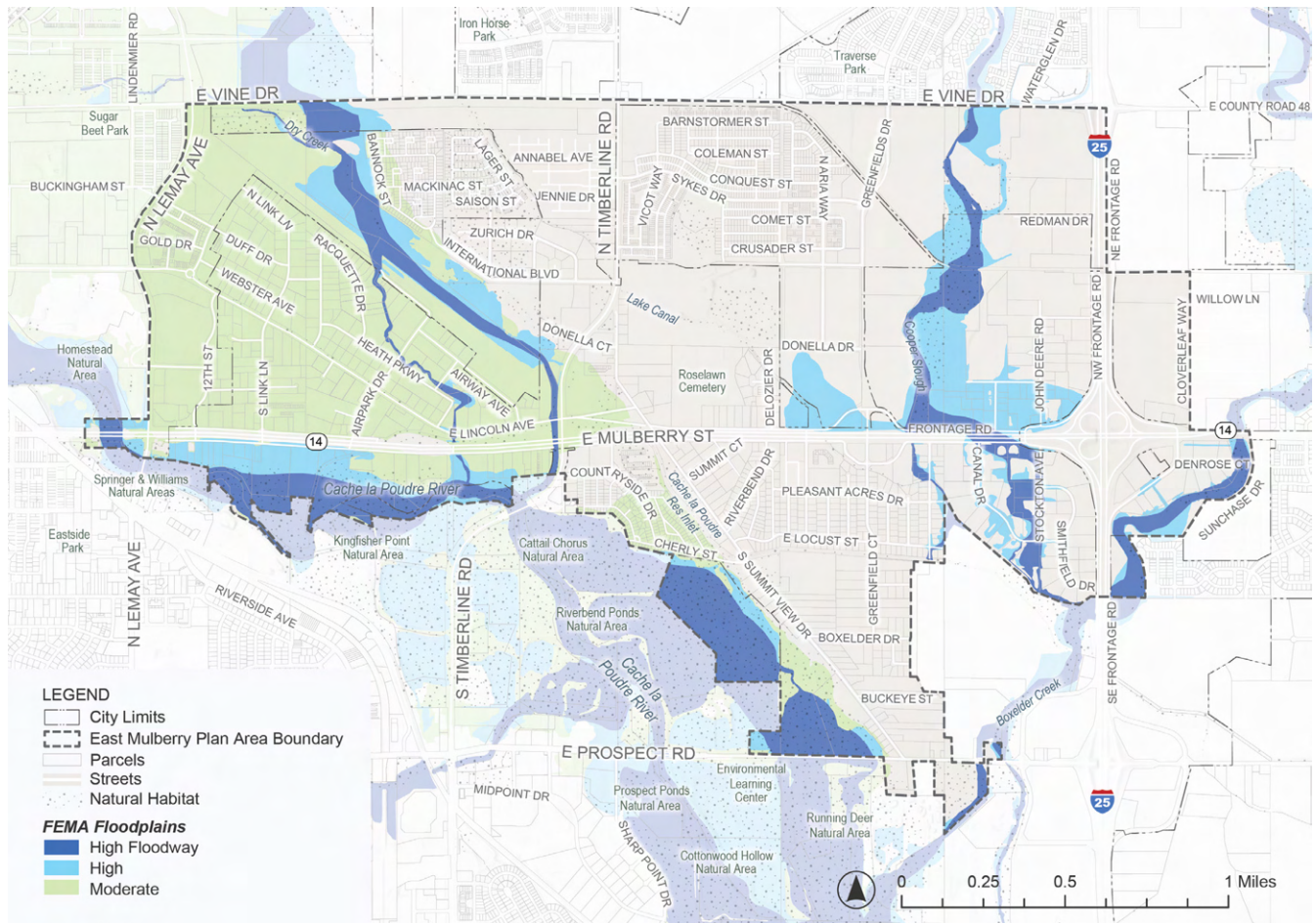
STORMWATER

Stormwater infrastructure is comprised of several components, including street gutters, storm drains, open channels, underground culverts, regional and on-site detention areas, among others. Unlike streets, the stormwater system within the East Mulberry area has not yet been inspected or evaluated. A few known issues include:

- Stagnant water and flooding are significant concerns.
- Public stormwater infrastructure within the area is currently not being maintained.
- For the existing stormwater system to be evaluated, it will need to be flushed of sediment and debris and inspected. Once an inspection of the system has been conducted, a more thorough analysis can be done to understand what improvements need to be made to create a more functional stormwater system in the area.
- A capital improvement project is planned within the area to channel the Dry Creek floodway. This project would only be added to the capital improvement project list upon annexation of the area.



Stormwater infrastructure is built using several funding mechanisms, including Capital Projects funds, private funding through development projects and sometimes State and Federal funding.



Stormwater map source from 'Floodways' City of Fort Collins (2018) data, and FEMA (2023) data.

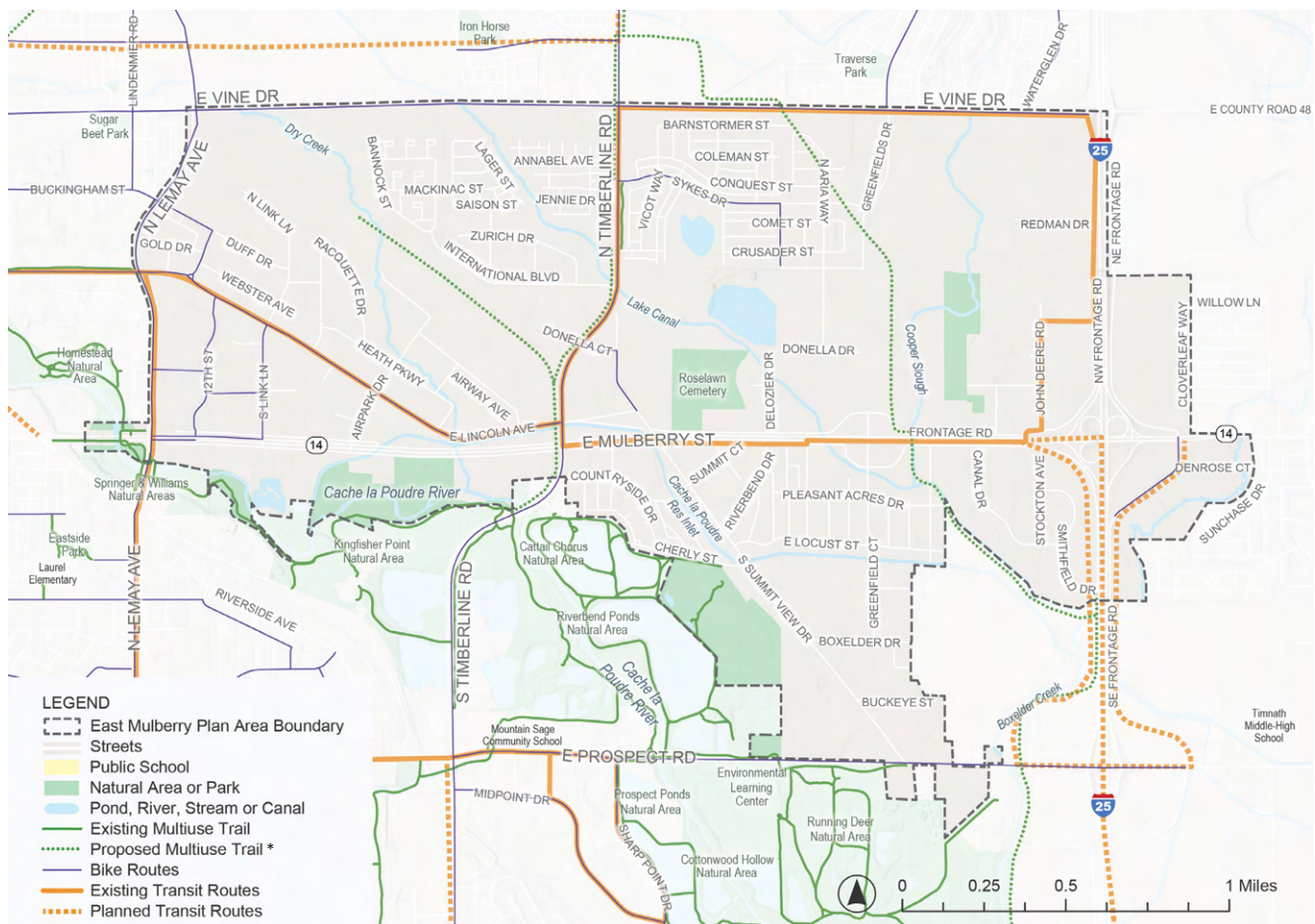
ELECTRIC GRID

Much of the East Mulberry area is currently served by Poudre Valley REA and Xcel Energy. Most of this infrastructure is above ground, including poles and wiring. The majority of the electrical infrastructure within Fort Collins city limits is underground or planned to be underground in coming years. Upon annexation into city limits, existing infrastructure is purchased by City of Fort Collins Light & Power. When areas are developed or redeveloped, the development supports most of the cost of installing underground infrastructure to serve it. Other areas that are already developed do not have the same funding to support undergrounding, therefore the mechanism for undergrounding these areas is dependent on available funding and electric infrastructure priorities across the community.

BICYCLE & MULTIMODAL

The existing and most contiguous bicycle facilities in the East Mulberry Plan Area include the facilities on Vine Drive, Timberline Road, Lemay Avenue, Lincoln Avenue, and the Poudre Trail (these facilities are shown as bike routes on the map below). There are other shorter segments of bicycle facilities, but overall, this area has relatively few high-comfort bicycle or multimodal facilities. Vine Drive provides a continuous east-west bicycle facility, but it is classified as low comfort. Timberline Road is a north-south connection between Mountain Vista Drive and the neighborhoods in north Fort Collins, through the East Mulberry Plan Area, continuing all the way to south Fort Collins. However, like Vine Drive, the entire extent of Timberline Road is classified also as a low-comfort facility. Lincoln Avenue is the most direct east-west connection for bicycle traffic from Downtown Fort Collins into the East Mulberry Plan Area. There are conventional bike lanes on Lincoln Avenue until around 12th Street. Continuing east on Lincoln, bicycles use the road shoulder. Lincoln Avenue is also considered a low-comfort facility for bicycle travel.

The Poudre Trail parallels the flow of the Poudre River and passes through portions of the East Mulberry Plan Area. This multi-use trail provides a high-comfort pathway for walking and biking. The East Poudre Trail continues southwest to nearby the Running Deer Natural Area and northwest through Laporte to Bellvue.



*Source of the proposed multiuse trails comes from the City's Paved Recreational Trail Master Plan and the Planned Transit Routes come from the City's Transportation Master Plan.

TRAILS, BICYCLE, & TRANSIT MAP

TRANSIT

The Transfort Route 14 bus serves the East Mulberry area. The route runs from the Downtown Transit Center largely on Lincoln Avenue, John Deere, Vine, and Timberline.



Item 28.

Update, Why Now?

i. Existing & Changed Conditions
Community Services & Infrastructure

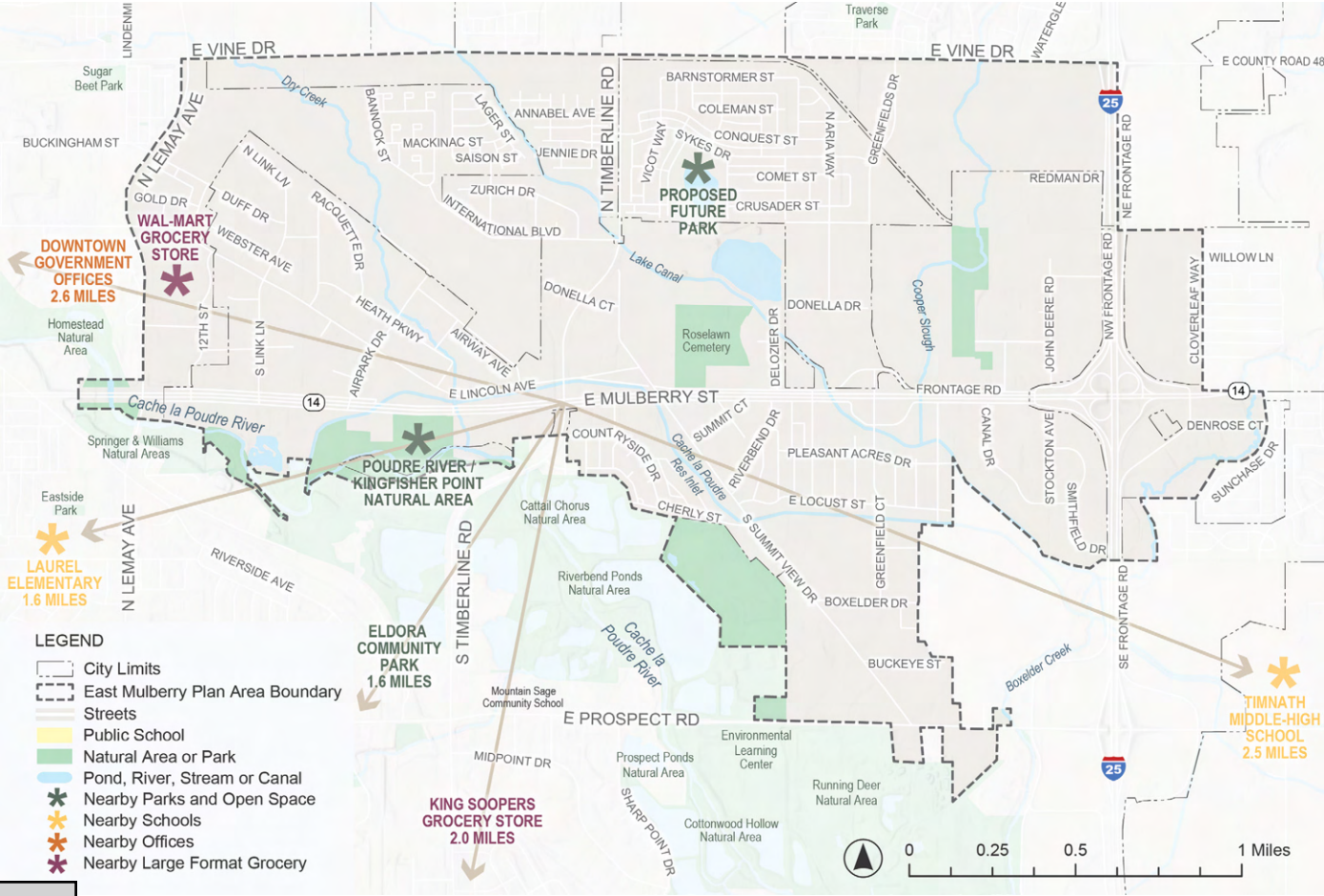
OPPORTUNITY, EQUITY, & ACCESSIBILITY

Located at the edge of the community, many parts of the East Mulberry Plan Area lack quick and convenient access to amenities such as parks, schools, grocers, and neighborhood supportive retail. Health and equity indicators also show that some census tracts within the plan area contain more vulnerable populations such as seniors, lower income residents, racial and ethnic minority groups, or those suffering from poor physical and mental health. This results in areas of the plan area that could be prone to forms of gentrification and displacement in the future. Incorporating new policies and goals while promoting equity into the Plan is essential for fostering a more inclusive and equitable environment.

Fort Collins has a vision to become a 15-minute city where every resident can walk, bike, or roll within 15-minutes of their home to their daily needs and services. Although 15 minutes is the metric used to illustrate this concept, the broader vision of 15-minute cities is about strengthening underserved communities and increasing quality of life by making basic needs and services more accessible to all, regardless of the precise duration. The 15-minute city analysis uses average speed for typical walking, biking, and other micromobility options. Based on each modes' speed, the defined 15-minute network range was three miles for those biking or using micromobility and 3/4-mile for those walking or rolling. The East Mulberry Plan Area will continue to balance a diversity of uses into the future, including working as an industrial hub for Fort Collins. However, the City will utilize the goals of the 15-minute city concept for residential and commercial parts of the East Mulberry Plan Area so residents can have more inclusive and equitable access to community amenities and daily needs.

i Equity

Equity is the process by which policies, programs and tools are developed to ensure the elimination of existing disparities and includes inclusive engagement that leverages diversity. It becomes an outcome once a person's identity or identities no longer impacts their ability to experience equality and access to services.



Update, Why Now?

i. Existing & Changed Conditions

Community Services & Infrastructure

FIRE & SAFETY

This area is served primarily by Poudre Fire Authority (PFA) Station 6 and Station 1. The Larimer County Sheriff's Office (LCSO) provides law enforcement services for the area contained within the East Mulberry Plan Area. LCSO breaks down their law enforcement jurisdiction into seven areas across Larimer County. The plan area currently falls into the service area designated by LCSO as 'Area 1'. Fire service provision is not anticipated to change based on either this plan or annexation, however the intergovernmental agreement with PFA stipulates funding adjustments for the differential between City Property Tax and Poudre Valley Fire Protection Property Tax.

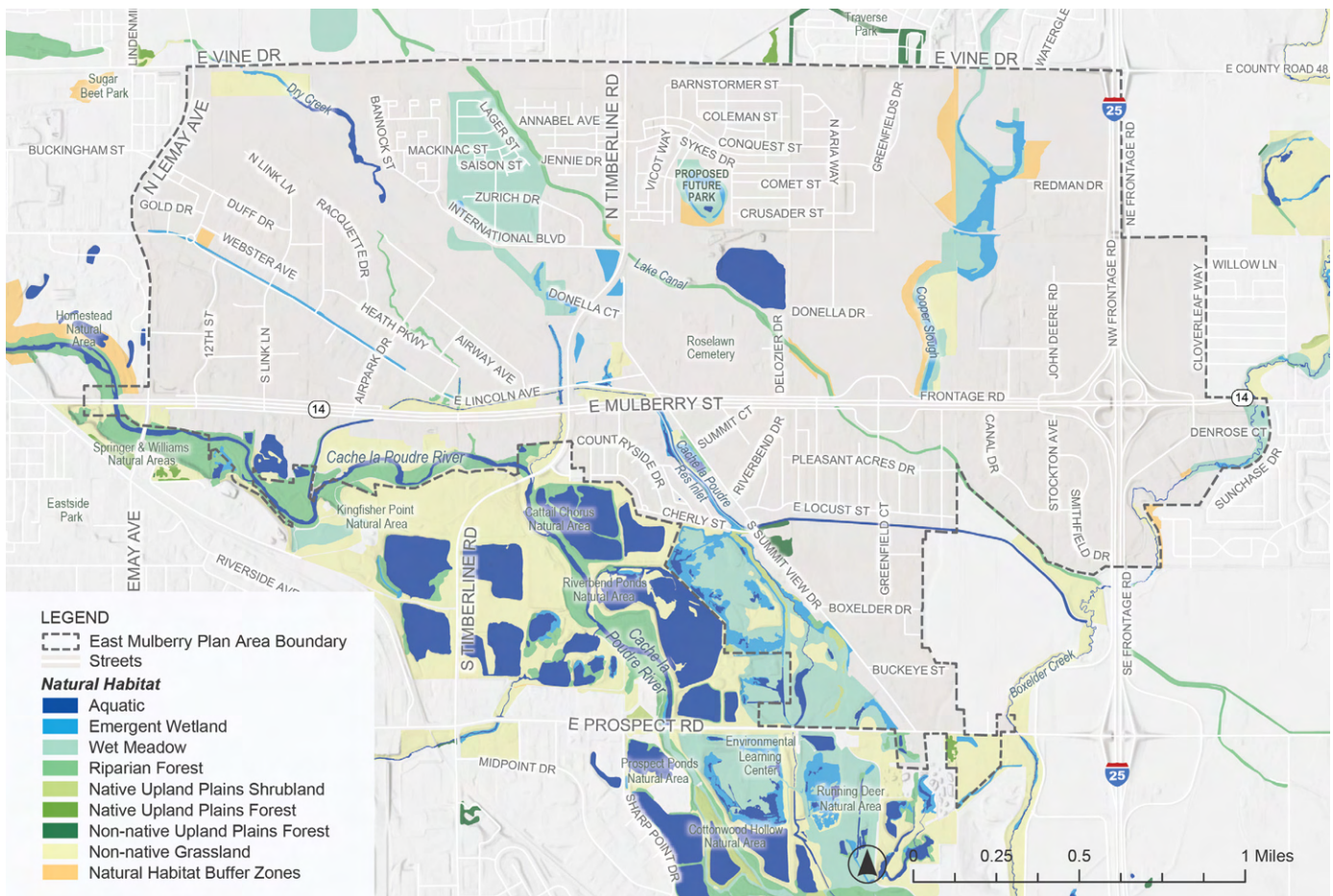
NATURAL AREAS & FEATURES

Short segments of the Poudre River and accompanying Poudre River Trail pass through the East Mulberry Plan Area. The northern portions of the Kingfisher Point Natural Area and the Springer Natural Area also fall within the East Mulberry Plan Area boundary. Dry Creek runs through the industrial and Airpark area and often causes flooding issues during rain events. The Cooper Slough runs in a generally north-south direction on the eastern portion of the East Mulberry Enclave. There is currently a natural buffer agreement between the City of Fort Collins and Larimer County to protect this natural feature when development occurs.

PARKS & RECREATION

There are no existing parks or public recreational facilities within the East Mulberry Plan Area. The Fort Collins Parks and Recreation Master Plan identifies a proposed park to be included within the Mosaic neighborhood, located inside the East Mulberry Plan boundary. However, at the time of this document's publication, this park is yet to be constructed. New neighborhood parks called Iron Horse Park and Traverse Park in the Waterfield and Trailhead neighborhoods respectively are north of Vine Drive, outside of the East Mulberry Plan Area.

- Future private and public parks could be associated with future development
- Upcoming Strategic Trails Plan in 2024 that may identify opportunities for trails and trail connections within the area to connect with existing parks and the regional trail system.
- Potential to improve access to the Poudre Trail along the plan area's southwestern boundary.



HOUSING & AFFORDABILITY



Shifts in the types of housing developed over the past two decades, changing family sizes and social structures, and large increases in home prices have catapulted housing attainability and affordability to the forefront of resident and policy maker priorities.

Existing housing in the East Mulberry Plan Area tends to be both older, more varied, and affordable than housing in Fort Collins as a whole. One such example of this includes the existing manufactured housing communities. There are three such communities, including the Nueva Vida Mobile Home Park, Collins Aire Mobile Home Park, and the Villas. There is growing recognition that these existing homes provide an important source of naturally occurring attainable/affordable housing that could be at risk of gentrification and resident displacement without appropriate policies and neighborhood support. The East Mulberry Plan Area also contains older, established neighborhoods with larger lot sizes that impart a rural character to these areas. Some of the residents with large lots keep small livestock or horses.

Existing attainable housing options in the plan area also house more vulnerable populations such as seniors, young children, persons of color, non-native English speakers, or lower-income wage earners. These populations tend to have reduced access to educational opportunities, nature, healthcare, and other amenities, often resulting in poorer health and economic outcomes.

1 Missing-Middle Housing

This term refers to housing that accommodates more people than a single-family home but is smaller than a large apartment building. Typically, this term encompasses housing types such as accessory dwelling units, duplexes, townhomes, and small apartment buildings that are designed to blend into and be compatible with a residential neighborhood dominated by single-family homes. It is called “missing” middle because many communities do not have much of this sort of mid-range housing.

1 Attainable Housing

The term “attainability” implies that housing is within reach or achievable for individuals or families with moderate incomes, who may find it challenging to afford market rate housing or qualify for subsidized low-income housing.

- **The East Mulberry Plan Area captures an increasing share of Fort Collins’ new housing and population as growth in the community shifts towards the northeast.**
- **Housing types and price points along Mulberry are also more diverse than the community as a whole with a greater percentage of manufactured and missing-middle housing options.**
- **Housing growth is anticipated to continue with new developments proposed near the Vine and Lemay Overpass and north of Mulberry and Greenfields.**

DEVELOPMENT & GROWTH

When the 2002 EMCP was adopted, new growth in Fort Collins was largely focused south of Harmony Road, but development patterns are now shifting to the northeast quadrant of the community where the largest source of vacant and developable land remains. Alongside growth in surrounding communities like Wellington, Timnath, Windsor, and Severance, recent and projected growth in the region now surrounds the East Mulberry Plan Area from the north to the southeast.

Within the plan area, new growth has also recently accelerated with residential development near the new Vine Drive and Lemay Avenue overpass and the vacant land between Timberline Road and Greenfield Court.

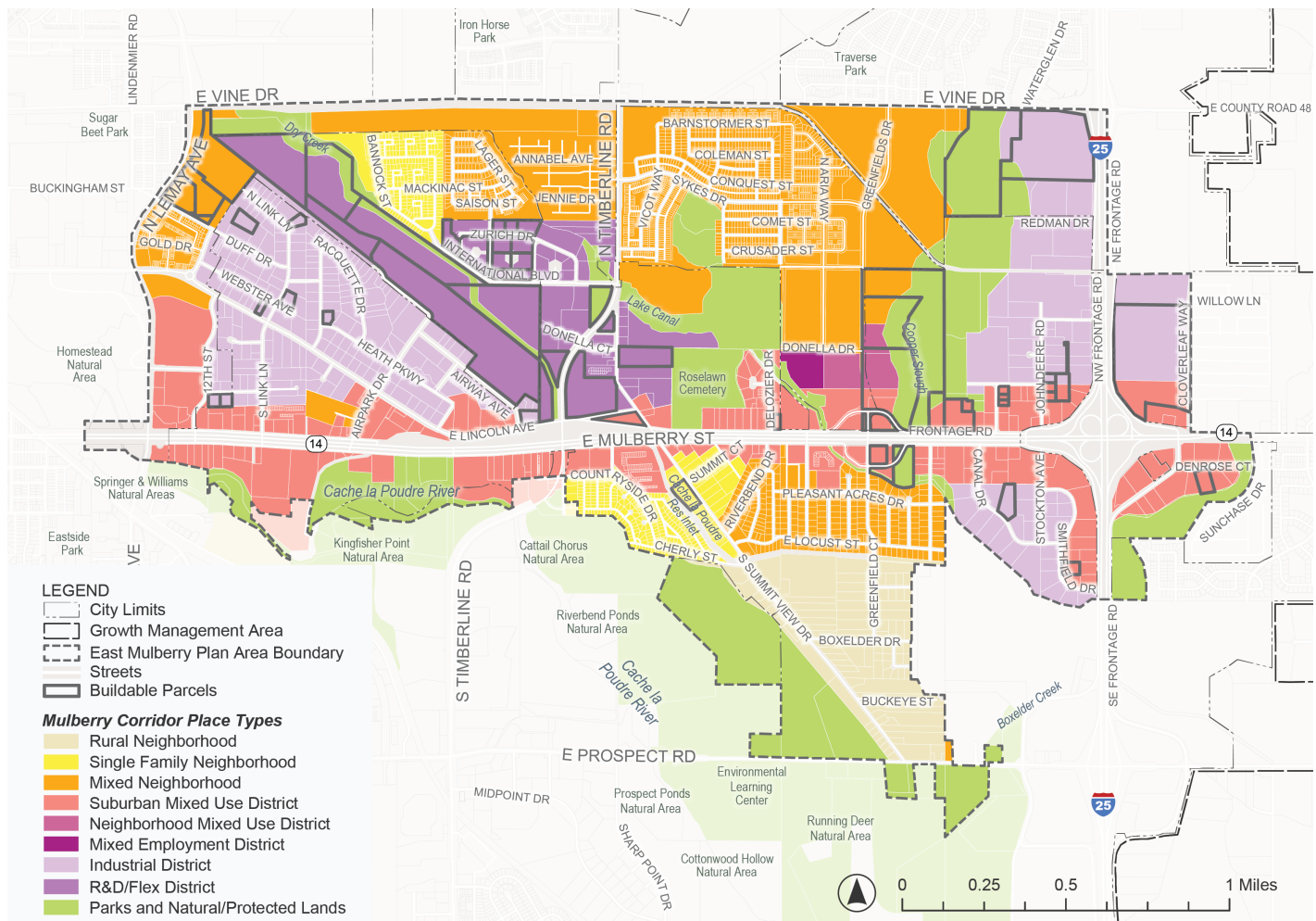
Residential growth within and surrounding the plan area is also likely to generate additional commercial and retail development, with active proposals for office and retail space near Mulberry Street and Greenfield Court as originally envisioned in the 2002 EMCP. With approximately 420 acres of vacant land left in the plan area, much of which is impacted by floodplains or will be used to support buffering around sensitive natural features, the remaining areas for commercial development remain a critical resource for future services and amenities to serve the area's existing and growing residential population.

418 acres
REMAINING VACANT/
BUILD ABLE LANDS*



2470
NEW/APPROVED
HOUSING UNITS*

*2021 City of Fort Collins



Item 28.

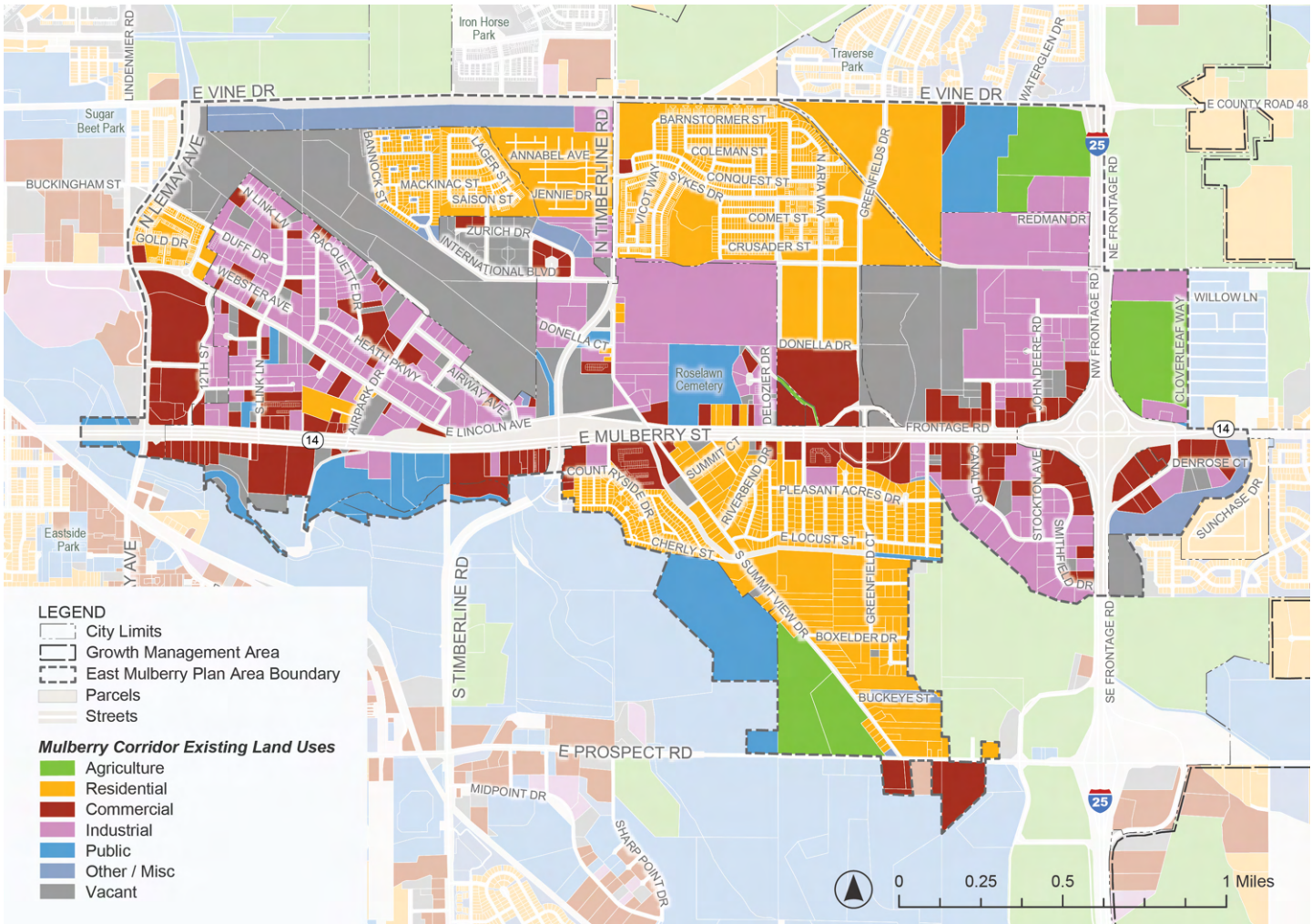
Update, Why Now?

i. Existing & Changed Conditions
Changes in Growth & Development

LAND USE

The Mulberry Corridor features a mix of land uses with a particular emphasis on industrial and commercial operations serving the broader region. Existing residential neighborhoods can be found south of Mulberry Street and newer neighborhoods and residential development proposals are clustered north of Mulberry Street.

While vacant and agricultural uses remain in portions of the corridor, many of these properties may transition to new greenfield development in the short and mid-term as overall growth in the community continues to favor areas northeast of Downtown.



Land Use map source data from 'Larimer County Assessor Property Records' data, City of Fort Collins (2023)

EXISTING LAND USE MAP

Update, Why Now?

i. Existing & Changed Conditions

Changes in Growth & Development

EMPLOYMENT & INDUSTRY

The East Mulberry Plan Area is home to one of the largest concentration of small businesses in Fort Collins and is one of the largest employment centers in Fort Collins alongside Downtown, Colorado State University, and the Harmony Corridor. As a large hub for industrial and business support firms, the Mulberry Corridor is an important location for industrial and manufacturing businesses that support Fort Collins and the broader region.

TOP INDUSTRY CATEGORIES**

19%

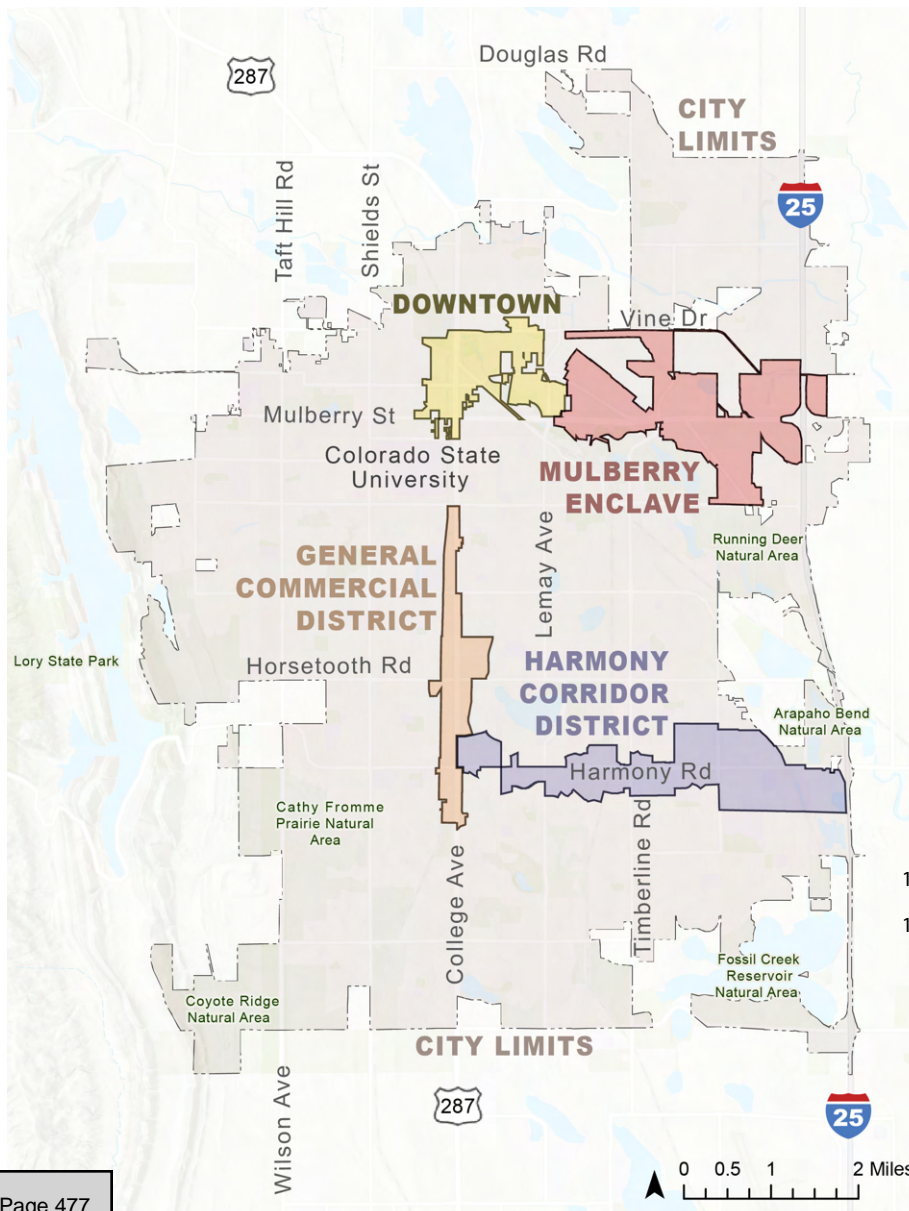
MANUFACTURING

17%

CONSTRUCTION

11%

WHOLESALE TRADE

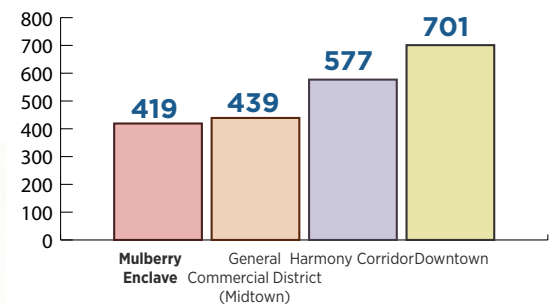


419 # OF EMPLOYERS*

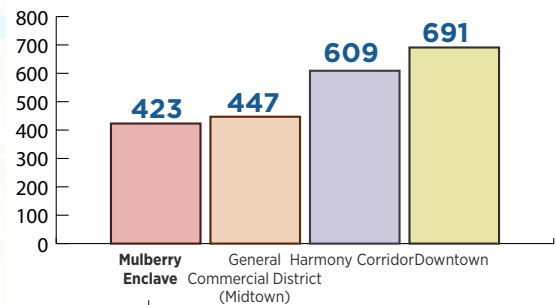
423 # OF BUSINESSES*

6,098 # OF EMPLOYEES*

NUMBER OF EMPLOYERS*



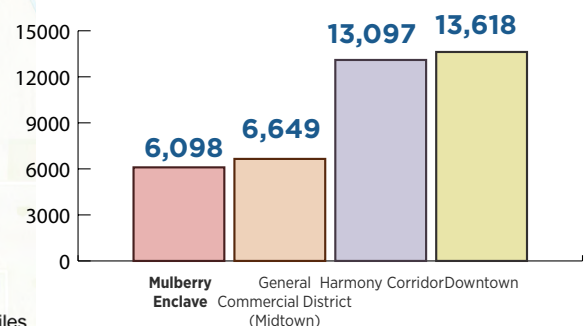
NUMBER OF ESTABLISHMENTS*



Of the total **423** businesses within East Mulberry:
61% have under 10 employees**
95% have under 50 employees**

**2022 QCEW data

NUMBER OF EMPLOYEES*



Data Sources: *2020 Bureau Labor Statistics **2022 QCEW

ii. Community Priorities & What We Heard

WHAT WE HEARD FROM THE COMMUNITY

The creation of the goals for this Plan were driven by extensive community input, ensuring that the Plan reflects the needs and aspirations of local businesses and residents. The following is a summary of the community input collected as part of this Plan update. In some instances, community sentiment varied quite extensively on some of these topics. This Plan tries to recognize that there are inherent tensions about the future of the Plan area and strives to reflect and respond to these diverse perspectives.



Infrastructure & Development

- **Flooding and its impact on the community** were major concerns raised by residents and business owners.
- The community emphasized the need for a **big picture plan to manage stormwater** for large areas rather than site by site.
- Residents advocated for an **integrated transportation system connecting neighborhoods to the surrounding area**, that accommodates various modes of travel, including walking, biking, public transit, and driving.
- **Safety and accessibility** were key considerations in the community's input, with a focus on creating infrastructure that maintains usability for businesses and reduces traffic congestion.
- Community members expressed a desire for **sustainable development practices** that prioritize green spaces and protect natural corridors.

Amenities & Services

- Community members expressed a desire for improving **access to essential amenities** and services, such as parks, schools, and grocery stores.
- There was acknowledgment that this area has not received the level of service that is typical in a more urban area and has **struggled with issues related to vandalism, drug use, and homelessness**, especially near the I-25 interchange.

Corridor Character & Uses

- The community expressed a desire to **maintain the diversity of uses in the corridor**, including the range of job opportunities offered, and desire for the City to help preserve small businesses and industries.
- Business owners emphasized the importance of **preserving the industrial and agricultural service function and character** of the area.

Gateway & Entry Aesthetic

- Many participants identified East Mulberry as a prominent entry point into the City that could **benefit from aesthetic improvements**. However, many voiced concerns about related costs for businesses.
- The community is seeking a **more visually appealing gateway that reflects the character of Fort Collins** and the history of this corridor, creating a positive first impression for visitors and residents alike.
- This community values their **unique identity** and ability to support many small businesses and industrial uses. There is a clear need for improved infrastructure. Altering the existing built environment to accommodate new infrastructure could be met with some resistance, as this community fears compromising affordability and losing its unique character. However, many support modernizing infrastructure for improved services and interconnectivity.

Housing & Gentrification

- Residents stressed the importance of **preserving the affordability** of the area in hopes of preventing gentrification.

Update, Why Now?

II. COMMUNITY PRIORITIES

HOW WE GOT THE WORD OUT



2 Mailers
2,200+ Postcards

- Meeting Noticing for Community Visioning
- Community Updates & Feedback Engagement



Project Newsletter
475+ Subscribers & Website

- Project Updates
- 2 Webpages on East Mulberry Information & Resources



YouTube Video
265+ views

Video on overview of East Mulberry Plan and Intro to Annexation Thresholds



Press Release

Information on Annexation Q&A Sessions, encouragement for community participation



Business Canvassing
200+ Businesses

Staff visitations to businesses to get involved in planning

HOW WE HEARD FROM THE COMMUNITY

APRIL 2021 ● **Community Q&A Sessions - approx. 60 participants**

City staff hosted two virtual Q&A sessions for businesses and residents of the East Mulberry Plan Area to address questions about the update to the East Mulberry Plan and potential annexation.

SUMMER 2021 ● **Visioning Sessions - 6 Meetings**

Over a series of six meetings in June, July, and August of 2021, City staff presented key themes from the Existing Conditions document and gathered input from community members on the future vision of the East Mulberry Plan Area. See Appendix A-1 for more information.

FALL 2021 ● **Online Survey - 43 Survey Responses**

The East Mulberry Online Visioning Survey received 43 completed surveys. The invitation to participate in the East Mulberry online survey was sent out in a mailer to those in the plan area and via email to everyone who subscribed to the newsletter. See Appendix A-2 for more information.

**OCTOBER 2021-
FEBRUARY 2023** ● **Community Advisory Group - 14 members, 6 meetings**

A community advisory group was formed to better understand the needs, concerns and desires of both businesses and community members in the East Mulberry Plan Area to provide in-depth feedback and input at each critical stage of the planning process. See Appendix A-3 for more information.

**JANUARY &
FEBRUARY 2022** ● **Business & Community Workshops - 4 Workshops**

These four virtual workshops covered a range of topics including: look and safety of streets, new sidewalks, bike lanes, and connections to the Poudre River Trail, improvements to Internet speed and ways to address flooding, community priorities for businesses and housing. See Appendix A-4 for more information.

**FEBRUARY &
MARCH 2023** ● **Annexation Q&A Sessions - 133 Community Participants**

This series of four public meetings were hosted to share information as well as proposed ideas and policies impacting the East Mulberry Plan Area. Four meetings were held with both virtual and in-person options. A presentation covered strategies related to a potential annexation approach and the latest information about the East Mulberry Plan Area update. See Appendix A-5 for more information.

FEBRUARY 2023 ● **Online Comment Form**

In tandem with the Annexation Q&A Sessions, staff released an online comment and question form for anyone with questions or concerns to be able to reach out with staff directly to have their questions answered or request follow-up phone or in-person meetings. Staff had multiple one-on-one meetings with community members asking to share additional thoughts or ask questions to staff about their specific properties.

MAY 2023 ● **Nueva Vida Resource Fair**

Planning staff attended the Nueva Vida Resource Fair (a Mobile Home Park community within the East Mulberry Plan Area) to share information with Nueva Vida residents about the update to the East Mulberry Plan and potential annexation. An FAQ document translated into Spanish was distributed to those interested.

MAY & JUNE 2023 ● **Business Information Sessions - Ongoing Collaboration with Chamber of Commerce**

Staff hosted individual and group informational sessions with business owners from the Mulberry Plan area to address their specific concerns and hear feedback on the plan and annexation thresholds strategy.

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Update, Why Now?

iii. East Mulberry Enclave & Annexation

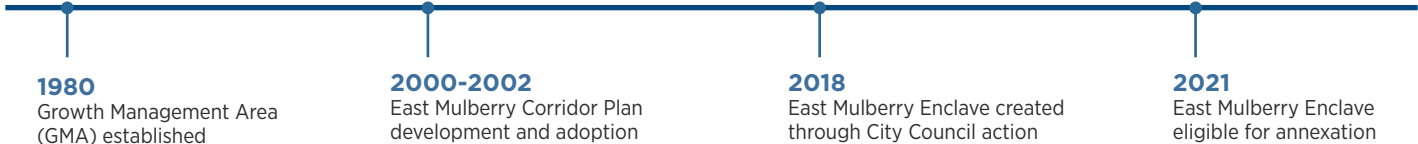
ENCLAVE & ANNEXATION BACKGROUND

An ‘**Enclave**’ refers to unincorporated Larimer County properties surrounded by the City of Fort Collins due to urban growth. ‘**Annexation**’, on the other hand, brings urbanized areas into the City’s jurisdiction. The ‘**Growth Management Area**’ (GMA) helps guide growth and development, ensuring efficiency, contiguity, and consistent standards within the City.

In the 1960s and 1970s, as Fort Collins experienced rapid growth, discussions began between Larimer County and the City of Fort Collins regarding the East Mulberry area. They aimed to establish a formal service-area agreement and explore potential future annexation. This led to the formation of an Intergovernmental Agreement (IGA) in 1980, creating the Growth Management Area (GMA) that defined urban and rural areas. Areas within the GMA are considered more urban, or expected to become more urban in the future as Fort Collins continues to grow in an orderly and responsible way within the GMA boundaries.

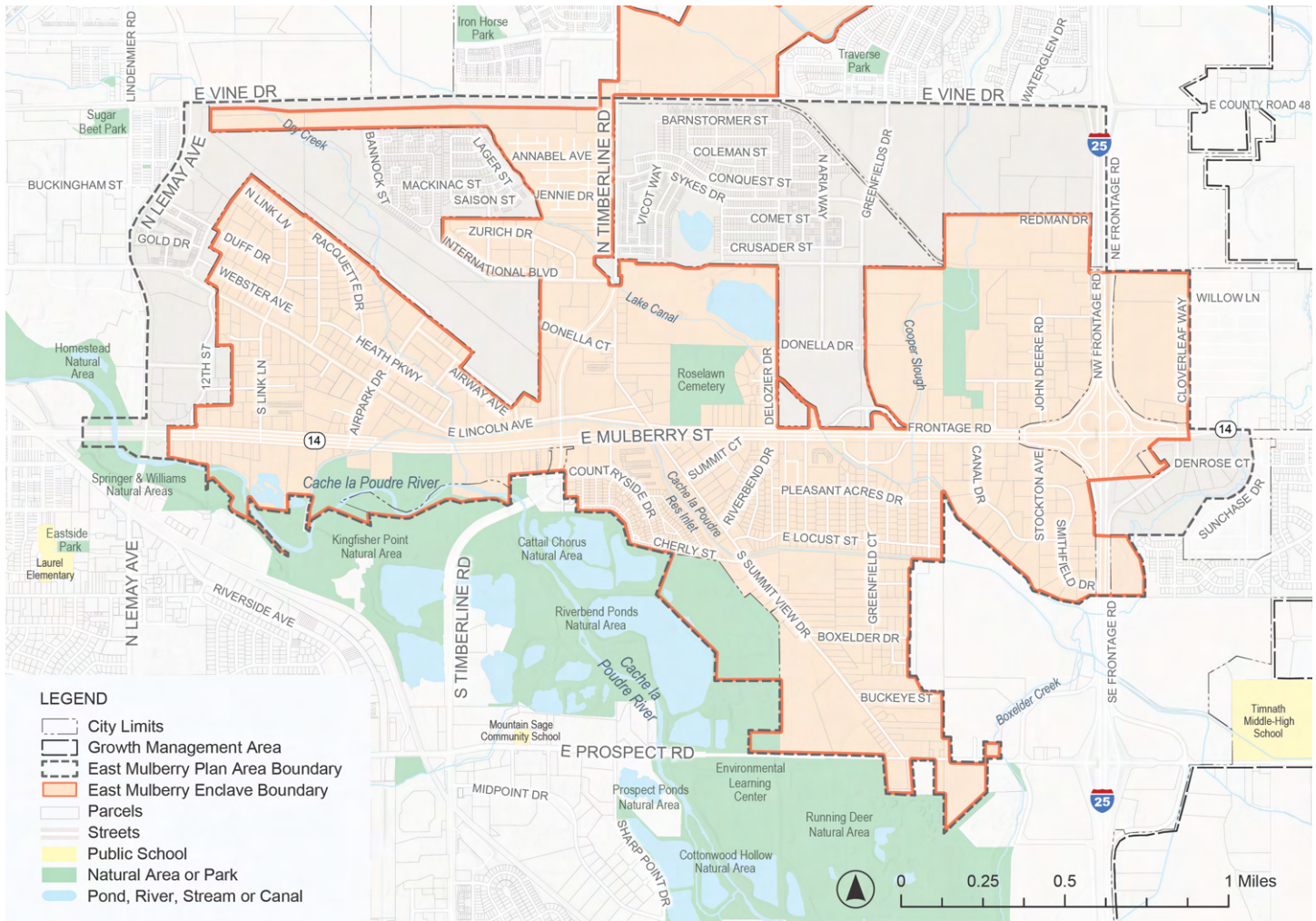
By 2018, the East Mulberry Area was completely surrounded by the city limits, forming an enclave of unincorporated Larimer County along Mulberry Street. According to the City-County IGA, the City agreed to pursue annexation of enclaves as they became eligible under state law. The formation of the East Mulberry Enclave was intentional on the part of City Council, and since that time City Staff have planned for annexation of the enclave in the future consistent with the adopted IGA with Larimer County. The creation of the enclave and its eligibility for annexation occurred after the adoption of the 2002 Plan (enclave created in 2018 and became eligible in 2021).

- 1 Enclave:** An enclave is a property, or group of properties, that are in unincorporated Larimer County but, due to urban growth and development are now surrounded by the City of Fort Collins municipal boundary. An enclave is unincorporated County territory that is surrounded by a municipality. The State Statute gives a municipality the authority to annex an enclave without property owners’ consent at such time that the enclave has been surrounded by the municipality for three or more years.
- 1 Annexation** is used to bring urbanized areas into the urban service jurisdiction of the City of Fort Collins. Annexation can happen both reactively in response to development activity and proactively in response to identified needs, goals and plans.
- 1 Growth Management Area (GMA):** The Fort Collins Growth Management Area, created in 1980, defines “urban” vs. “rural” areas in and around the City of Fort Collins. It has been an effective tool for intentional, orderly, and responsible growth. The GMA creates a more consistent design vision for future development and serves to help protect rural and agricultural lands outside of urban development areas. Planning within the GMA helps ensure efficiency and contiguity of City programs, services, infrastructure and utilities. It provides consistency for signage, lighting, site design, building code, and natural feature protection to align with community goals.



ANNEXATION AREAS & THE EAST MULBERRY PLAN

The East Mulberry Plan Area overlaps with the enclave and guides future development and policy decisions.



Purpose of Annexations:

- Clear delineation between service provisions of “urban” vs. “rural” standards.
- Allows for the application of a consistent vision for future growth and development.
- Ensure efficiency and contiguity of City programs, services, infrastructure and utilities.
- Allows for regulatory control over signage, lighting, site design, building code, and natural feature protection to align with community goals.
- Allows for responsible growth, protecting rural and agricultural lands outside of urban development areas.
- Ensures service levels match expectations in City Plan and other adopted plans.

ANNEXATION THRESHOLDS

An annexation thresholds approach bases future annexation decisions on when certain conditions are met within the East Mulberry Enclave. Rather than a phased approach that commits to certain timeframes and geographic boundaries, thresholds provide more flexibility in the size and timing of the areas brought forward for annexation. This can help ensure that the City can adequately serve these areas before annexation occurs. Annexation thresholds fall into various categories.

A full description of the thresholds approach and management is contained in Section 5 of this document.

i Annexation thresholds are a set of conditions that when reached, may represent an opportune time to consider annexation. Annexation thresholds could relate to maintaining logical boundaries and areas of City or County jurisdiction, advancing important policy goals for an area, or ensuring coordination of similar properties and land for upcoming infrastructure projects.

What Changes in Annexations?

As annexation thresholds are met and portions of the East Mulberry area become annexed, some service providers would change quickly upon annexation, and some would happen over time. Some service providers would remain the same, regardless of annexation.

- In annexing areas, law enforcement would transfer from the Larimer County Sheriff's Office to City of Fort Collins Police Services
- Electric service would transfer from Poudre Valley REA or Xcel Energy (depending on location) to City of Fort Collins Utilities as infrastructure can be built out to support it
- Storm Drainage would transfer from Larimer County to City of Fort Collins stormwater Utility
- Road Maintenance* (in some cases) would transfer from Larimer County Road and Bridge to City of Fort Collins Transportation Services

What doesn't change upon Annexation?

- Water and Wastewater services will still be provided by Eastern Larimer County Water District (ELCO) and the Boxelder Sanitation District
- Fire Protection will still be provided by the Poudre Fire Authority
- Health and Human Services will still be provided by Larimer County
- Animal Control Services will still be provided by the Humane Society

*Note: Annexing streets are accepted for maintenance by the City of Fort Collins at the same level that Larimer County has maintained it. Private streets would remain private and current maintenance responsibilities would continue.

i Perspectives on Annexations: Conversations about potential annexation with community members and businesses owners highlighted many differing perspectives. While some residents and business owners favor annexation for the potential benefits, some community members and business owners in the East Mulberry area oppose it due to perceived drawbacks. Proponents voiced that it could improve access to essential services and long-term infrastructure improvements. Conversely, opponents expressed concerns that annexation might lead to increased taxes and fees, causing financial strain, especially on small businesses.

The tension between these perspectives underscores the complexity of annexation's impact.

Character Areas

Introduction to Character Areas

Frontage

Airpark

I-25 Interchange

Transitional

Northern Residential (Mixed)

Southern Residential (Estate)

Introduction to Character Areas

At the mention of East Mulberry, several locations or landmarks may come to mind. Some may picture Mulberry Street itself, or possibly the interchange at Mulberry and I-25 and its function as a gateway into Fort Collins. Just beyond the commercial borders of Mulberry Street itself are many more districts and neighborhoods that have their own varied and complex character. For example, there are several areas made up predominantly of industrial businesses that have unique characteristics and needs that are distinct from those within the residential neighborhoods. Even the characteristics of the residential neighborhoods north of Mulberry Street are quite different from those located south of Mulberry Street. This diversity of land uses is one of the components that makes the East Mulberry Plan Area unique, though it also poses challenges for how to plan in such a way that respects the distinct context of each area.

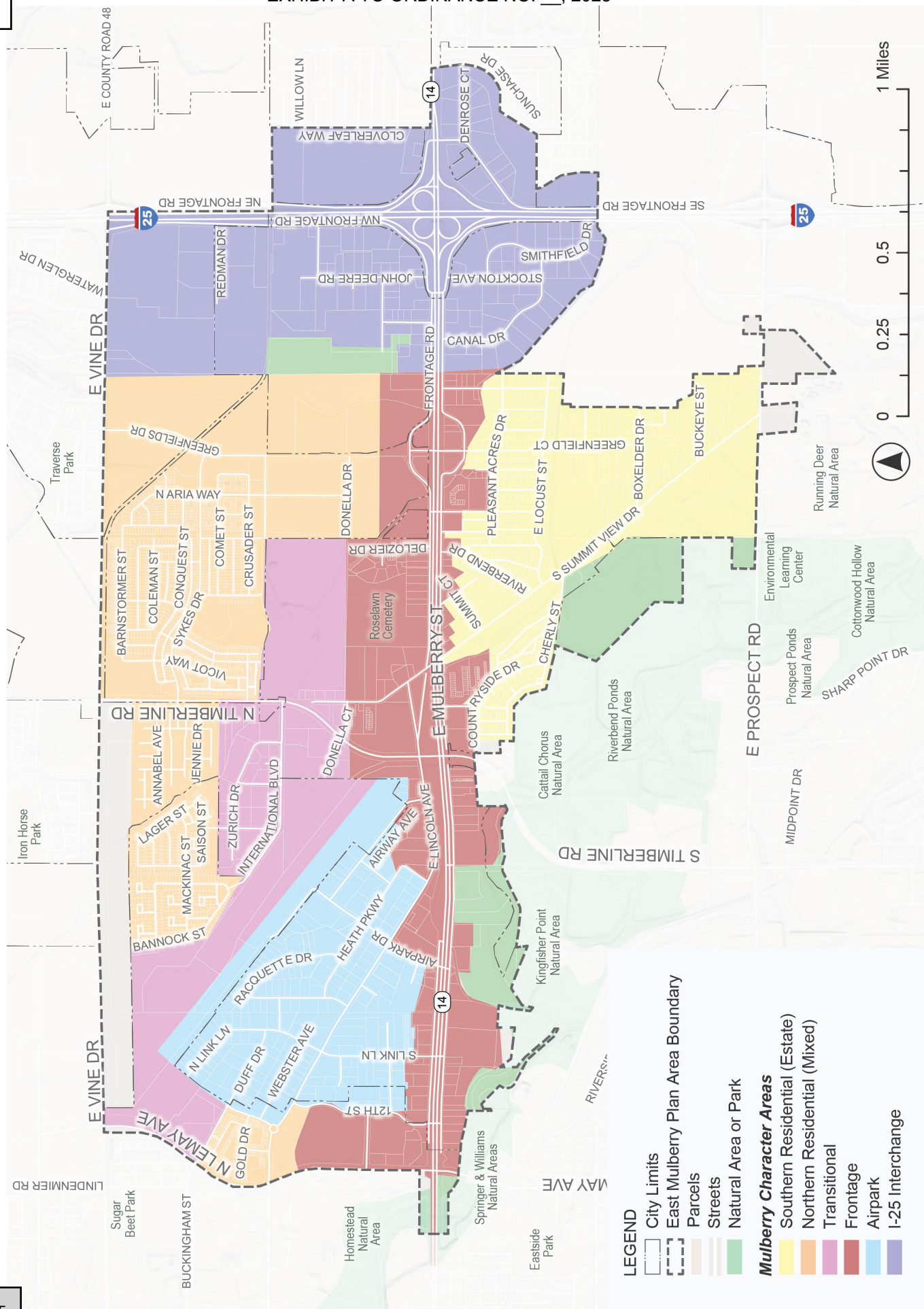
Considerations for defining character area boundaries included land uses, the built form, transportation system factors, and other defining aspects within each area. Under the description of each character area in the following sections is a notation of ‘**Predominant Place Types**’. Place types are land use categories from City Plan. While character areas and place types designations are used for different purposes within this document, they both serve to guide the future land uses and character of the East Mulberry Plan Area. These notations are meant to correlate what place types tend to fit into each character area. For more information on place types, please see Section 4 of this document.

Staff formulated character area boundaries with the help and review of the Community Advisory Group as well as other residents and business owners within the plan area. These defining characteristics influence planning for what is important to preserve, where and what kinds of change and development should be supported, and what kinds of public improvements and maintenance should be prioritized as each area continues to change and grow. These character areas are not intended to create hard edges and boundaries. They are intended to generally define and strengthen their unique or distinct qualities, while simultaneously weaving them into the broader character of the East Mulberry Plan Area and the community of Fort Collins.

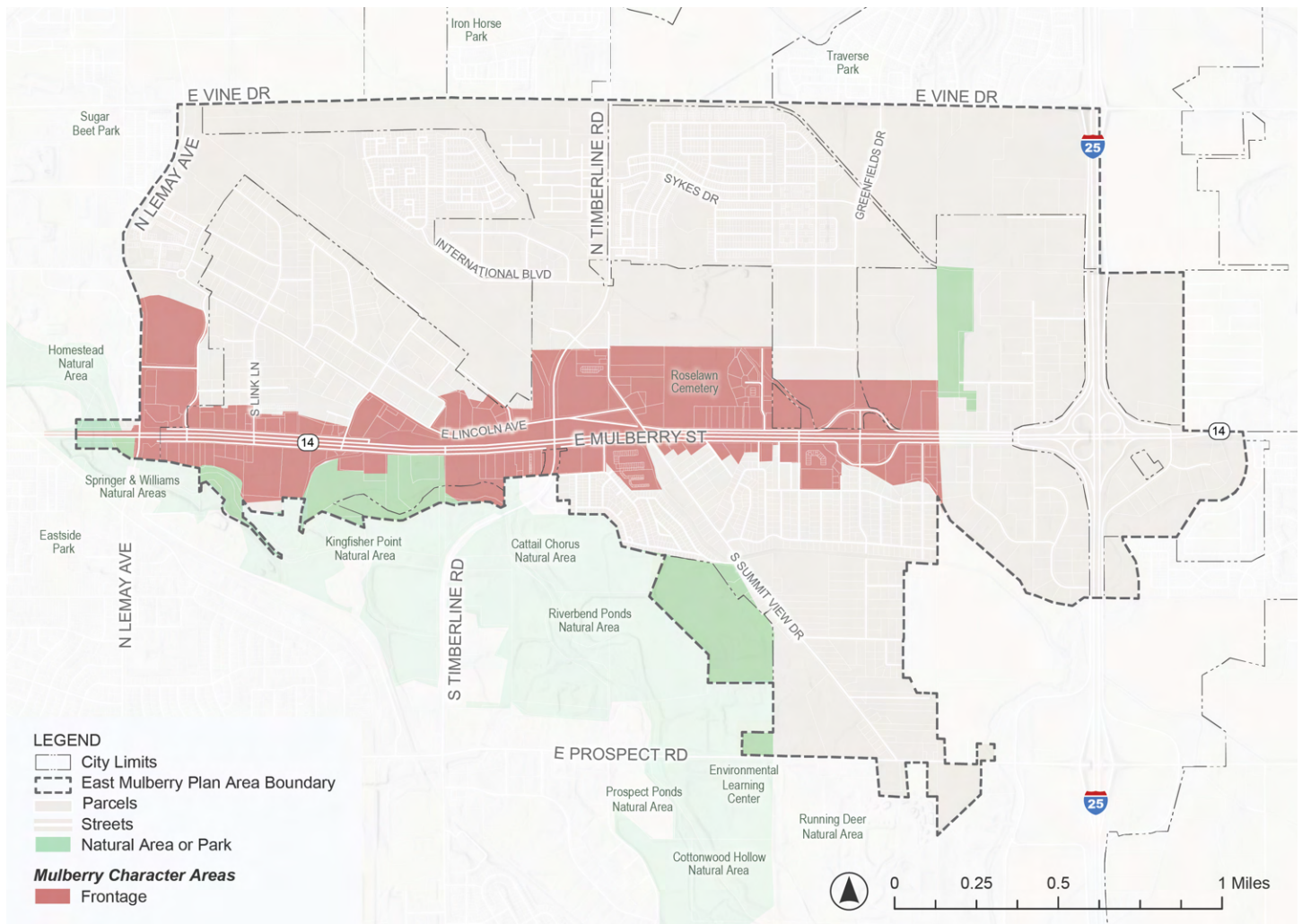
To incorporate this complexity and plan comprehensively for the entire East Mulberry Plan Area, six character areas were identified.

- **Frontage**
- **Airpark**
- **I-25 Interchange**
- **Transitional**
- **Northern Residential (Mixed)**
- **Southern Residential (Estate)**

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Frontage



The Mulberry Frontage character area (Frontage) generally hugs the Mulberry Street alignment, beginning at Lemay Avenue on the west side and continuing east until between Sherry Drive and Canal Drive. Originally rural in character with farm and open lands, the area has been transformed into a commercial corridor with a diverse array of service providers, retail stores, and restaurants as the community has grown.

EXISTING CHARACTER

The Frontage serves as a vital hub for both residents and businesses, offering a range of services and products for the corridor and the entire community. The area reflects a mix of building ages and a wide assortment of architectural styles. Many properties are configured with surface parking lots, outdoor storage, and product displays facing or visible from Mulberry Street. Another prominent feature of the Frontage includes a number of billboards and older, highway-oriented, pole-mounted signage that may appear out of



Item 28.

Frontage

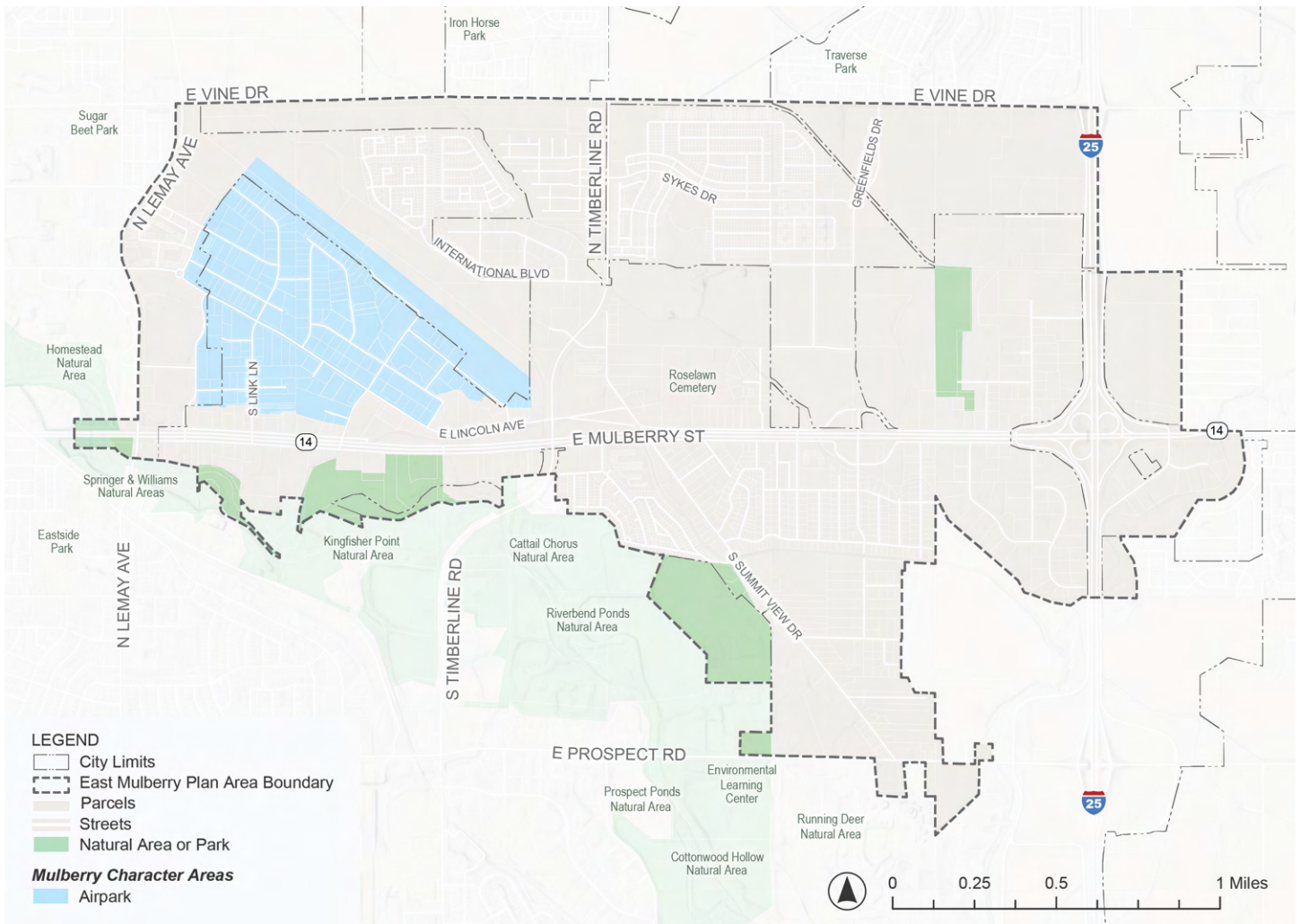
FUTURE CHARACTER

The Frontage is likely to remain primarily commercial in nature. The visibility and accessibility along Mulberry Street will continue to provide commercial support and retail that serves both the immediate plan area and the broader community. Mulberry Street itself should continue to function as a primary entrance to the community and business/truck route, while its expansive right-of-way, including the adjacent Frontage Roads, may lend themselves to unique opportunities to begin to introduce multimodal infrastructure set further away from traffic. Over time, the aesthetics of the frontage may be improved through the application of modern sign standards and the screening of outdoor storage/ parking areas as individual properties redevelop or through a more comprehensive capital project for Mulberry Street itself.

Predominant Place Type:
Suburban Mixed-Use District



Airpark



The Airpark character area is located on the west side of the East Mulberry Plan Area, centered around the intersection of Link Lane and Lincoln Avenue. This area includes a large concentration of industrial and commercial businesses that developed around the former Fort Collins Airpark / Downtown Fort Collins Airport. The Airpark character area has maintained its industrial character for decades and is home to numerous small, local businesses. While many ‘back of house’ industrial businesses operate in the area, there are numerous other land uses, including gyms, breweries, studios, and pockets of residential, including the Nueva Vida Mobile Home Park.

EXISTING CHARACTER

Serving as an industrial hub developed primarily during the mid-20th-century, the design character of the area tends towards simpler, metal buildings. The area generally lacks infrastructure for bicycles, pedestrians, and stormwater management, but the lower traffic volumes, roadway ditches, and wide rights-of-way along local streets can create more comfortable opportunities for walking or biking along the side of the road. The Airpark contains what could be considered two ‘main streets’ along Link Lane and Lincoln Avenue. Link Lane south of Lincoln Avenue tends to contain more retail and service-oriented businesses serving nearby employees and visitors, while Lincoln is a primary connection into and out of the Airpark and features the only transit route

Airpark

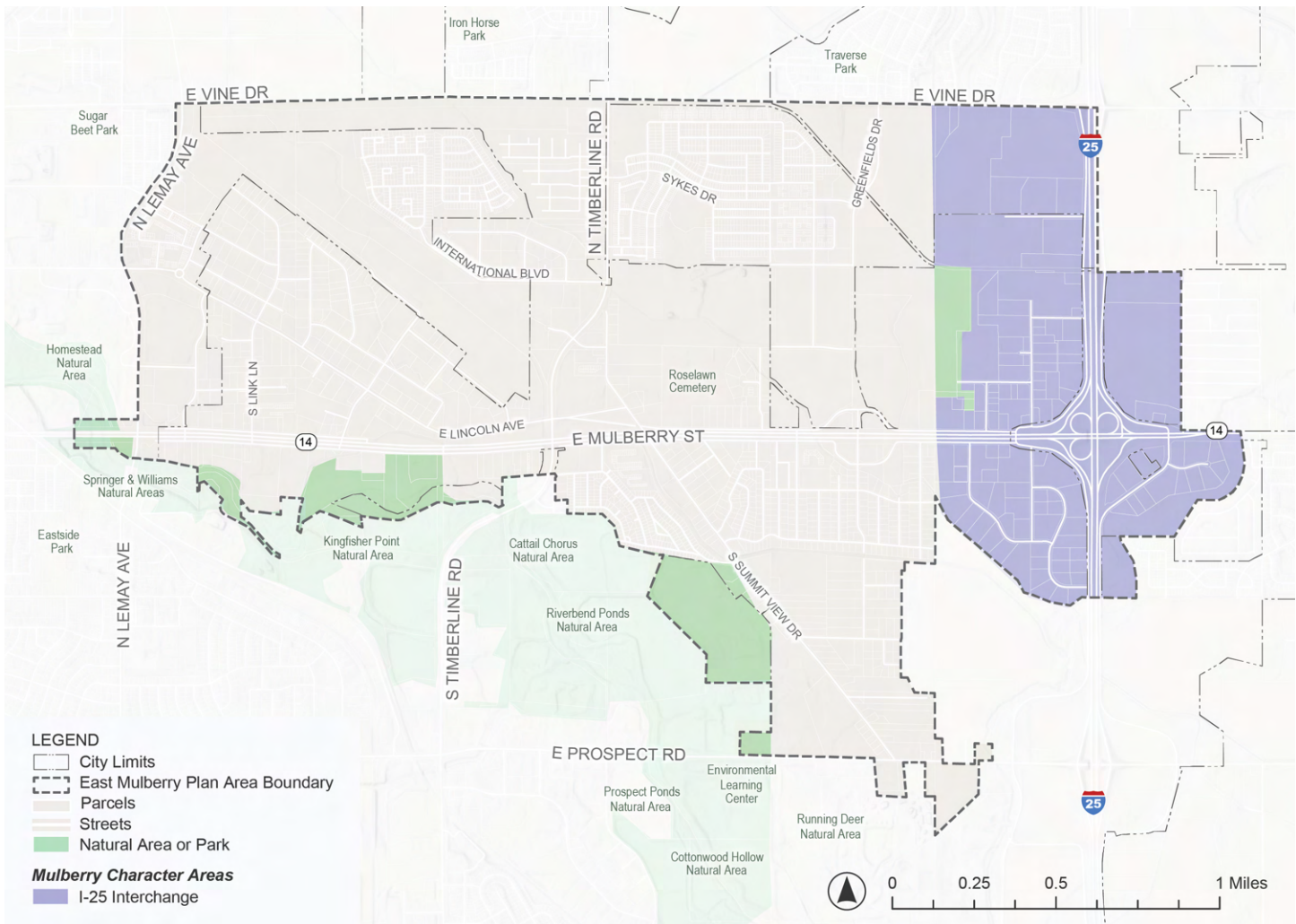
FUTURE CHARACTER

While rooted in industrial land uses, the area is likely to continue to see an increase in other service-oriented and start-up businesses, which has been a growing trend in recent years and may continue as businesses continue to seek out the smaller footprints and relatively cheaper rents found in the area. Addressing multimodal infrastructure needs along Link and Lincoln will be a transportation priority to better serve and support the role of these streets as key transit and connecting corridors. A future stormwater plan for the area could also better address water pooling often experienced in the area by identifying broader stormwater network and outfall opportunities rather than the piecemeal approach currently employed as individual sites redevelop. Finally, there may be additional opportunities from a transportation and urban design perspective to further explore the role of Link Lane south of Lincoln as a main street that continues to serve the needs of businesses and employees in the vicinity.

Predominant Place Type: **Industrial District**



I-25 Interchange



The I-25 Interchange character area is centered around the I-25 and Mulberry Interchange. This area serves as a significant regional commercial and industrial hub with clusters of lodging establishments, agriculture service and retail businesses, and furniture retail. These clusters of businesses benefit from the visibility and accessibility of being located adjacent to the interstate and proximity to the regional transportation network.

EXISTING CHARACTER

The area does not feature an established design theme due to the mix of land uses and the span of time over which sites have been developed. New construction and redevelopment are an ongoing process in this character area, as some of the remaining vacant lots in the industrial and business parks surrounding the interchange continue developing. Like many other areas of the East Mulberry Plan Area, this character area does not possess strong multimodal and stormwater infrastructure. Adjacent to the interchange, this character area also features the most prominent nonconforming signage in the corridor with tall, pole-mounted signs. Many corridor stakeholders and nearby businesses also frequently express concern about drug and safety issues related to homelessness/transient populations near the interchange. Users of the interchange itself also remark about the inefficient design of the interstate ramps and interaction of the frontage roads with Mulberry Street that decrease safety and efficiency.

I-25 Interchange

FUTURE CHARACTER

In the mid-term, it is anticipated the interchange itself will be redesigned and reconstructed, which may catalyze additional development and redevelopment in this character area. Simultaneously, this could present opportunities to establish a more consistent design and landscaping palette for the area as well as improve multimodal infrastructure and transportation safety.

Both elements could contribute towards goals to establish the interchange area as a more aesthetically pleasing gateway into the community.

Land uses around the interchange are expected to remain largely the same with a focus on existing agricultural services and other lodging and regional commercial/retail establishments. Upon annexation, Fort Collins Police Services would take over policing responsibilities for the area and may be better positioned to respond to ongoing safety concerns through the application of established urban-oriented safety and homelessness programs.

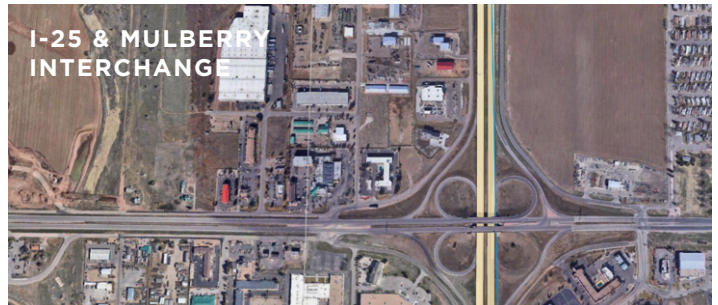
Predominant Place Types:

Industrial District, Suburban Mixed-Use District

LOOKING WEST ON MULBERRY STREET



I-25 & MULBERRY INTERCHANGE



AMERICAN FURNITURE WAREHOUSE



QUALITY INN & SUITES



MAVERIK GAS STATION



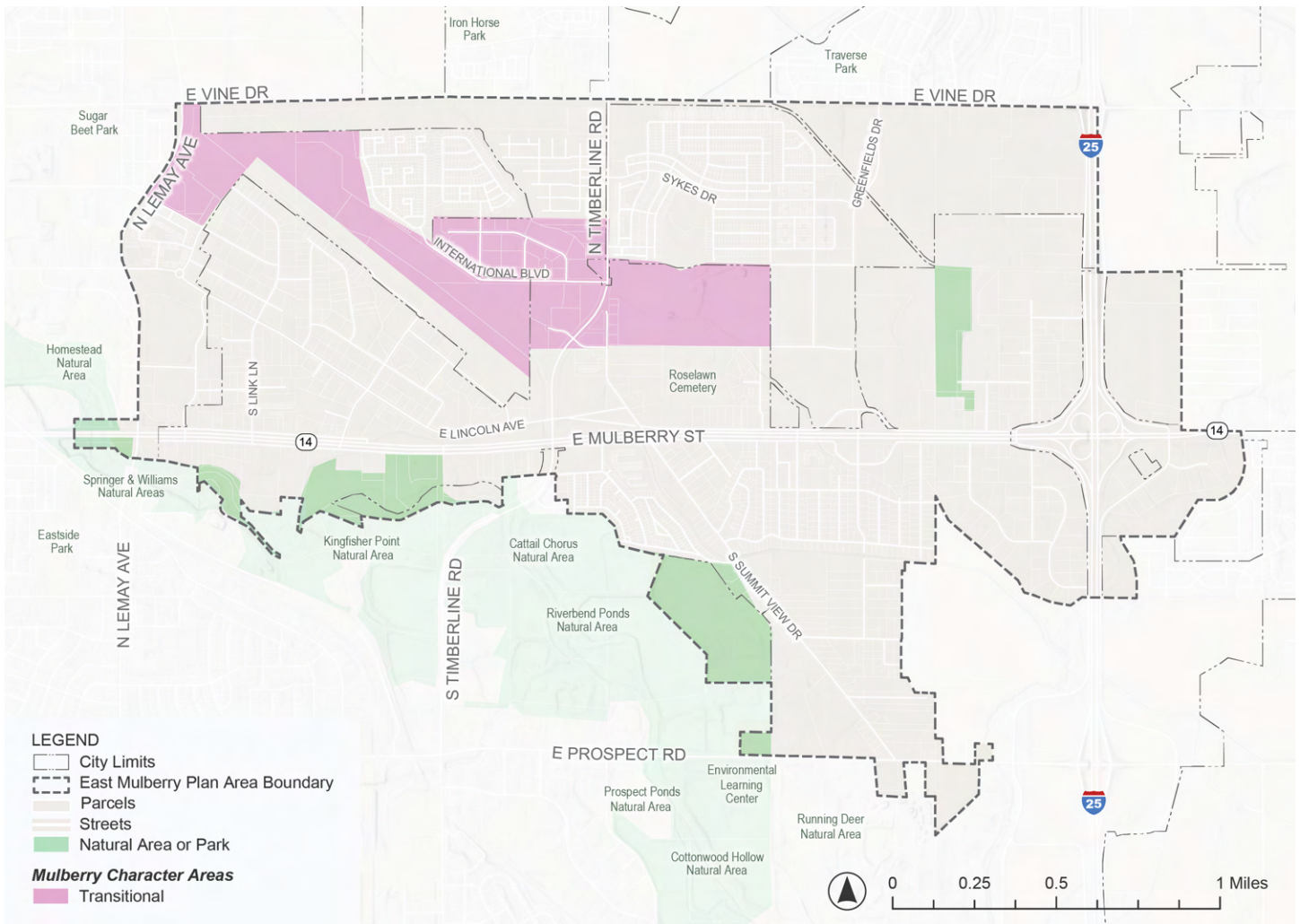
CENTENNIAL LIVESTOCK AUCTIONS



EDWARD'S STONE SUPPLIER



Transitional



The Transitional character area primarily represents the undeveloped lands situated between the Airpark and the residential neighborhoods south of Vine Drive. This area features prominent natural features and habitat corridors such as the Lake Canal and Dry Creek, and, as a natural low spot in the corridor, many properties are impacted by floodways and floodplains.

EXISTING CHARACTER

Owing to the established natural features and floodplains, the western half of this character area remains undeveloped, while the eastern half features a mix of commercial and industrial businesses, primarily clustered along or near the Timberline Road frontage. Compared with other portions of the plan area, these businesses tend to feature a greater mix of office employment and institutional users and generally features newer buildings or development.



Transitional

FUTURE CHARACTER

In the short term, new development, especially north of the Airpark, is likely to be limited due to floodway restrictions and the protection of sensitive natural features. Outside established floodplains, this character area could play host to a variety of mixed land uses that support the retail needs of both nearby industrial and residential users, or new types of business and industry that can demonstrate compatibility with established residential neighborhoods.

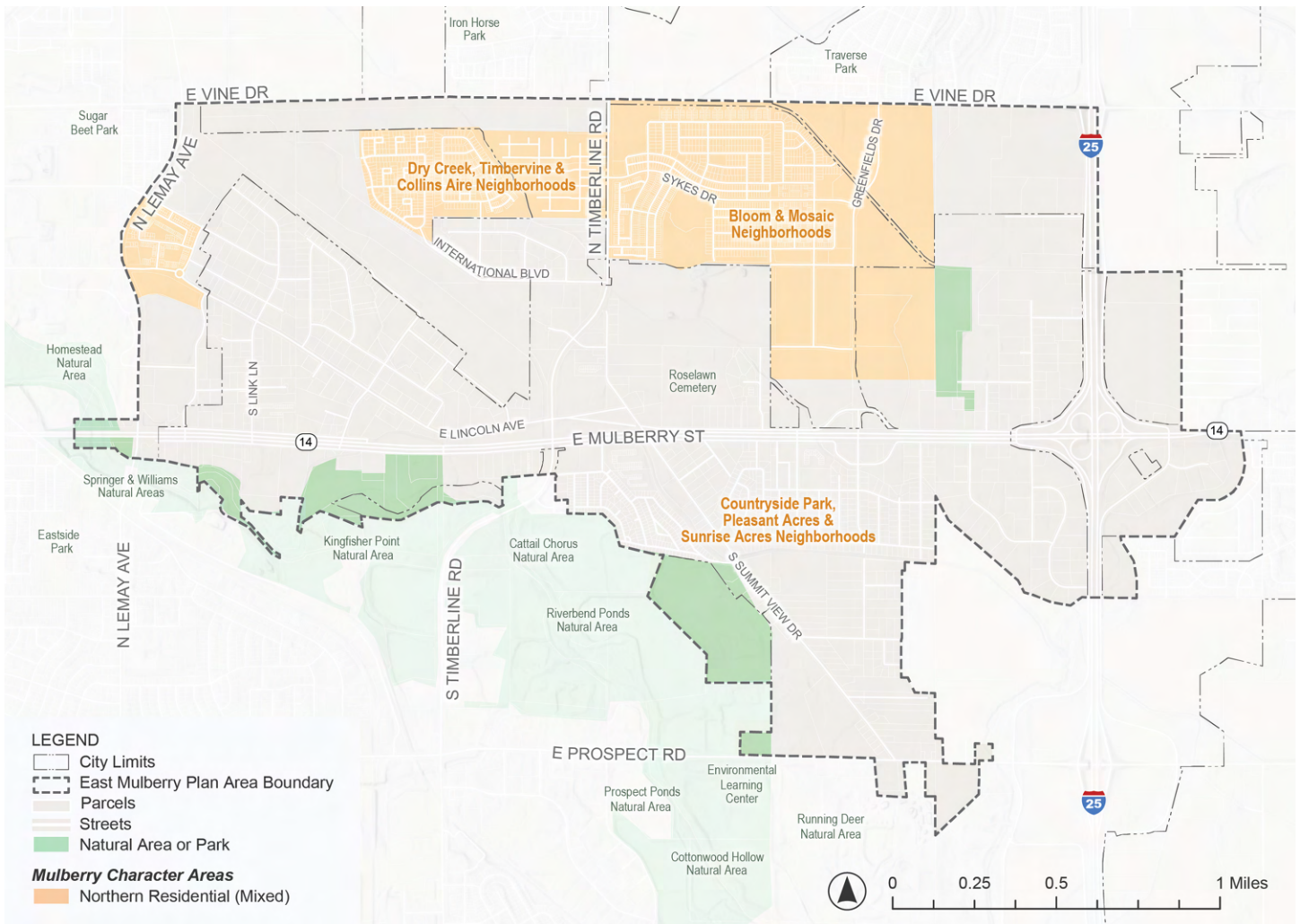
The City may play an important role in this character area in the future through a combination of future capital projects and master planning efforts. The Master Street Plan identifies an extension of International Boulevard to Cordova Road and upcoming studies seek to understand the opportunities and challenges of future trail corridors and stormwater/floodplain improvements in the area.

Predominant Place Type:

Research & Development Flex District



Northern Residential (Mixed)



The Northern Residential character area features a mix of both established and newly developing neighborhoods north of Mulberry Street, many of which have already been annexed and/or were recently developed or approved under the City's development standards.

EXISTING CHARACTER

Many of the neighborhoods in this character area look and feel like other neighborhoods throughout Fort Collins, owing to their more recent development under City standards, and internally, tend to feature a more consistent local street network with developed stormwater and multimodal infrastructure. Residents in this character area have expressed a desire for better connectivity with the broader corridor and community through nearby street and trail connections, and to address ongoing plan area-wide issues such as undergrounding utilities, addressing flooding and stormwater issues, and encouraging additional neighborhood amenities in the plan area.

Northern Residential (Mixed)

FUTURE CHARACTER

A large majority of the remaining vacant land in this character area has recently been developed or has an approved development plan which is likely to add an additional 1,500 units to the area. As these neighborhoods continue their buildout, the character established in the near and mid-term is likely to remain for the foreseeable future. Both the City and residents should work to improve connectivity to this area and work to advance City preservation and livability support to the Collins Aire Mobile Home Park.

Predominant Place Type: Mixed Neighborhood

MOSAIC NEIGHBORHOOD



TIMBERVINE



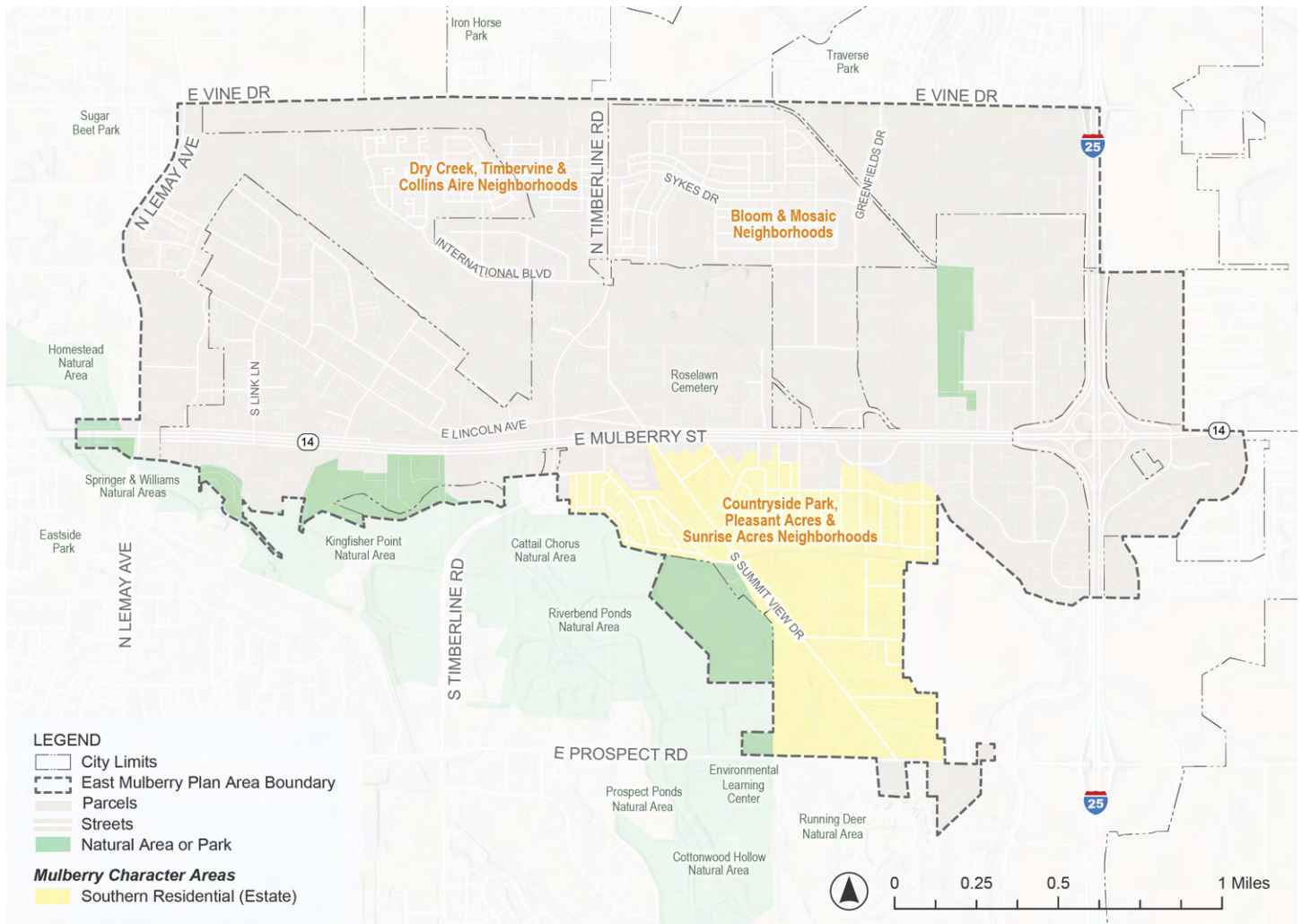
COLLINS AIRE



THE COTTAGES OF FORT COLLINS



Southern Residential (Estate)



The southern residential character area features established neighborhoods south of Mulberry Street, generally around Summit View Drive and Greenfields Court. Many of these neighborhoods have existed for decades as the plan area and broader community have grown up to or surround them.

EXISTING CHARACTER

Nearly all land in this character area has already been developed and features a mix of neighborhoods with single-family dwellings and smaller plexes. The residential areas along Summit View Drive near Prospect Road have a more rural character and feature larger estate lots, some with horses or other farm animals. These rural neighborhoods also generally lack streets with curb and gutter, sidewalks, or other types of more urban-level multimodal infrastructure.



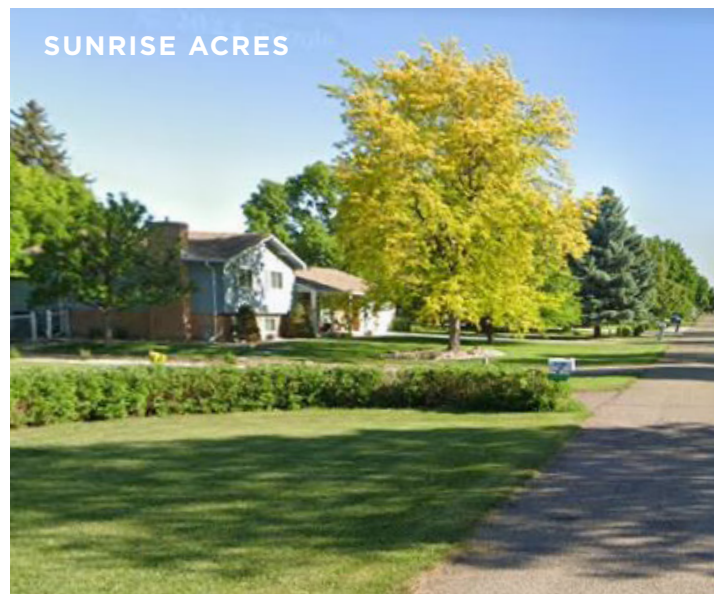
Southern Residential (Estate)

FUTURE CHARACTER

As an established set of neighborhoods, the future character of this area should remain similar to its existing character, while addressing plan area-wide opportunities and deficiencies. This could mean future augmentation to major streets, such as Summit View Drive, to implement some level of multimodal infrastructure while keeping the more rural streetscape in other locations with gravel shoulders. The City should also provide flexibility to help maintain the longstanding ability for the keeping of horses and farm animals on appropriately-sized lots. Upon annexation, the City should also work with neighbors to identify ongoing street maintenance options for some of the neighborhood streets in the character area that are currently failing.

Finally, as little new development is anticipated in this character area, annexation initiated either by the existing Fort Collins-Larimer County Intergovernmental Agreement or a thresholds annexation approach suggest this may be one of the last areas of the corridor to be considered for annexation into the City.

Predominant Place Types: Mixed Neighborhood, Suburban Neighborhood, Rural Neighborhood



3

Goals & Strategies

How to Navigate this Section Plan on a Page

Goals & Strategies:

Goal 1: Commercial & Industrial Hub

Goal 2: Stormwater

Goal 3: Transportation

Goal 4: Community Amenities & Services

Goal 5: Housing

Goal 6: Historic, Cultural, & Natural Features

Goal 7: Mulberry Gateway

Goals & Strategies

The updated East Mulberry Plan has seven goals to guide the future of the East Mulberry Plan Area. The seven goals cover a wide breadth of topics and have been crafted using feedback from the community and stakeholders to reflect continued and future priorities. The following list includes the numbered goal and the topic of each goal. Full goal text appears on the following pages.

- Goal 1: Commercial & Industrial Hub
- Goal 2: Stormwater
- Goal 3: Transportation
- Goal 4: Community Amenities & Services
- Goal 5: Housing
- Goal 6: Historic, Cultural, & Natural Features
- Goal 7: Mulberry Gateway

HOW TO NAVIGATE THIS SECTION

GOAL INTENT & PURPOSE

Under each of the seven goals, there is a short explanation of the goal’s intent and purpose. This section provides more context on why this goal statement appears in this plan and reflects on how the existing conditions within the East Mulberry Plan area have resulted in these goals. All of the goals strive to strike a balance between preservation of the important characteristics that make this area unique and should continue into the future, while also envisioning how the quality of life in this area could be improved for residents and businesses.

WHAT WE HEARD

Each ‘What We Heard’ section captures statements synthesized from community and stakeholder engagement that relate to the plan goals. One aspect motivating this plan update is to ensure that the most recent feedback and sentiments collected during conversations with the community are reflected in how goals, strategies, and implementation actions were formulated.

STRATEGIES & IMPLEMENTATION ACTION ITEMS

Below each of the seven plan goals are strategies and implementation action items. Strategies are action-oriented statements that support achievement of the goal. The implementation action items are more specific than the strategy statements and provide more detailed methods for how the strategies may be achieved.

NOTE ON FULFILLMENT OF STRATEGY

Because annexation of the East Mulberry Enclave under a thresholds approach may take a long time, the sections called ‘Note on Fulfillment of this Strategy’ acknowledge that implementation of these strategies and implementation action items are mostly dependent on when the areas are brought under City jurisdiction. Ongoing coordination and collaboration with Larimer County will continue throughout a threshold annexation strategy.

PRIOR TO ANNEXATION

As mentioned, implementation of most strategies are dependent on when different areas of the East Mulberry Enclave may annex in the future. However, in some cases, there are actions that the City could pursue to prepare to implement these strategies in the future. Some of these may be strengthening or continuing the existing partnerships the City has with Larimer County and other agencies that serve the East Mulberry area. If there are any actions to be completed prior to annexation, those are captured on the ‘Prior to Annexation’ section.

Plan on a Page

The updated East Mulberry Plan has seven goals to guide the future of the East Mulberry Plan Area. The seven goals cover a wide breadth of topics and have been crafted using feedback from the community and stakeholders to reflect continued and future priorities.

Goal 1

COMMERCIAL & INDUSTRIAL HUB

Foster a healthy and prosperous commercial and industrial hub for the City, while remaining viable for small businesses and industry.

Goal 2

STORMWATER

Master plan, construct and maintain stormwater infrastructure to provide safe conveyance of stormwater flows and reduce flood risk.

Goal 3

TRANSPORTATION

Plan and support safe and comfortable infrastructure for multi-modal transportation.

Goal 4

COMMUNITY AMENITIES & SERVICES

Increase access for residents and businesses to community amenities & services.

Goal 5

HOUSING

Explore mechanisms to maintain housing affordability and existing character of residential neighborhoods.

Goal 6

HISTORIC, CULTURAL, & NATURAL FEATURES

Protect and promote natural, historic, and cultural resources that support a cohesive and resilient community using nature-based solutions.

Goal 7

MULBERRY GATEWAY

Improve the function and visual appearance of the Mulberry & I-25 interchange and Mulberry Street frontage as a gateway into Fort Collins.

Goal 1

COMMERCIAL & INDUSTRIAL HUB

Foster a healthy and prosperous commercial and industrial hub for the City, while remaining viable for small businesses and industry.

GOAL INTENT AND PURPOSE:

East Mulberry has traditionally been an Industrial area with a wide variety of spaces for warehousing, distribution, small office support, engine/vehicle repair, fabrication and many other uses. Many of these businesses serve the Northern Colorado region, while many other businesses are significant nationally and internationally as well. Policies should support the continued operation of such businesses into the future.

WHAT WE HEARD

- *Business owners want to be able to continue operating their businesses and are concerned that new, adjacent uses would not be compatible.*
- *Some business owners are concerned that City standards may be too high regarding "Change of Use" applications and may inhibit business expansion.*

COMMERCIAL BUSINESSES IN AIRPARK



STRATEGY 1 **Customize approach to infill development and business improvements.**

Implementation Action Item:

1.1.1 Where possible, work with City staff to prioritize site improvements based on project size and other site-specific constraints.

See Section 4 of the East Mulberry Plan document for the Development Review Framework.

Land Use Code Standards:

Existing development standards allow staff and decision makers to waive or defer certain upgrades for sites undergoing a change of uses. Examples of deferments could be elements like interior parking lot landscaping, trash/recycling enclosures, or enclosed bicycle parking. Critical life/safety upgrades cannot be deferred.

Note on Fulfillment of this Strategy: Because much of the East Mulberry area was developed during the 1950s and 1960s and has had limited redevelopment since, many existing streets and lot configurations would not be developed the same today. Therefore, some flexibility in standards will be needed depending on the site and the proposed improvement/expansion.

Prior to Annexation: Larimer County will continue to manage development review applications and refer those within the East Mulberry enclave to City staff for review and comments. Larimer County will continue to have decision-making authority on most projects within the enclave unless they are eligible for immediate annexation.

UNDEVELOPED LAND NORTH OF MULBERRY STREET



STRATEGY 2

Support the retention of existing industrial and agricultural business uses and their future expansion.**Implementation Action Items:**

1.2.1 Market studies have documented the East Mulberry Plan Area as a significant component of the larger Fort Collins business community. Existing businesses, including agricultural and industrial, should be encouraged to remain and expand. Specific tools to explore to achieve this strategy should include examination of allowable uses in existing zone districts and a consideration of possible changes or additions to zone districts to accommodate a larger number of industrial and agricultural businesses.

1.2.2 Agricultural-related business uses, such as livestock auctions, cooperatives, veterinary supply, implement dealerships and stockyard activities, located within the East Mulberry Plan Area, will be allowed to continue as part of the industrial land use designation and zoning.

Please reference Section 4 of this document to view the Place Type Framework map and further discussion of land uses.

1.2.3 Staff from the Economic Health Office and the Planning Department will continue to work with businesses in the area to understand changing needs and concerns, especially when the area is being examined as a potential threshold for annexation. Staff will continue to communicate with businesses in the area regarding tools available to them and any requirements of them upon annexation should that occur.

1.2.4 Foster innovation and entrepreneurship for commercial and industrial uses by allowing for business incubation and start-up spaces.

1.2.5 As properties redevelop, billboards will generally be required to be removed and nonconforming or outdated signage should be updated to be brought into compliance with City standards. Prior to redevelopment, the City should explore with businesses incentives for voluntary consolidation or removal of billboards in the corridor.

See also Goal 7.

Note on Fulfillment of this Strategy:

Fort Collins does not currently have a major industrial area within city limits. Therefore, some of the zone districts that support industrial operations may need to be altered to better foster a thriving industrial area if the area were to be annexed in the future.

Prior to Annexation: Larimer County will continue to manage development review applications and refer those within the East Mulberry enclave to City staff for review and comments. Larimer County will continue to have decision-making authority on most projects within the enclave unless they are eligible for immediate annexation.

**MOUNTAIN VET SUPPLY****4 RIVERS EQUIPMENT**

STRATEGY 3 Recognize interconnectivity of infrastructure and business.

Implementation Action Items:

1.3.1 Continue to support East Mulberry Street as a primary travel and freight corridor for travel-related businesses, shopping and employment.

1.3.2 Focus on safe truck access that also accommodates bicycle and pedestrian traffic within and between areas of the enclave.

1.3.3 Bring highly reliable and efficient energy through Fort Collins Light & Power's underground system.

Note on Fulfillment of this Strategy: The unique nature of industrial businesses, especially those related to manufacturing, warehousing, and shipping often require safe and efficient truck access. This is especially important for access along East Mulberry Street and out to I-25. Safe access to and from I-25 is currently impeded by substandard turning lanes and dangerous circulation patterns near the I-25 and East Mulberry interchange. Ultimately, as future annexed areas become served with the City's Light & Power system, businesses will have reliable and efficient service.

Prior to Annexation: The Colorado Department of Transportation (CDOT) will continue to manage and will retain decision-making authority regarding improvements of East Mulberry Street from Lemay to I-25 as well as the I-25 interchange. Larimer County will continue to manage development review applications and refer those within the East Mulberry enclave to City staff for review and comments. City staff will focus on creating recommendations to support connectivity for reference by County staff prior to annexation.

FUNKWERKS BREWERY



INDUSTRIAL EQUIPMENT IN THE MULBERRY CORRIDOR



ATLAS MEAT COMPANY



NOCO SELF STORAGE



Goal 1

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

1.A - Airpark

1.A.1 Support the preservation of industrial businesses and functions within the Airpark.

1.A.2 Maintain current land uses through zoning upon annexing into the City of Fort Collins and other land use guidance.

1.F - Frontage

1.F.1 Maintain East Mulberry Street as a travel corridor to support efficient freight access for industrial and commercial functions.

1.F.2 Preserve the East Mulberry Frontage character area as commercial through land use guidance and zoning when areas annex into the City of Fort Collins.

1.N - I-25 Interchange

1.N.1 Preserve existing agricultural and industrial businesses through land use guidance and zoning upon annexing into the City of Fort Collins. See Section 4 of the Plan for more specific recommendations related to existing agricultural and industrial businesses around the I-25 Interchange.

1. E - Southern Residential (Estate)

Goal 1 pertains primarily to existing commercial and industrial areas within the East Mulberry Plan Area. Neighborhoods within the Southern Residential (Estate) Character Area are intended to be preserved as lower intensity residential zones.

1. M - Northern Residential (Mixed)

Goal 1 pertains primarily to existing commercial and industrial areas within the East Mulberry Plan Area, however, neighborhood centers supporting smaller commercial amenities could be incorporated where appropriate.

1. T - Transitional

1.T.1 Maintain flexibility for future land uses that act as a buffer between industrial and residential areas, thereby supporting the continued viability of industrial and commercial areas.

1.T.2 Explore the creation of a green infrastructure corridor along Dry Creek. One of the multiple benefits of a green infrastructure corridor could be reduced on-site stormwater burden for industrial and commercial businesses surrounding the Transitional character area.

Goal 2

STORMWATER

Master plan, construct and maintain stormwater infrastructure to provide safe conveyance of stormwater flows and reduce flood risk.

GOAL INTENT AND PURPOSE:

There are longstanding stormwater drainage and floodplain issues in the East Mulberry Enclave, and it will take a coordinated effort to begin to identify, plan, and prioritize necessary repairs, improvements, and maintenance. Enhancements to the stormwater system will be generational in nature and long-term master planning should begin even before annexation fully occurs so public and private stakeholders can begin to understand needs and funding requirements.

WHAT WE HEARD:

- *Community members want to see improvements to ongoing flooding issues in the area.*
- *Some businesses are worried about flooding from local creeks that overflow near business centers in the area.*

RUNWAYS AT THE OLD AIRPARK



STRATEGY 1

Dedicate funding to prepare an East Mulberry Enclave stormwater master plan.**Implementation Action Items:**

2.1.1 Explore joint master planning of the East Mulberry Plan Area with Larimer County to manage future improvements and maintenance while areas of the plan area remain under split jurisdiction and to reconcile different regulatory approaches to Poudre River floodplain requirements.

2.1.2 Coordinate with Larimer County and private property owners to inspect and clean existing stormwater system infrastructure and identify repairs and improvements in the stormwater master plan.

2.1.3 The stormwater master plan should identify storm drainage improvements to Dry Creek, Cooper Slough, and Boxelder Creek to better manage the area's flood flows and adjacent local drainage and prepare funding estimates for future capital project planning and prioritization.

2.1.4 The stormwater master plan should coordinate with Larimer County and other services providers for the provision of urban level drainage infrastructure, maintenance, and the timing of future public improvements.

Note on Fulfillment of this Strategy:

Waterways, floodplains, and stormwater conveyance ignore property and jurisdictional boundaries and there is a need to understand deficiencies and opportunities on a plan area-wide scale. While future stormwater improvements and maintenance are not likely to occur until annexation into the City, master planning needs to begin sooner to understand needs and identify and prioritize funding mechanisms and opportunities.

Prior to Annexation: The City should engage with Larimer County and other stakeholders to lay the groundwork for a joint stormwater master plan for the plan area, including consideration of funding to begin the study even before large areas of the plan area have been annexed.

STORMWATER DRAINAGE ON LINCOLN AVENUE

STRATEGY 2 **Protect people, property and the environment through floodplain and stormwater regulations.**

Implementation Action Items:

2.2.1 Reduce flood risk and floodplain encumbrances on public and private property with improved drainage infrastructure.

2.2.2 Development and redevelopment will be required to follow the City's stormwater regulations for protection of the project site and neighboring properties by improving localized and substandard stormwater conveyances.

2.2.3 Development and re-development activity within the Poudre River corridor shall comply with existing floodplain regulations.

2.2.4 Storm drainage improvements along and adjacent to Dry Creek, Cooper Slough and Boxelder Creek should be designed using nature-based solutions and constructed wetlands to balance flood protection, environmental enhancement, and natural habitat buffering.

Note on Fulfillment of this Strategy: Older development in the East Mulberry Plan Area lacks modern stormwater conveyance features that can lead to flooding and safety issues. As sites redevelop, they will generally be required to install or incrementally upgrade stormwater infrastructure and begin the long-term process of developing plan area-wide stormwater infrastructure.

Prior to Annexation: City staff will continue collaborating with Larimer County and provide referral comments on stormwater upgrades and floodplain requirements when sites undergo redevelopment through Larimer County's development review process.



STRATEGY 3 **Incorporate or collocate stormwater and floodplain enhancements alongside other East Mulberry Plan Area environmental protection and transportation enhancements.**

Implementation Action Item:

2.3.1 Future transportation and storm drainage projects should be coordinated to assess design opportunities, funding assessments, and impacts to adjacent properties.

2.3.2 Stormwater and floodplain enhancements should incorporate natural features while improving drainage infrastructure by creating/improving natural areas, wetlands, and wildlife corridors.

2.3.3 Storm drainage improvements to Dry Creek, Cooper Slough and Boxelder Creek, will be designed using nature-based solutions and constructed wetlands to balance flood protection and environmental enhancement of Nature Habitat buffering.

Note on Fulfillment of this Strategy: Larger stormwater and floodplain enhancements in the plan area should seek to collocate alongside other planned environmental and transportation improvements identified in the plan area to achieve design and funding efficiencies. Many of the waterways in the East Mulberry Plan Area have been identified for additional environmental protection and possible trail or multimodal corridors that could benefit from joint project planning.



Goal 2

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

2.A - Airpark

2.A.1 Address the lack of stormwater infrastructure available for redevelopment by conducting an inventory, adding it to the maintenance schedule, and planning improvements based on the Citywide prioritization list.

2.F - Frontage

2.F.1 Coordinate with CDOT to improve and maintain stormwater infrastructure between Mulberry Street and the frontage roads.

2.F.2 Reduce flooding along Mulberry Street through future improvements identified through joint stormwater master planning efforts.

2.N - I-25 Interchange

2.N.1 Accommodate improvements identified through stormwater master planning in new developments in the area.

2.N.2 Construct future improvements to reduce flooding along Cooper Slough.

2.E - Residential Estate

2.E.1 Implement improvements identified through stormwater master planning to mitigate flooding in the area.

2.E.2 Prioritize the study of localized drainage issues caused by the lack of stormwater infrastructure and incorporate them into the City's overall project prioritization list.

2.E.3 Add existing stormwater infrastructure within this character area to the maintenance schedule.

2.M - Residential Mixed

2.M.1 Ensure new residential areas have sufficient stormwater infrastructure. Coordinate with Larimer County to determine when maintenance of public infrastructure should be transferred.

2.M.2 Implement improvements through stormwater master planning to mitigate flooding in the area.

2.T - Transitional

2.T.1 Implement recommendations identified in stormwater master planning efforts to reduce flooding in the adjacent Airpark character area.

2.T.2 Develop a green infrastructure corridor through the the Transitional character area along Dry Creek that can serve partially as a flood channel corridor.

2.T.3 Protect and improve the Lake Canal corridor.

Goal 3

TRANSPORTATION

Plan and support safe and comfortable multi-modal transportation infrastructure.

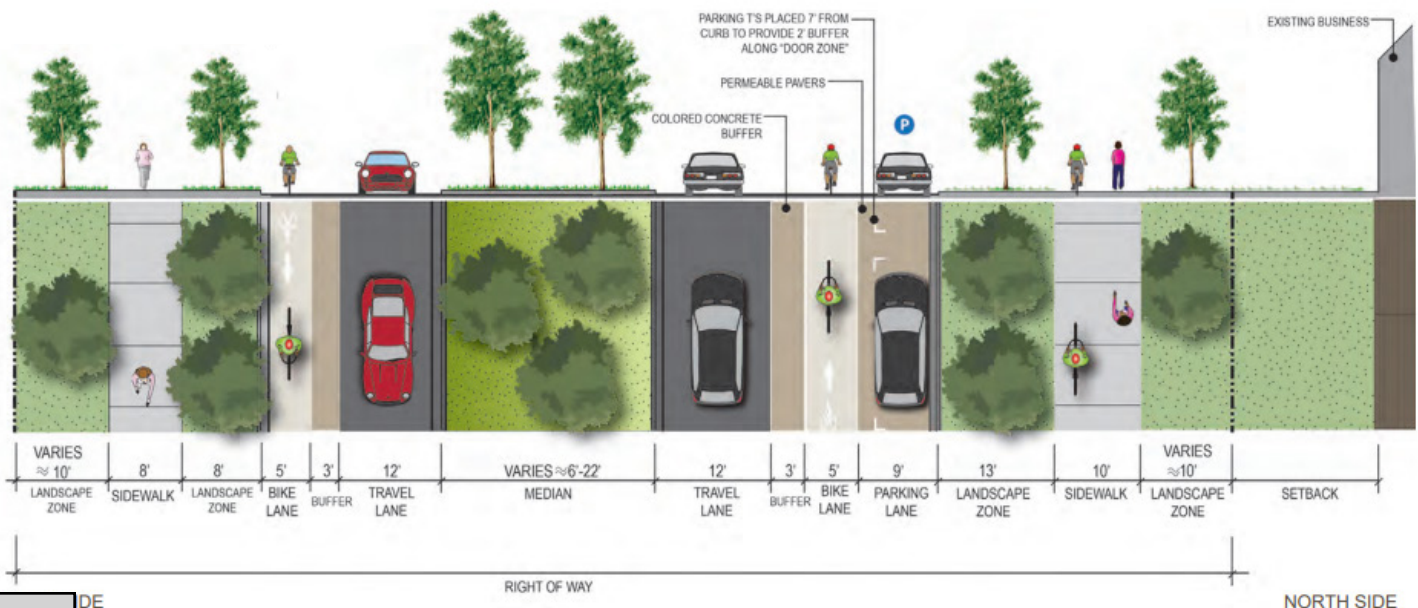
GOAL INTENT AND PURPOSE:

Transportation infrastructure in the East Mulberry Plan Area will support walking, rolling, bicycling, driving, and commercial activities. The connections will focus on safety and comfort, especially for the most vulnerable road users. Infrastructure design will recognize business needs and utilize creative design elements to ensure both efficient and safe travel for all modes.

When considering future improvements to Lincoln Avenue, consult design alternatives and concepts developed as part of the Lincoln Corridor Plan (such as the graphic below).

WHAT WE HEARD:

- Residents who rely on frontage roads know that they are unsafe but worry the city will get rid of the frontage roads entirely.
- Some business owners want to preserve access to key business and manufacturing corridors, like Lincoln Avenue.
- Some business owners are interested in improved connectivity along East Mulberry between I-25 and downtown Fort Collins.
- Transportation related infrastructure is needed for all modes, especially pedestrian and bicycle infrastructure, including improvements at key intersections.
- Many residents voiced a desire for improved bicycle and pedestrian connectivity to nature trails, open green space, and downtown as a priority. Some residents would like to see neighborhood access for cars prioritized over pedestrian and bike access routes.



STRATEGY 1

Augment existing streets to create multi-modal connections that support safe and comfortable mobility and traffic calming prior to improving streets to Larimer County Urban Area Street Standards (LCUASS).

Implementation Action Items:

3.1.1 There are many State and Federal grants that focus on bicycle and pedestrian safety that will be explored to augment currently deficient streets in the East Mulberry Plan Area.

Note on Fulfillment of this Strategy: According to standards adopted by City of Fort Collins and Larimer County, improvements to many streets upon annexation either require resident financial involvement or the street will be added to a long capital improvement list with a several-year wait. However, much of the area currently lacks sidewalks and bike lanes – necessary implements for safe travel. Strategies will be explored to create safe infrastructure by augmenting existing streets with improvements that do not necessarily comply with LCUASS standards. Also, traffic-calming techniques will be explored for streets leading to existing and future neighborhoods used by larger vehicles traveling from commercial and industrial land uses, reducing encroachment of heavy truck traffic and other related traffic through residential neighborhoods.

Prior to Annexation: Identify deficiencies on all streets in the annexation area and prioritize opportunities to augment with safe infrastructure and traffic calming.



STRATEGY 2 Collaborate with CDOT, adjacent business owners and other community stakeholders on the re-design or augmentation of Highway 14 (East Mulberry) and frontage roads for multi-modal transportation.

Implementation Action Items:

3.2.1 Coordinate with CDOT to evaluate the existing plan to expand Mulberry to six travel lanes as identified in the Access Management Report and the Master Street Plan.

3.2.2 The US 287/SH 14 Access Management Report shall be updated to reflect the goals and strategies in the East Mulberry Plan Area.

3.2.3 Continue to support East Mulberry Street as a primary travel and freight corridor for businesses, shopping and employment.

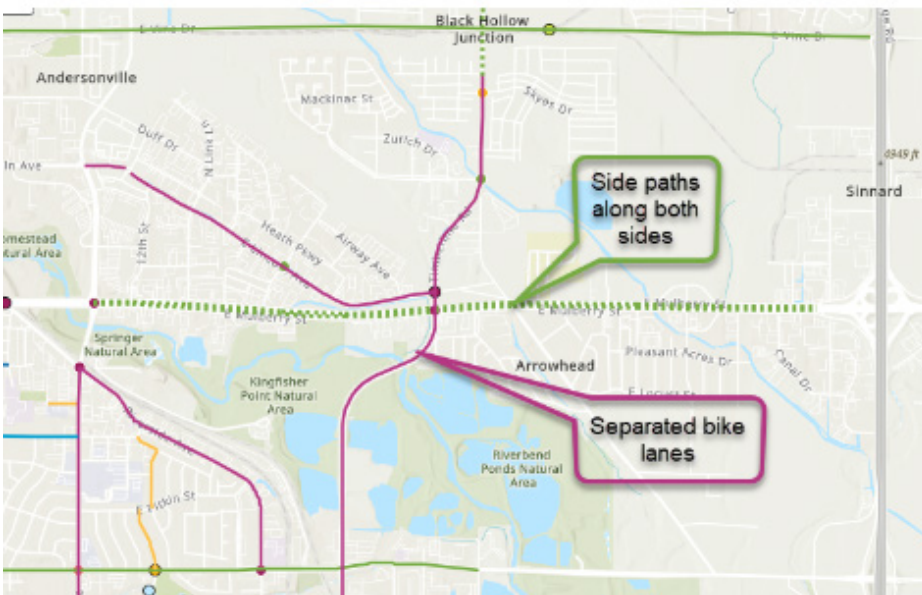
3.2.4 The Active Modes Plan calls for side paths (shared-use for bicycles and pedestrians) along East Mulberry. This infrastructure would support bicycle and pedestrian travel on the frontage roads as well. Coordinate with the Active Modes implementation team on design and implementation of side paths on East Mulberry.

Note on Fulfillment of this Strategy:

State Highway 14 (Mulberry Street) is a wide 4-lane arterial street that serves as a CDOT designated trucking route (Denver to Laramie) with frontage roads for business access. Presently there are no sidewalks or bike lanes along this stretch of road. The frontage roads offer an opportunity for bicycle and pedestrian access with creative design solutions on relatively low-speed streets. And the generous size of Mulberry provides opportunities for dedicated transit lanes.

Prior to Annexation:

Coordinate with CDOT about design options and schedule for the next maintenance or resurfacing project for Highway 14.



STRATEGY 3

Create a transportation-specific plan for the East Mulberry Plan Area, analyzing transportation needs – focusing on multi-modal travel, opportunities, and defining strategies for implementation.

Implementation Action Item:

3.3.1 Identify funding and resources for a transportation plan prior to annexation.

3.3.2 Encourage future City transportation plans and studies to incorporate the East Mulberry Plan Area into plan boundaries and evaluation criteria prior to annexation to begin building data capacity and funding/prioritization needs.

Note on Fulfillment of this Strategy:

Annexation of the East Mulberry Plan Area will likely happen in pieces and phases. However, the timeline and extent are unknown. This uncertainty introduces a challenge to creating a transportation plan and its implementation details prior to annexation.

Prior to Annexation: Communicate this intent with decision-makers as they determine schedule and extent of annexation.

STRATEGY 4

Plan and identify strategies, costs, funding, and timelines for City acceptance of public streets for maintenance. This includes CDOT right-of-way, existing and future improvement districts, and all street classifications.

Implementation Action Item:

3.4.1 Identify funding and resources for a transportation plan prior to annexation.

Infrastructure Standards

Developed land, or areas seeking voluntary annexation, must have their infrastructure improved (e.g., streets, utilities and storm drainage systems) to City standards, or must have a mechanism (e.g. a special improvement district, capital improvements program or other type project) in place to upgrade such services and facilities to City standards before the City will assume full responsibility for future maintenance.

*Larimer County Urban Area Street Standards (LCUASS): Appendix G

Note on Fulfillment of this Strategy: The importance of this strategy is to be transparent with all stakeholders being annexed into the City of Fort Collins with levels of maintenance they can expect. An inter-governmental agreement between Larimer County and the City of Fort Collins generally says that streets need to be built and maintained to City standards upon annexation for the City to perform more than minor maintenance. Some neighborhoods have created Special Improvement Districts to fund the improvement of their streets.
(See following page for more details.)

Prior to Annexation: The City of Fort Collins will work with CDOT and Larimer County to evaluate existing streets and understand existing maintenance activities.

Mechanism of Public Improvements

Ongoing deterioration, maintenance, and repair of infrastructure has been a critical topic for the plan area since before the 2002 East Mulberry Plan was adopted. Timing for updates to aging infrastructure, maintenance responsibility, and what changes with annexation often raises questions for residents and business owners.

One solution for adding clarity around these issues is the implementation of Improvement Districts. There are various improvement districts that can be explored and established within the City: **Special Improvement Districts (SID)**, **Business Improvement Districts (BID)**, **General Improvement Districts (GID)**, and **Metropolitan Districts (Metro Districts)**.

1 Special Improvement Districts

A Special Improvement District (SIDs) is used for one-time projects that will serve a particular area. The City Council can establish SIDs on its own initiative without the affected property owners' consent. However, their participation encouraging the City Council to establish the SID is advisable. The cost to build the improvements are funded with "special assessments" imposed on the adjacent properties that are expected to increase in value by the proposed improvement rather than funded with property taxes. SID special assessments can therefore be imposed by the Council without a TABOR election. SIDs do not have a maintenance aspect, so the expectation is that once the improvement is built, such as a street, the City accepts the improvement for future maintenance, repair and replacement. SIDs should be initiated only when the adjacent properties are sufficiently developed to support the property owners' payment of the special assessments. Also, if the improvement is to be oversized to serve more than just the adjacent properties, such as oversizing a street, this may require the City to separately fund the oversized portion.

1 General Improvement Districts (GIDs) can be set up to not only construct public improvements, but also to operate and maintain them. GIDs can construct pretty much any public improvement the City can construct. A GID can only be established if a significant percentage of the property owners within the boundaries of the proposed GID have signed a petition requesting creation of the GID and then the creation must be approved in an election approved by the GID's voters. Also, any taxes imposed by the GID to fund its projects must be approved by the GID's voters in a TABOR election. The Council is the governing board of the GID. GIDs can include residential, commercial and industrial zoned properties.

1 Business Improvement Districts (BIDs) are organized in a similar manner as GIDs, and they can impose property taxes after a TABOR election. They can also impose special assessments without an election. BIDs can construct, maintain and operate its public improvements like a GID can. However, BIDS are intended to be used for public improvements to serve commercial business areas, so the boundaries of BIDs cannot include residentially zoned properties. The governing board of BIDs can either be the Council or the Council can appoint electors from the BID to serve on the board, which are usually owners of commercial properties within the BID.

1 Metro Districts are not established by the City, but typically by the developers of large developments and used by them to help fund the public infrastructure for those developments. Metro Districts have a separate governing body, and their powers are governed by a Service Plan that must be approved by the City Council. Service Plans approved by the Council typically limit the Metro District's authority and define the scope of its operation. A Metro District's improvements are usually funded with a property tax imposed on the properties and future development within the District. Some Metro Districts are dissolved after construction of the public infrastructure has been completed and all related debt has been paid. However, some have a perpetual existence if needed to fund the future operation, maintenance, or replacement of such infrastructure.

STRATEGY 5

Establish safe and direct multimodal connections between destinations/character areas within the East Mulberry Plan Area, as well as primary travel corridors and to adjoining areas within the City of Fort Collins such as Downtown, natural areas, and the Mulberry & Lemay Crossings commercial area.

Implementation Action Items:

3.5.1 Prioritize capital improvement for Lincoln Avenue to Timberline Street consistent with improvements west of Lemay to serve as a multimodal connection between the core of East Mulberry and the heart of Downtown.

3.5.2 Incorporate the existing and proposed bikeway and pedestrian networks, as part of the transportation system, along roadways as well as multi-use trails (off-street) just outside of the natural habitat and features buffers along Cooper Slough, Lake Canal, and other ditches.

3.5.3 Plan and design multi-use trails to function as both recreational and transportation facilities for all skill and user types, with well-connected trail access points to surrounding developments, such as the adjacent Mountain Vista and Poudre River areas.

3.5.4 Review and update the city's Master Street Plan consistent with the goals of this plan, City Plan, and newly established development patterns.

3.5.5 Land use development will provide and allow for a well-connected direct pedestrian / sidewalk system and bike network from points of origin to destinations, including transit stops along East Mulberry Street.

3.5.6 Eliminate crashes between various transportation modes by reducing points of conflict by utilizing grade separated crossings at major roadways such as the multi-use trail underpasses of East Mulberry Street and by utilizing access management techniques. Update the City's Trails Strategic Plan accordingly.

3.5.7 Utilize the Active Modes Plan and the 2024 Strategic Trails Plan as a guide for all new walking and biking infrastructure in the East Mulberry Plan Area.

Note on Fulfillment of this Strategy: This plan provides a high-level view of intended multi-modal transportation connections. A more detailed transportation plan will provide specific infrastructure and funding recommendations.

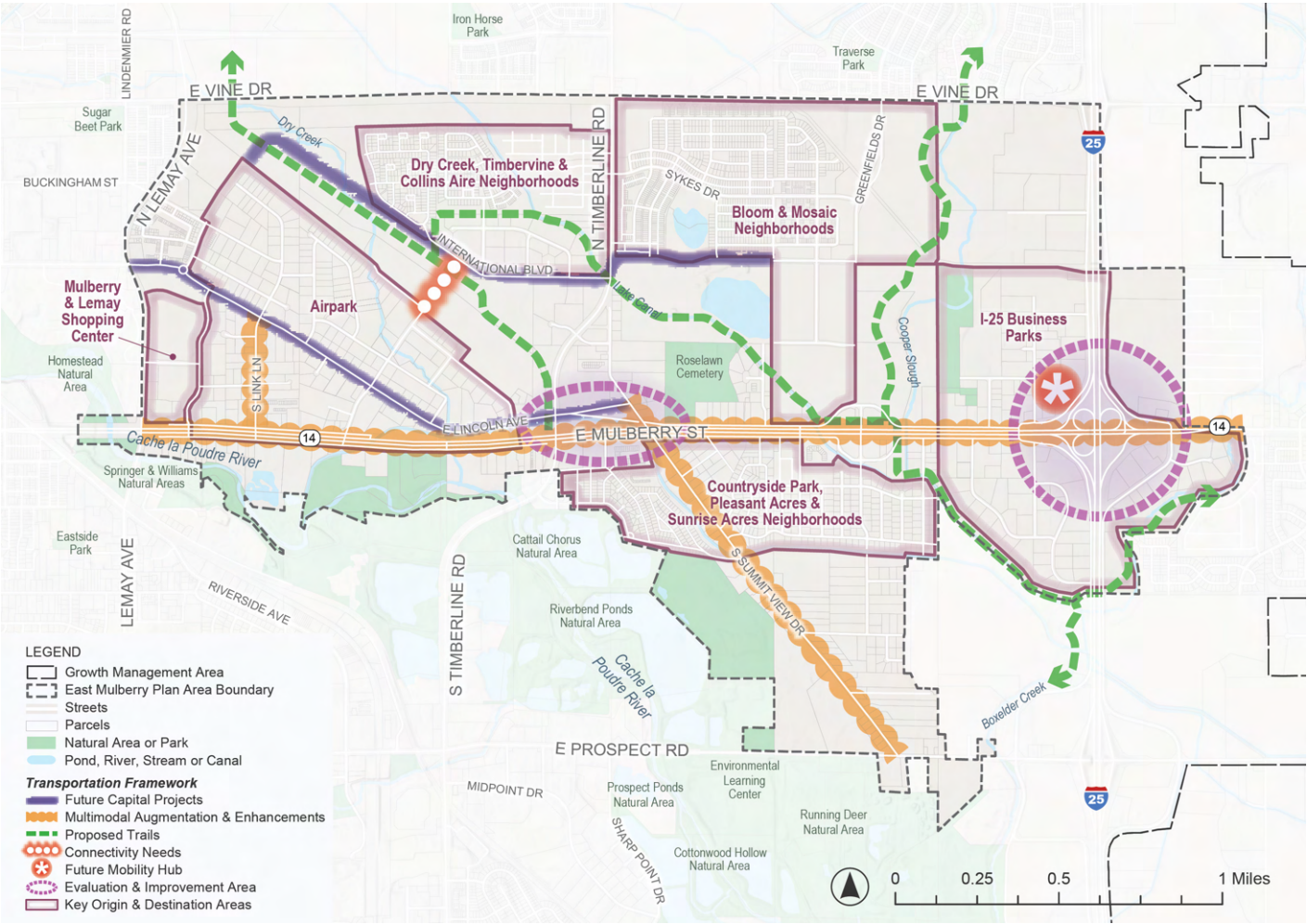
Prior to Annexation: The City will identify opportunities for improvements consistent with jurisdictional boundaries such as transit improvements, new development improvements, and land owned by the City of Fort Collins such as parks and natural areas.



Item 28.

3: TRANSPORTATION

Transportation Framework Map



Full description and discussion of the Transportation Framework Map can be found in [Section 4](#) of the Plan.

STRATEGY 6

Improve transit service to the East Mulberry Plan Area consistent with goals in the Transit Master Plan.

Implementation Action Items:

3.6.1 A mobility hub with a park-n-ride should be located near the I-25/SH 14 Interchange and should be integrated with transit service connections.

3.6.2 Improve existing bus stops to ensure safe ADA access.

3.6.3 Include transit planning in the transportation-specific plan for the East Mulberry Plan Area. Consider opportunities for high-frequency/BRT service and bus-only lanes.

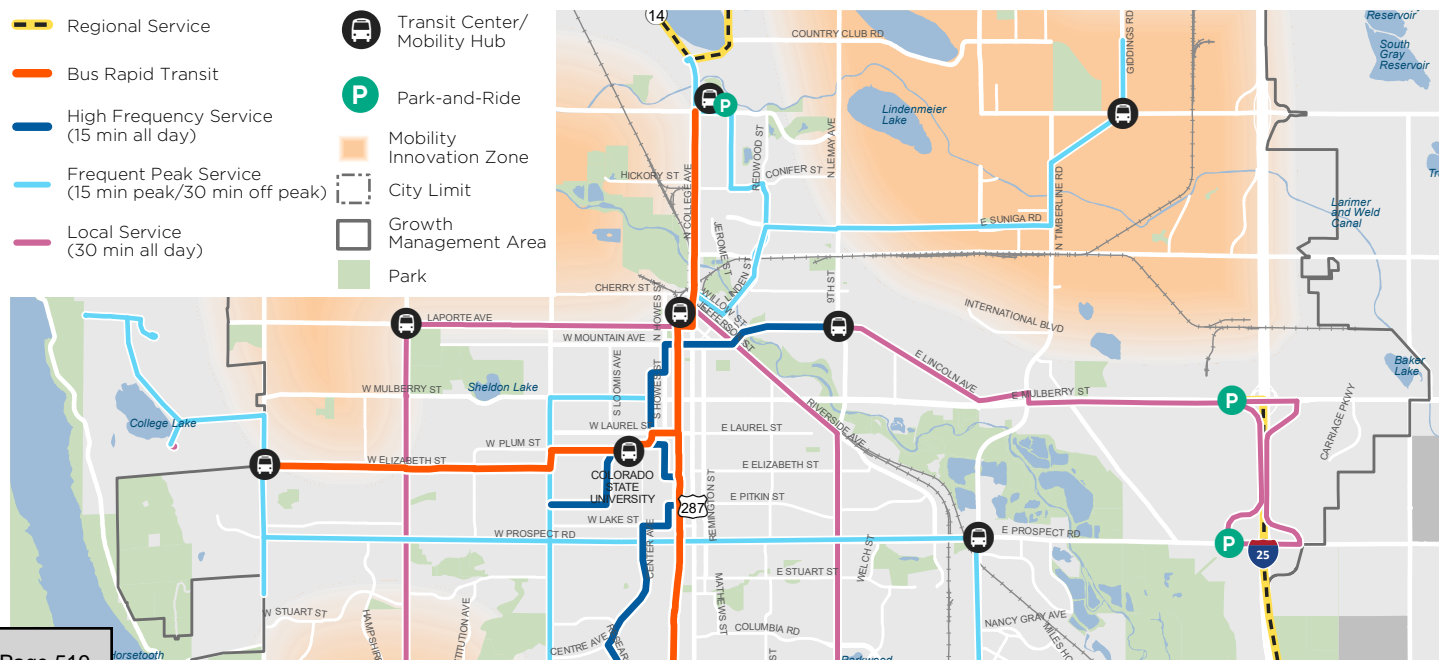


Note on Fulfillment of this Strategy: Transfort already serves this area with Route 14 at 1 hour increments. The Transit Master Plan calls for 30-minute local service on East Mulberry. However, the plan area represents an opportunity for regional commuters to either park their vehicles or transfer from regional transit to local service bringing them to and from Downtown and other employment destinations.

Please note that the implementation of transit service is typically based on demand which is created from housing and jobs. The Transit Master Plan outlines densities needed to provide various levels of service. However, this is not always the case when it comes to park-n-rides and regional service so commuting patterns and opportunities to provide service to commuters will continue to be monitored.

Prior to Annexation: Transfort will continue to evaluate opportunities to implement the Transit Master Plan as it relates to East Mulberry.

Future Transit Network



Goal 3

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

3.A - Airpark

3.A.1 Plan for safe pedestrian and bicycle infrastructure in an area that continues to cater to industrial and commercial vehicles.

3.A.2 Connect the Airpark character area with the rest of the community by prioritizing capital improvements on Lincoln Avenue, following the design model of Lincoln Avenue east of Lemay Avenue.

3.A.3 Evaluate and amend the Master Street Plan to prioritize connections within this character area and to surrounding areas.

3.A.4 Prioritize pedestrian-friendly infrastructure such as landscaping, trees, and sidewalks, along Link Lane and Lincoln Avenue.

3.F - Frontage

3.F.1 Identify opportunities to enhance Mulberry Street and its frontage roads for safe bicycle and pedestrian infrastructure.

3.F.2 Plan for future enhanced transit service in the corridor, including potential bus-only lanes for Bus Rapid Transit (BRT) service.

3.N - I-25 Interchange

3.N.1 Collaborate with CDOT to redesign and reconstruct the I-25 & Mulberry interchange, incorporating design enhancements that align with Fort Collins' character.

3.N.2 Improve safety, multimodal options, and efficiency for accessing and crossing I-25.

3.N.3 Establish a Park & Ride / Mobility Hub for regional services at the I-25 & Mulberry interchange.

3. E - Residential Estate

3.E.1 Ensure safe, comfortable, and convenient connections for pedestrians, cyclists, and other modes of transportation between residential areas, commercial areas, and natural areas.

3.N.2 Enhance or expand multimodal options along Summit View Drive.

3.N.3 Evaluate and work with neighborhoods on desired frontage improvements (sidewalks, curb & gutter) along rural residential streets.

3. M - Residential Mixed

3.M.1 Ensure safe, comfortable, and convenient multimodal connections between residential areas, commercial areas, and natural areas.

3.M.2 Establish a trail corridor along Dry Creek or Lake Canal to Vine Drive and continuing north, in alignment with the future Strategic Trails Plan in 2024.

3. T - Transitional

3.T.1 Extend International Boulevard to Cordova Road.

3.T.2 Extend Airpark Drive to International Boulevard and amend the Master Street Plan accordingly.

3.T.3 Establish a trail corridor along Dry Creek or Lake Canal to Vine Drive and continuing north, in alignment with the future Strategic Trails Plan in 2024.

Goal 4

COMMUNITY AMENITIES & SERVICES

Increase access for residents and businesses to community amenities and services.

GOAL INTENT AND PURPOSE:

There is a need for increased availability and access to amenities and services within the East Mulberry Area. This includes access to daily needs such as a grocery store, but also the types of services that can assist in making this area safer and more connected to the rest of Fort Collins.

WHAT WE HEARD:

- Many residents want a closer grocery store and access to more community amenities such as parks, schools, and trails.
- There are safety concerns with drug use, vandalism, and some instances of homelessness.
- Some residents are interested in having more options for affordable and stable internet connectivity including broadband.



STRATEGY 1 **Increase community policing resources and safety within the East Mulberry Enclave.**

Implementation Action Items:

4.1.1 To prepare for annexation, ideally Fort Collins Police Services (FCPS) will have 18 to 24 months of lead time to hire and train officers to adequately cover the newly annexed area. As soon as the geographic area of a potential annexation is determined, FCPS analysts will determine the number of officers needed to serve the area. It has been determined that full annexation of the entire East Mulberry Enclave would lead to a 10% increase in calls for service (2022 data). That increase will require 23 police officers supported by 12 varied professional staff members.

Hiring processes take six (6) months with an additional twelve (12) months of training. Therefore, a full annexation of the entire East Mulberry Enclave would require FCPS to have authorization for 35 employees. As previously stated, FCPS requires 18 to 24 months from the moment an annexation is certified until officers can be in place to serve a newly annexed area. This timeframe is also influenced by alignment with basic training academy cycles.

4.1.2 The staffing needs of a threshold annexation must be evaluated by the call data in the areas/zones proposed for annexation. Staffing increases will be based upon that percentage increase.

4.1.3 Annexation (full or phased in threshold annexations) may be supported by later introduction of police services if FCPS is able to enter into mutually beneficial agreements with Larimer County Sheriff's Office (LCSO) and Colorado State Patrol (CSP) for their continued corridor responsibility during FCPS' hiring and training of new personnel. However, no funding exists to pay such contracts and would need to be added to the FCPS budget in addition to the funding for the personnel. That "contract" funding would expire as the new FCPS personnel took over responsibility for any annexed area/zone.



Note on Fulfillment of this Strategy:

When any portions of the East Mulberry Enclave annex into the City of Fort Collins, they may be immediately served by Fort Collins Police Services, or depending on the size and anticipated call volume of the potential annexation area, may require a transition over time. Therefore, fulfillment of this strategy depends on annexation and potential agreements with other law enforcement agencies. This is explored further in the Implementation Action Items for this strategy. The City's policing programs such as the Patrol, Traffic Unit, detectives, Homeless Outreach and Proactive Engagement Team (HOPE), Neighborhood Engagement Team (NET), and Mental Health Response Team (MHRT) can be deployed to help address safety issues in this area once new personnel are hired and trained.

Prior to Annexation: Fort Collins Police Services (FCPS) will continue to partner with the Larimer County Sheriff's Department (LCSO) and the Colorado State Patrol (CSP) to understand the safety concerns and response needs of this area.

STRATEGY 2

Increase access and availability of public amenities that contribute to the wellbeing and quality of life for individuals and neighborhoods, including but not limited to green spaces, recreational parks, schools, pedestrian and bike trails, and natural areas.

Implementation Action Item:

4.2.1 Incorporate the East Mulberry Enclave into future parks, recreation, and trails planning and encourage Poudre School District and new developments to incorporate schools and other amenities that are accessible to plan area residents.

Note on Fulfillment of this Strategy:

While future City parks require annexation prior to development, proactive strategic planning and identification of potential locations will continue before annexation occurs as City policy plans are updated.

Prior to Annexation: The 2021 Fort Collins Parks and Recreation Master Plan identified a potential park site within the Mosaic neighborhood. The Parks and Recreation Master Plan discusses that subarea plans are able to provide finer grain land use and policy detail for these geographic areas of the City. Many subarea plans identify opportunities for new parks and public spaces. As further development and redevelopment occur, these spaces should be reconsidered in context of the Parks and Recreation Master Plan. As additional parts of the East Mulberry Enclave are annexed over time, it will be important to continue identifying ways to introduce recreational and public amenities aligned with our parks and recreation master planning.



STRATEGY 3

The East Mulberry Area will designate areas for commercial development that serve both the broader community and region and support the daily needs of residents and businesses.

Implementation Action Item:

4.3.1 When annexation of an area is planned, the zoning designation in the County will generally match the zone district applied upon annexation into the City. Existing businesses within the enclave will generally be able to continue to operate no matter the zoning designation applied upon annexation.

4.3.2 The City will continue to support Neighborhood Commercial (NC) zoning near the Mulberry and Greenfields intersection to encourage a central location in the corridor for a grocery store. Staff and decision-makers should also look favorably upon other non-residential areas of the East Mulberry Plan Area for opportunities for grocery stores, pharmacies, and other neighborhood supporting retail.

4.3.3 Prior to any annexation, staff will communicate regularly with affected businesses and residents within and surrounding the area to offer ample time to discuss any effects of annexation. Staff can also be available to discuss any potential changes prior to any annexation decisions to allow businesses to plan for changes that may affect them upon annexation. The annexation threshold process, including communication strategies in advance of any potential annexations, are described in Section 5 of this document.

Note on Fulfillment of this Strategy:

When portions of the East Mulberry Enclave annex into the City, a zoning district will be assigned to annexing parcels. The Framework Plan within this document (Section 4 of this document) outlines a series of place types that will preserve existing commercial uses and ensure future commercial uses, such as a grocery store, can be accommodated.

Prior to Annexation: The Framework Plan will be used by both the City and Larimer County to influence referral comments and land use decisions regarding development in Larimer County that do not yet trigger annexation into the City.

STRATEGY 4 **Provide residents and businesses with upgraded levels of service over time and as annexation occurs.**

Implementation Action Items:

4.4.1 On public roads, the City of Fort Collins will maintain roadways at the same level they are maintained by Larimer County at the time of annexation. That means there may be roads that receive very minimal improvements. For these areas, Special Improvement Districts may be formed proactively by property owners or required by the City or County to reconstruct failing streets. The primary goal of an improvement district would be to improve existing streets to Larimer County Urban Area Street Standards, at which point the City would begin and continue to provide full street maintenance.

4.4.2 Implement Light & Power infrastructure and service in newly annexed areas as expeditiously as feasible. When areas are identified for potential annexation, the land use composition and potential service requirements of the area will be evaluated to determine service needs. Each potential annexation area will be evaluated based on proximity to existing Light & Power Infrastructure within City Limits and if there is the ability to tie into existing infrastructure or if build-out of new infrastructure is required.

The time required to assess service needs of a potential annexation area can be completed during the analysis period after an annexation threshold has been identified. Once an area or zone has been established for annexation and service needs are understood, a detailed assessment of the area will require at least six months to develop a plan for infrastructure layout and installation. Coordination of infrastructure with Platte River Power Authority (PRPA), the public power utility that serves Fort Collins, may require additional time before service can begin. The coordination required with PRPA and any implications on the timeline will be discovered and explored during the analysis period when infrastructure needs are under study. Coordination with external agencies such as PRPA may require between 2 to 4 years to assure coordination of electric transmission facilities. Evaluation of new infrastructure needs will ensure that any newly served areas meet Light & Power service standards at the time service begins.

Note on Fulfillment of this Strategy:

Like other strategies contained within this plan, fulfillment is dependent on annexation into the City of Fort Collins. Specifically related to this strategy, it is important to distinguish between new development occurring within newly annexed areas and existing, established areas. Newly developing areas, or areas where a site will be totally redeveloped will be required to meet full development standards required by the City, including constructing/reconstructing roadways that meet full LCUASS (Larimer County Urban Area Street Standards) establishing other electric and stormwater infrastructure that meets City standards at the time of development. The areas of the East Mulberry Enclave impacted by new development or total site redevelopment will receive upgraded levels of service through the development process. Existing neighborhoods and other areas where new development or redevelopment may not occur will take longer to receive upgraded levels of service as those areas are annexed into City Limits.

STRATEGY 4

CONTINUED

Implementation Action Items:

4.4.2 (continued) Once the evaluation of infrastructure needs assessment is complete, it may take several years before service is transferred to Fort Collins Light & Power. With a plan developed, an associated budget must be approved as part of the normal two-year financial cycle for necessary capital projects. For service lines that are above ground, moving these lines underground may take additional time after service is transferred.

When an area is set to be annexed and following study of infrastructure service requirements and timelines, staff will update residents and businesses impacted by annexation with an estimate of when their property will be served by Light & Power. This communication will be important in establishing realistic expectations for when service can be provided.

4.4.3 Expand Connexion broadband services to the East Mulberry Area as annexation occurs and infrastructure connections are possible.

4.4.4 Reduce flood risk and other floodplain encumbrances on both public and private property through improved drainage infrastructure. Future storm drainage projects that minimize ongoing flooding issues within the East Mulberry Area will reduce impacts to property and over time can provide an increase in service compared to current conditions. (See Goal 2)



Goal 4

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

4.A - Airpark

- 4.A.1 Maintain the diversity of businesses and services along Link Lane to continue serving as an activity center.
- 4.A.2 Address and work to mitigate floodplain encumbrances on individual property owners.

4.F - Frontage

- 4.F.1 Encourage grocery stores or other neighborhood-serving retail to locate in the East Mulberry Plan Area, supporting daily needs of residents and businesses.
- 4.F.2 Implement principles of 15-minute cities along this corridor.

4.N - I-25 Interchange

- 4.N.1 Increase availability of specialized and general police services to enhance safety, improve response times, and provide proactive and community-based law enforcement services.

4.E - Residential Estate

- 4.E.1 Improve the quality of services over time, including street infrastructure, utilities, and broadband availability.
- 4.E.2 Provide education on Code Compliance and City incentive programs to the community.
- 4.E.3 Increase access to existing natural areas, trails, schools, and other nearby amenities, while also encouraging new amenities where contextually appropriate.

4.M - Residential Mixed

- 4.M.1 Improve the quality of services over time, including street infrastructure, utilities, and broadband availability.
- 4.M.2 Provide education and resources to neighborhoods about Code Compliance and City incentive programs.
- 4.M.3 Increase access to existing natural areas, trails, schools, and other surrounding amenities while also encouraging new amenities where contextually appropriate.

4.T - Transitional

- 4.T.1 Continue engaging community members to help formulate the vision for this area, including the possibility of event/convention spaces, based on feedback received during staff outreach efforts.
- 4.T.2 Explore the potential for institutional services and amenities, such as trails, roadway connections, utilities, natural areas, and gathering spaces, along the Dry Creek corridor.

Goal 5

HOUSING

Explore mechanisms to maintain housing affordability and existing character of residential neighborhoods.

GOAL INTENT AND PURPOSE:

The East Mulberry Plan Area features a diverse assortment of housing with varying styles, ages, and price points. From areas with a mix of single-family homes, duplexes, and triplexes, to manufactured housing communities, apartment complexes, and large acreages with farm animals, the plan area is home to a wide variety of neighborhoods.

As new development, infrastructure investment, and potential annexation occurs within the East Mulberry Plan Area, it is important to establish strategies to promote livability and the unique characteristics that originally drew residents to live in the plan area, whether due to its relative affordability, opportunity for a more rural or relaxed county lifestyle, or the proximity to employment opportunities and other nearby City amenities.

WHAT WE HEARD:

- *Many residents moved to the plan area for a more relaxed feel and rural lifestyle and feel annexation and City rules & enforcement may jeopardize this lifestyle.*
- *Residents in manufactured housing communities are interested in the City's mobile home parking zoning to discourage redevelopment and displacement of their mobile home parks.*
- *Neighbors are simultaneously concerned about deteriorating infrastructure and road maintenance in certain neighborhoods as well as the costs to fix these issues.*



STRATEGY 1 **Utilize character area designations to maintain similar land use and streetscape character in established neighborhoods.**

Implementation Action Items:

5.1.1 Upon annexation, designate City zone districts and land uses that closely resemble development patterns originally established in Larimer County. Staff and decision makers should be especially mindful to maintain similar intensity and character in neighborhoods with an established rural setting.

5.1.2 Staff and decision-makers should favorably consider additional flexibility to maintain or compatibly expand the keeping of farm animals in neighborhoods with a rural setting or demonstrated livestock history.

5.1.3 Unless otherwise required for safety and accessibility, frontage improvements such as tree lawns, curb and gutter, and sidewalks should not be required in more rural neighborhoods along low traffic roadways to maintain the established streetscape.

Note on Fulfillment of this Strategy:

For established Larimer County neighborhoods, this strategy is contingent upon annexation into the City. In the interim, land use regulations, code enforcement responsibilities, and infrastructure and streetscape requirements are determined by Larimer County. While small changes and natural neighborhood evolution over time is expected, large changes to intensity or appearance of established neighborhoods should be minimized.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments that would limit larger changes to the look and feel of existing neighborhoods.



MOSAIC



ENTRANCE TO THE PARK ALONG COLLINS AIRE LN

STRATEGY 2 **Preserve and enhance existing mobile home parks.**

Implementation Action Items:

5.2.1 Upon annexation, zone existing mobile home parks into the Manufactured Housing zone district to discourage redevelopment and the displacement of residents.

5.2.2 Connect and educate park owners and residents to City resources such as neighborhood mini-grants and the City's mobile home park liaison that can help address infrastructure and livability needs.

Note on Fulfillment of this Strategy:

City land use controls and certain City mobile home park program and grant funding are only available after annexation occurs.

Prior to Annexation: Continue to partner with Larimer County and community organizations to extend grant opportunities, neighborhood programs, and infrastructure planning to mobile home park owners and residents.

Manufactured Housing Preservation

Manufactured or mobile homes feature many of the benefits of stick-built single unit dwellings such as first floor living and entries, the privacy of an individual unit, and smaller semi-private yards and garden areas. In addition, manufactured housing communities are often considered a natural source of affordable housing with comparable costs to deed-restricted affordable housing units.

While manufactured housing communities feature many benefits, they can also create uncertainty for residents who may own their units but lease the land underneath, which could result in displacement if a mobile home park unexpectedly closes or is redeveloped.

The City of Fort Collins supports and encourages the retention of existing mobile home parks to help preserve this unique and limited form of housing and as a strategy to support naturally occurring affordable housing in the community. Local efforts include grant support and resident organizing/training through the City's Neighborhood Services department and land use controls through zoning.

Manufactured Housing (MH) Zoning

The City's Manufactured Housing (MH) zone district was developed to discourage redevelopment of existing parks by limiting opportunities for redevelopment into other competing land uses, such as commercial or multifamily development. Manufactured housing communities are the primary land use permitted in the MH zone district and sends a strong policy signal to current and future landowners and residents that the City encourages this type of land use.

i Mobile Home Park Resources: Beyond preservation, the City of Fort Collins' Neighborhood Services department provides support for enhanced livability and support for park or individual unit upgrades through grant opportunities. Visit the Neighborhood Services website to learn more about:

- Mobile Home Park Residents' Handbook
- Dispute & Complaint Resolution Services
- Neighborhood Mini-Grant Opportunities
- Training & Legal Advice from Partner Agencies



STRATEGY 3 **Educate and promote City services, programs, and code enforcement expectations to neighbors.**

Implementation Action Items:

5.3.1 Perform outreach prior to and after annexation to educate residents and neighborhoods about Neighborhood Services programs and services such as mediation, neighborhood mini-grants, Adopt-A-Neighbor, and more.



5.3.2 Educate and promote City code enforcement standards with residents and neighbors prior to beginning proactive and graduated enforcement activities.

Note on Fulfillment of this Strategy:

The City has many different programs, grants, and neighborhood resources as well as code enforcement opportunities which are generally only available or enforced upon annexation.

Prior to Annexation: Before annexation occurs, the City can begin to educate neighbors on upcoming services and code enforcement expectations. For programs, grants, and other services that are available to the Growth Management Area, greater promotion should be directed towards the East Mulberry Plan Area.

Improvement Districts: As part of educating neighbors prior to and after annexation, the City and Larimer County can work proactively with neighborhoods to educate and/or promote Improvement Districts as a potential long-term maintenance structure for neighborhood infrastructure and amenities. See information about various types of Improvement Districts under Goal 3.

STRATEGY 4 **Periodically evaluate mitigation and redevelopment strategies for existing sources of attainable and affordable housing.**

Implementation Action Items:

5.4.1 Periodically update the 'Equity and Opportunity Analysis' with East Mulberry Plan Area data to evaluate gentrification and redevelopment risks.

5.4.2 Use a data-driven approach to apply counter-displacement strategies, as appropriate, after annexation of vulnerable neighborhoods. Counter-displacement strategies could include strategies such as preservation of mobile home parks and other naturally-occurring sources of affordable housing.

Note on Fulfillment of this Strategy:

Many neighborhoods in the East Mulberry Plan Area feature a range of affordable and attainable housing options, from mobile home parks to deed-restricted rental options in developing neighborhoods. Over time and as residential areas are annexed into the City, a periodic review of housing options and price points should take place to better understand and evaluate the full spectrum of housing options, prices, and redevelopment and displacement risk in the plan area. The specific application of any strategies may only be possible once an area is annexed into the City.

Prior to Annexation: Continue to include the East Mulberry Plan Area into relevant City housing data monitoring and policy updates.

STRATEGY 5 **Implement 15-Minute City strategies to promote complete neighborhoods with improved access to neighborhood supporting amenities and destinations.**

Implementation Action Items:

5.5.1 As community-wide policy plans are updated, identify locations in the East Mulberry Plan Area for public and institutional amenities such as recreation facilities and satellite government offices/services.

5.5.2 Preserve supportive land use opportunities in the plan area that allow for mixed-use and retail development near existing and future neighborhoods. Maintain a focus on opportunities for a grocer to locate within the plan area.

5.5.3 Utilize the plan area's existing and future public lands (parks, regional stormwater detention, natural areas, etc.) to promote greater multimodal connectivity and access to amenities and destinations internal to the plan area and externally to the remainder of the community.

Note on Fulfillment of this Strategy:

As new development occurs in the East Mulberry Plan Area there will be opportunities to promote strategic locations for neighborhood services such as grocery stores and childcare or to create and enhance transportation connections to existing amenities. Fulfillment of this strategy will partially depend upon annexation and development/redevelopment opportunities in the plan area.

Prior to Annexation: Staff should provide referral comments to Larimer County when new development is proposed outside city limits so as to achieve connectivity and amenity-driven goals.



15-Minute Cities Graphic from 15-Minute City Analysis
E-Micromobility refers to electric transportation like scooters or bikes.

Goal 5

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

5.A - Airpark

5.A.1 Preserve the existing Nueva Vida mobile home park through land use guidance and zoning upon annexation into the City.

5.A.2 Support the existing Nueva Vida mobile home community in pursuing necessary upgrades and services.

5.F - Frontage

Not applicable.

5.N - I-25 Interchange

Not applicable.

5.E - Residential Estate

5.E.1 Maintain the Southern Residential (Estate) character area as neighborhoods with lower development intensity and a rural look and character.

5.E.2 Preserve the existing Villas mobile home park through land use guidance and zoning upon annexation into the City.

5.M - Residential Mixed

5.M.1 Preserve the “missing middle” housing that already exists in this area and encourage inclusion of diverse housing types in new developments.

5.M.2 Preserve the existing Collins Aire mobile home park through land use guidance and zoning upon annexation into the City.

5.T - Transitional

Not applicable.

Goal 6

HISTORIC, CULTURAL, & NATURAL FEATURES

Protect and promote natural, historic, and cultural resources that support a cohesive and resilient community using nature-based solutions.

GOAL INTENT AND PURPOSE:

Fort Collins has a long history of protecting and enhancing existing natural and cultural resources, and the community's leadership continues to reinforce environmental stewardship and conservation as core values. From areas with natural habitat characteristics, and cultural assets, these areas can be found throughout the East Mulberry Plan Area, including, along the Cooper Slough, the Poudre River watershed, as well as adjacent ditches, wetlands, and undeveloped greenfield.

As new development, infrastructure investment, and potential annexation occurs within the East Mulberry Plan Area, it is important to establish strategies that support Fort Collins' commitment to natural and cultural resources conservation. Recognizing that the East Mulberry Plan Area's long history of development has had unintended impacts to existing natural resources, the Plan's strategies seek solutions that utilize nature-based solutions and protection of existing natural and cultural assets.

WHAT WE HEARD:

- Residents would like to preserve natural space and promote outdoor recreation.
- The community has a concern about loss of natural resources and cultural spaces to development.

① Nature-Based Solutions

Refer to actions that incorporate natural features or processes into the built environment. Nature-based solutions can be implemented within design, planning, and environmental management practices to improve resilience and achieve other benefits such as reducing flood risk, restoring wetlands, creating new recreational spaces, improving water quality, and more.

COOPER SLOUGH



STRATEGY 1

Protect and enhance existing natural habitats and features (including the Poudre River, Dry Creek, Cooper Slough, and Boxelder Creek) and significant historic and cultural resources through buffer standards and nature-based design.

Implementation Action Items:

6.1.1 Protect and enhance existing wetlands, naturalized stormwater features, and associated natural habitat buffers zones using nature-based solutions and green infrastructure design principles that build community resilience to climate change. Proposed development must not negatively impact the integrity of these existing features.

6.1.2 Improve water quality and reduce flooding by restoring, enhancing, and protecting the ecological function of natural habitats and features within the East Mulberry Plan Area to the maximum extent feasible.

6.1.3 Where a multi-use trail underpass is identified, the design of the facility should also consider such underpass to be a potential wildlife movement corridor and should be designed to accommodate such habitat value.

Note on Fulfillment of this Strategy:

This strategy aligns with existing Land Use Code sections, and contingent upon annexation, staff will establish predictable linkages with stormwater goals/strategies to clearly define nature-based design strategies.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments that would limit larger changes and impacts to existing natural resources and open spaces.

POUDRE RIVER



POUDRE RIVER TRAIL



STRATEGY 2 **Preserve, enhance, and improve connections of the existing natural and manmade open lands system to provide a comprehensive system for drainage, habitat, transportation, and recreational purposes.**

Implementation Action Items:

6.2.1 Enhance existing drainageways and natural areas to create an interconnected system of open lands and Greenways.

6.2.2 Enhance linkages to existing natural features and manmade infrastructure providing a comprehensive system for drainage, habitat, transportation and recreational purposes.

6.2.3 Based on both the current travel demand modeling results and existing natural resources within the Cooper Slough drainageway, Weicker Drive will not extend across the Cooper Slough from the industrial park to the east, to the planned extension of Greenfields Court to the west.

Note on Fulfillment of this Strategy:

Spending time outdoors can contribute to improved physical health, emotional well-being, and cognitive function. By enhancing natural and manmade open areas the Plan aims to create habitats for biodiversity, providing not only buffering in-between development but also places where people can feel a sense of wonder. The City will be able to apply best practice strategies to the resources within the East Mulberry Plan Area as future annexations occur.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments that would limit larger changes and impacts to existing natural resources and open spaces.



Greenways are corridors of protected open space managed for both conservation and recreation. Greenways often follow rivers or other natural features. They link habitats and provide networks of open space for people to explore and enjoy.



Stormwater parks are recreational spaces that are designed to flood during extreme events and to withstand flooding. By storing and treating floodwaters, stormwater parks can reduce flooding elsewhere and improve water quality.

STRATEGY 3

Provide a vital connection to the Poudre River and regional trail system, while protecting the recognized sensitive natural areas by maintaining responsible public access.

Implementation Action Items:

6.3.1 Continue to involve property owners, ditch companies and railroads in the planning of park and trail facilities.

6.3.2 The interface, between the Poudre River riparian habitat and development along East Mulberry Street, should be coordinated to retain environmental quality, encourage wildlife habitat and, where impacts can be appropriately buffered, provide access to recreation.

Note on Fulfillment of this Strategy:

Preserving and enhancing equitable access to the Poudre River recognizes the essential role that Poudre River has in creating and maintaining a thriving and healthy community. Prior to additional portions of the Poudre River annexing into the City of Fort Collins, continue to collaborate with stakeholders to manage this resource.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments to prevent any decrease in access to the Poudre River beyond the existing conditions.



STRATEGY 4 **Improve and increase appropriate public access to open spaces and natural features.**

Implementation Action Items:

6.4.1 Continue to provide environmental, recreational and transportation benefits to the community through the existing system of open lands.

6.4.2 Proposed parks and trails should continue to be integrated with the Citywide system, including facilities in the adjacent Mountain Vista and Poudre River areas.



Note on Fulfillment of this Strategy:

Preserving and enhancing appropriate and equitable access to open spaces and natural features recognizes the essential role that natural habitat buffers have in creating and maintaining thriving communities. Like other strategies in the Plan, fulfillment depends upon annexation to apply the City's preferred management strategies.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments to prevent any decrease in access to the open spaces and natural features beyond the existing conditions.

STRATEGY 5 **Identify new areas for natural areas to purchase and explore future opportunities to incorporate parks and recreational facilities within the plan area.**

Implementation Action Items:

6.5.1 Prioritize land conservation as a way of preserving and improving interconnected systems of open space that sustain healthy communities. As an example, the Cooper Slough's natural drainageways, wetlands, and wildlife habitat will be preserved and protected.

6.5.2 The East Mulberry Plan Area will be served by parks, multi-use trails, and other recreational facilities to support existing and planned neighborhoods, and to integrate with other facilities within the community.

Note on Fulfillment of this Strategy:

Urban natural areas help to meet the need for increasing everyone's access to nature. Urban natural areas provide islands of habitat in the urban environment that benefit wildlife as well as people seeking a close-to-home connection with nature. All urban natural areas serve a stormwater function to reduce flooding in nearby neighborhoods. Full realization of this strategy depends on annexation.

Prior to Annexation: Time, location, and cost were the three greatest barriers to increasing access to nature identified in the "Plug in to Nature Study," conducted in Larimer County (Design Workshop 2012).

STRATEGY 6 **Increase urban tree canopy.****Implementation Action Items:**

6.6.1 Protect and preserve trees wherever possible and mitigate and/or plant trees beyond the minimum requirements stipulated by the Fort Collins Municipal Land Use Codes and Larimer County Street Standards to create healthy and resilient people and tree populations.

**Note on Fulfillment of this Strategy:**

Although the City can continue to work proactively with Larimer County on referral comments for projects within the East Mulberry Plan Area, full implementation of this strategy depends on when areas are annexed and under City jurisdiction to implement them.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments that would limit larger changes to the quantity and quality of the existing urban tree canopy.

i Trees as Community Infrastructure - Trees are essential ecological, cultural and socioeconomic resources for the City, its residents and visitors. The benefits provided by a diversified and abundant community forest are many and include:

- Releasing oxygen and capturing air pollutants and carbon dioxide;
- Maintaining slope stability and preventing erosion;
- Filtering stormwater and reducing stormwater runoff;
- Reducing energy demand and the urban heat island effect through shading of buildings and impervious areas;
- Providing visual screening and buffering from wind, light, and noise;
- Sustaining habitat for birds and other wildlife;
- Providing a source of food for wildlife and people;
- Maintaining property values; and
- Contributing to the community health, appeal, beauty, character, and heritage of the City.

STRATEGY 7

Support the persistence, visibility, and physical integrity of significant historic places and cultural features that maintain a continuous sense of place throughout the ongoing evolution of the plan area.

Implementation Action Items:

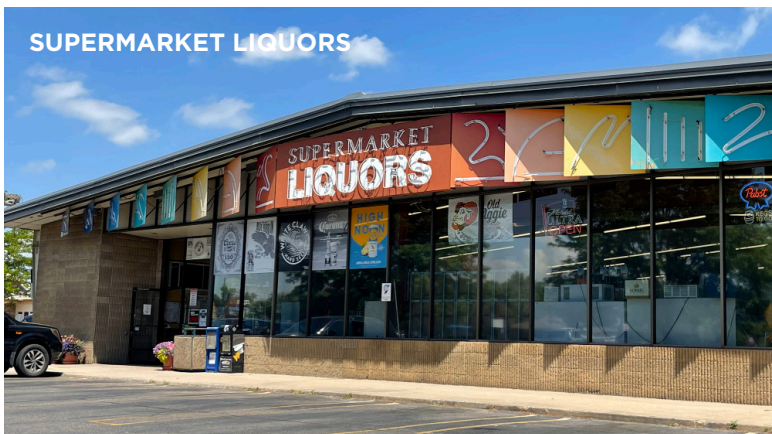
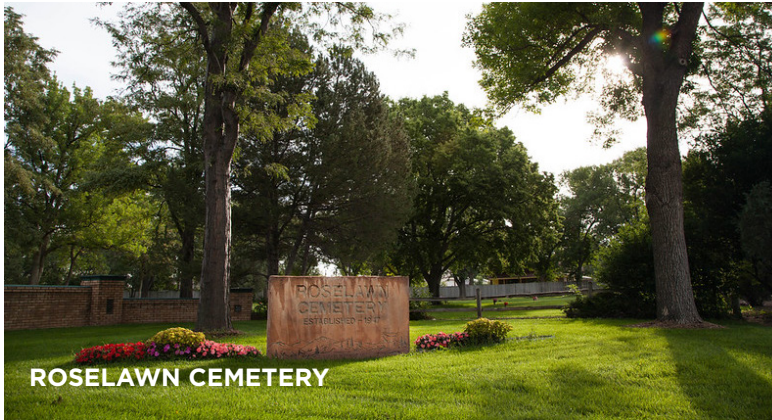
6.7.1 Existing man-made irrigation ditches and canals, should be enhanced to provide multi-use trails where feasible; including preservation of existing native vegetation, addition of new native landscaping and trails, and utilization of other site amenities to create an open lands system.

6.7.2 Identify historic resources of primary importance and anticipate strategies for adaptive reuse while working closely with and using input from community members to identify cultural resources for preservation.

Note on Fulfillment of this Strategy:

Application of the City's Municipal Code, Land Use Code, and Design Standards and Guidelines pertaining to historic buildings and structures is dependent on areas being under City jurisdiction.

Prior to Annexation: Work proactively with Larimer County to provide input and referral comments that would limit larger changes to the look and feel of existing neighborhoods as well as impacts to historic resources.



Goal 6

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

6.A - Airpark

6.A.1 Incorporate naturalized stormwater features that align with the spirit of protecting natural habitats as specified in the Land Use Code.

6.A.2 Promote nature-based solutions at the neighborhood level, including along parkways, trail systems, and common areas.

6.A.3 Celebrate and enhance the history of the Airpark and its significance in the development of Northern Colorado by recognizing and preserving remaining historic resources.

6.A.4 Support and incentivize urban design elements that create a cohesive character identity based on the history of the Airpark area.

6.F - Frontage

6.F.1 Enhance the urban tree canopy and establish tree buffer zones along I-25 to mitigate noise and improve aesthetics.

6.F.2 Promote the use of green infrastructure approaches, such as bioswales, rain gardens, and urban forests, in public and private development projects.

6.F.3 Preserve recognizable historic buildings, site features, and signage of legacy businesses that have contributed to the corridor's commercial success.

6.N - I-25 Interchange

6.N.1 Maintain the existing 300-foot Natural Habitat Buffer Zone (NHBZ) along Cooper Slough.

6.N.2 Consider aligning future Urban Area Zones and stormwater master plans with the Natural Areas department.

6.N.3 Enhance the urban tree canopy and establish tree buffer zones to reduce noise and enhance aesthetic features.

6.N.4 Promote nature-based solutions at the neighborhood level along parkways, trail systems, and common areas.

6.N.5 Use interpretive signage to recognize the agricultural, industrial, and commercial history of the corridor as travelers enter from the highway.

Goal 6

SPECIFIC IMPLEMENTATION ACTION ITEMS BY CHARACTER AREA

6.E - Residential Estate

- 6.E.1 Ensure equitable access to natural areas in the western extent of this character area.
- 6.E.2. Continue to protect and buffer the remaining pockets of habitat features along the Cooper Slough.
- 6.E.3 Enhance the tree canopy in this character area.

6.M - Residential Mixed

- 6.M.1 Continue to buffer and enhance Natural Habitat Buffer Zones in new development.
- 6.M.2 Promote nature-based solutions at the neighborhood level, such as along parkways, trail systems, and common areas.
- 6.M.3 Ensure equitable access to natural areas along Cooper Slough.

6.T - Transitional

- 6.T.1 Incorporate nature-based solutions, such as greenways or stormwater features, with naturalized and nature-based designs. Explore the creation of a green infrastructure corridor along Dry Creek.
- 6.T.2 Consider equitable access to natural features and improve connectivity of trails.
- 6.T.3 Preserve and enhance natural habitat corridors along ditches and adjacent wetland features to promote wildlife connectivity throughout this character area.

Goal 7

MULBERRY GATEWAY

Improve the function and visual appearance of the Mulberry & I-25 interchange and Mulberry Street frontage as a gateway into Fort Collins.

GOAL INTENT AND PURPOSE:

As a prominent entrance to the community and a primary route to Downtown, Colorado State University, and the Poudre Canyon many stakeholders expressed a desire to create a better first impression for the plan area and broader community – one that is visually attractive, functional, and safe. The current I-25 & Mulberry Interchange and the surrounding area features a mix of jurisdictional authority between the City, County, and Colorado Department of Transportation that could benefit from a broader vision and standards to promote aesthetic, transportation, and safety improvements.

WHAT WE HEARD:

- Residents and businesses inside and outside the East Mulberry Plan Area voiced a desire for aesthetic improvements to the gateway area around I-25 and along the Mulberry Street frontage. A lack of formal landscaping, sign clutter, and material stockpiling and outdoor storage were often cited as conditions that lowered visual quality.
- Businesses want to ensure Mulberry Street remains functional as a logistics and supply route for businesses.
- Some residents and businesses share concerns about the safety and efficiency of navigating the corridor and the interchange at I-25. Safety and ease-of-use of the frontage roads and interchange ramps should be improved or redesigned.

MULBERRY STREET



STRATEGY 1 **Develop design standards and funding strategies for enhancements to emphasize the I-25 interchange and Mulberry Street corridor frontage.**

Implementation Action Items:

7.1.1 Develop an urban design and streetscape program to provide design standards and guidance for future enhancements within the Mulberry Street right-of-way and for improvements along private property frontages abutting Mulberry Street and the I-25 interchange.

7.1.2 Actively partner with CDOT, Larimer County, and other stakeholders on the redesign of the I-25/Mulberry interchange. Similar to other gateway interchanges, safety, multimodal connectivity, and aesthetic/design enhancements should be emphasized in preliminary design.

As a baseline, draw upon input provided by the community regarding future gateway design elements. Based on 2019 community workshops on gateways, the future gateway design elements should consider the design priorities described on the following page.

7.1.3 In coordination with CDOT and the National Scenic Byway program, enhance wayfinding and signage along the corridor to identify important destinations such as Downtown, the Poudre Canyon, and important local delivery routes serving Mulberry businesses.

7.1.4 New development abutting the I-25/Mulberry interchange will be required to meet the land use, transportation, and design standards adopted as part of the I-25 Subarea Plan and the Mulberry Activity Center.

Note on Fulfillment of this Strategy:

While the City recently annexed the I-25 right of way, the majority of Mulberry Street remains outside Fort Collins jurisdiction which will limit the application of City-specific goals and standards.

Prior to Annexation: Prior to full annexation, the City should begin to identify and budget resources for design work, ongoing maintenance, and key aesthetic enhancements to the interchange and Mulberry Street frontage for anticipated future reconstruction and capital projects.

MOUNTAIN OPENINGS PUBLIC ART



See the Gateway Character Area in Section 2 for further guidance on priority gateway design characteristics.

Design Priorities

One of the largest opportunities for the I-25 Gateway will be the future reconstruction of the Mulberry & I-25 interchange. Similar to other major gateways into the community, the City should participate alongside CDOT and other corridor stakeholders to enhance the design of the transportation infrastructure and surrounding streetscapes and landscapes. Based on 2019 community workshops on gateways, the future gateway design elements should consider the following characteristics:

- **Naturalized grading** – Community members expressed a strong preference to prioritize naturalistic qualities over more structural components, e.g., berming versus retaining walls. Where structural elements are required, they should use natural materials such as stone.
- **Landscaping** – The gateway design and surrounding streetscapes should rely primarily on landscaping elements to create a positive impression. Native landscaping and green edges of the right-of-way with the potential for more formal plantings near interchange and street infrastructure, reminiscent of the planters and flowers installed at the Mulberry Street bridge over the Poudre River.
- **Welcome Signage** – Community members voiced a preference for muted welcome signage similar to what was constructed at the I-25/CO392 interchange that complements rather than competes with other landscaping and design elements.
- **Artwork & Sculpture** – Artwork, patterns, and sculpture all received positive mentions by community members as appropriate localized features within a gateway design.
- **Themes** – Additional outreach should be completed at the time the future interchange design is underway. While naturalistic qualities are desired on a community-wide basis, there may be additional opportunities to reflect Mulberry's unique cultural and economic history as a center for industry, aviation, agriculture, or the gateway to the Poudre Canyon as a scenic byway.

STRATEGY 2 **Implement interim enhancements to improve the attractiveness of the gateway and Mulberry Street frontage.**

Implementation Action Items:

7.2.1 When minor redevelopment and changes of use occur along the interchange or Mulberry Street frontages, staff should prioritize and emphasize aesthetic improvements as part of the review process and site upgrade requirements. The most impactful site enhancements will typically include new/replacement canopy trees, replacing nonconforming signage, and relocating or screening low visual quality site areas like outdoor storage.

7.2.2 Replace or modify nonconforming or outdated signage in the plan area to ensure compliance with City standards and reduce visual clutter. Strictly enforce the City's 7-year sign amortization period after annexations occurs to transition nonconforming signage to City standards.

7.2.3 As properties redevelop, billboards will generally be required to be removed. Prior to redevelopment, the City should explore incentives for the voluntary consolidation or removal of billboards in the plan area.

7.2.4 Expand the offering of City landscaping and beautification programs to businesses and properties along the Mulberry frontage prior to annexation. Programs such as free mulch and the community canopy program provide free resources to property owners to enhance on-site landscaping and improve tree canopies.

7.2.5 When new development or catalyst projects occur along the Mulberry Street frontage, encourage high quality building and site design to set an enhanced style for future development. New developments should focus on frontage landscaping design, implementing an appropriate tree canopy in an industrial/commercial context and building/roof design variation and other design standards articulated in the I-25 Subarea Plan for the Mulberry Activity Center.

Note on Fulfillment of this Strategy:

A functional and attractive gateway will be the result of actions taken on by both private property owners and businesses, and the public sector and in the public right-of-way. Incremental enhancements are likely to occur over a number of years as private properties develop and redevelop, while larger functional changes to roadways and interchanges are likely to require catalyst capital projects, such as rebuilding the Mulberry and I-25 interchange. Enhancements in the right-of-way such as landscaping, street furniture, urban design elements, and public art may require annexation into the City or special funding partnerships with overseeing jurisdictions prior to annexation.

Prior to Annexation: The City should continue advocating and partnering with Larimer County and CDOT to align site, building, and landscaping requirements towards City standards along Mulberry Street and the I-25 gateway prior to annexation.

STRATEGY 3

Balance desires for aesthetic improvements with the ongoing role of the East Mulberry Plan Area as an industrial and commercial hub with unique business needs and requirements.**Implementation Action Item:**

7.3.1 In new or redeveloping properties, shift lower quality aesthetic site functions such as outdoor storage to the back of properties when possible. In lieu of relocation, ensure screening of lower quality visual areas on the front, public-facing half of properties.

Note on Fulfillment of this Strategy:

Areas within the East Mulberry Plan Area feature a variety of industrial businesses that may include outdoor storage yards, material stockpiling, and other less attractive lower quality visual but otherwise vital functions that support the entire community. Aesthetics are just one important component of an overall gateway strategy and should be provided with enough flexibility so as not to compromise the plan area's role for industrial and commercial development.

Prior to Annexation: City and County staff and decision makers should consider flexibility in adapting community-wide development standards and requirements to the context of the East Mulberry Plan Area and its industrial and commercial businesses and development history.

Item 28.

Goal 7

SPECIFIC IMPLEMENTATION ACTION
ITEMS BY CHARACTER AREA

7.A - Airpark
Not Applicable

7.F - Frontage
7.F.1 Create and establish a healthy tree canopy and improve other landscaping.
7.F.2 Consider providing incentives for the removal of billboards on private property.
7.F.3 To achieve goals related to aesthetic improvements for the Mulberry Street frontage, consider enhanced screening for uses that involve outdoor storage.
7.F.4 Implement wayfinding to improve navigation.

7.N - I-25 Interchange
7.N.1 Improve wayfinding, signage, and landscaping to indicate the entrance to Fort Collins.
7.N.2 Remove pole signs.
7.N.3 Enhance the safety, aesthetics, and functionality of the I-25 interchange.
7.N.4 Create a healthy tree canopy and improve other landscaping.
7.N.5 Provide incentives for the removal of billboards on private property.
7.N.6 To achieve goals related to aesthetic improvements for the I-25 Gateway, consider enhanced screening for uses that involve outdoor storage.

7. E - Residential Estate
Not Applicable

7. M - Residential Mixed
Not Applicable

7. T - Transitional
Not Applicable

4

Implementation

Place Type Framework

Transportation Framework

Development Review Framework

Implementation Introduction

The Implementation Section explores more practically how the goals, strategies, and implementation action items recommended within this plan could be accomplished. Within this section, there is a Place Type Framework map that depicts future land uses, a Transportation Framework map that explores a potential transportation network, a Development Review Spectrum to guide future development activity in the East Mulberry Plan Area.

Place Type Framework

The Place Type Framework will help guide land use and development/redevelopment activity within the East Mulberry Plan Area. The Place Type Framework depicts place types for the entire plan area. Place types are land use categories that are designated in the City Plan, Fort Collins' comprehensive plan. These place types provide a framework for the ultimate buildout of Fort Collins and help guide future land use decisions, such as initial zoning when areas of the East Mulberry Enclave are annexed. Place types are not zoning districts but instead broader categories that focus on the types of land uses and development intensities to encourage.

However, place types can be correlated to City zoning districts. The table within this section called "Current City Zoning Districts and Corresponding Structure Plan Place Types" further depicts the alignment between Fort Collins zoning districts and City Plan Place Types.

The 2002 EMCP includes a Framework Plan that is based primarily on zone districts that exist under City zoning. Though this map has served well in guiding land use decisions for the plan area, place type designations can offer additional flexibility with an annexation thresholds strategy where the timing of annexation is unknown. In most cases, place types closely align with existing land uses and, in some cases, may better align with existing uses. When areas are annexed in the future, upon annexation they will be assigned one of the City's zoning district designations. Staff will consider both the underlying Larimer County zoning designation as well as the place type guidance to apply a City zoning designation.

In general, the key land use philosophies for the East Mulberry Plan Area remain largely the same as they are both in the 2002 EMCP as well as the 2019 City Plan. This includes retaining the Mulberry commercial frontage, preserving areas of industrial use, and highlighting buffers that protect natural resources.

PLACE TYPES IN THE EAST MULBERRY PLAN AREA

This section describes the recommended composition of place types throughout the East Mulberry Plan Area. Overall, the plan area is comprised of many place types, again reflecting the diversity of land uses found within this area. The residential neighborhoods north of Mulberry, including Mosaic, Dry Creek, Buffalo Run, and others are designated as Mixed Neighborhood. Mixed Neighborhoods have principal land uses of single-

family homes, duplexes, triplexes, and townhomes in a compact neighborhood setting. The three existing Mobile Home Parks within the plan area (Nueva Vida, Collins Aire, and the Villas) are included under the Mixed Neighborhoods place type. Note that it is a recommendation of this plan to designate Nueva Vida as the Mixed Neighborhoods place type, as previously stated.

Place Type Framework

**Suburban Neighborhood and Rural Neighborhood**

The majority of the neighborhoods south of Mulberry Street are designated as either Suburban Neighborhood or Rural Neighborhood place types. The Pleasant Acres and Boxelder Estates neighborhoods fall within the Rural Neighborhoods place type. Note that it is a recommendation of this plan to reassign Pleasant Acres and Boxelder Estates to the Rural Neighborhoods place type. Rural Neighborhoods have a principal land use of single-family homes and agricultural uses. This place type supports opportunities for rural lifestyles and connectivity to open spaces. Use of this place type supports and aligns with feedback collected from residents within these neighborhoods who shared that they most value the existing rural character of their communities. The Suburban place type also has a principal land use of single-family homes, but supports suburban intensity levels as well as additional amenities such as parks, recreational facilities and schools.

Suburban and Neighborhood Mixed-Use

Preservation of the commercial frontage along Mulberry Street is a key element of the Place Type Framework map. On the Place Type Framework map, the areas along and immediately surrounding Mulberry Street are designated as the Suburban Mixed-Use place type. This place type primarily supports retail, restaurants, and commercial services. The Suburban Mixed-Use place type can include lower-intensity, auto-oriented uses, which is the case for much of Mulberry Street frontage. However, as infill/redevelopment occurs in the long-term future of Mulberry Street, this place type is also supportive of transit-oriented development pattern if a high-frequency transit service were to be implemented along Mulberry Street. Of note is a small area near Mulberry Street and Greenfield Court designated as the Neighborhood Mixed-Use District place type. This place type principal land uses include grocery stores, supermarkets, or other types of retail like drug stores and neighborhood-serving uses. The 2002 EMCP had also designated a Neighborhood Commercial land use around this area, with the aim of attracting a grocery store or other neighborhood-serving retail function in this location. As described in other sections of this plan, the plan area lacks retail options that serve the daily needs of residents. By designating this area as a Neighborhood Mixed-Use District, it is still the intent of this plan to encourage and attract retail uses such as a grocery store to serve the growing residential population in the plan area.

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Place Type Framework

**Industrial and Research & Development (R&D) Flex**

Other key place types that comprise the East Mulberry Plan Area include the Industrial and Research & Development (R&D) Flex Districts. As shown on the Place Type Framework map, the Industrial District is applied to the Airpark area as well as surrounding the Mulberry and I-25 Interchange. The R&D Flex place type is applied to the area northeast of the Airpark, including the former runway/taxiways and the areas near Timberline and International Boulevard. The Industrial District place type supports land uses such as manufacturing, assembly plants, warehouses, outdoor storage yards, distribution facilities, as well as flex space for smaller, local start-ups. Transportation facilities in the Industrial District should promote the efficient movement of commercial truck traffic that supports and facilitates industrial function.

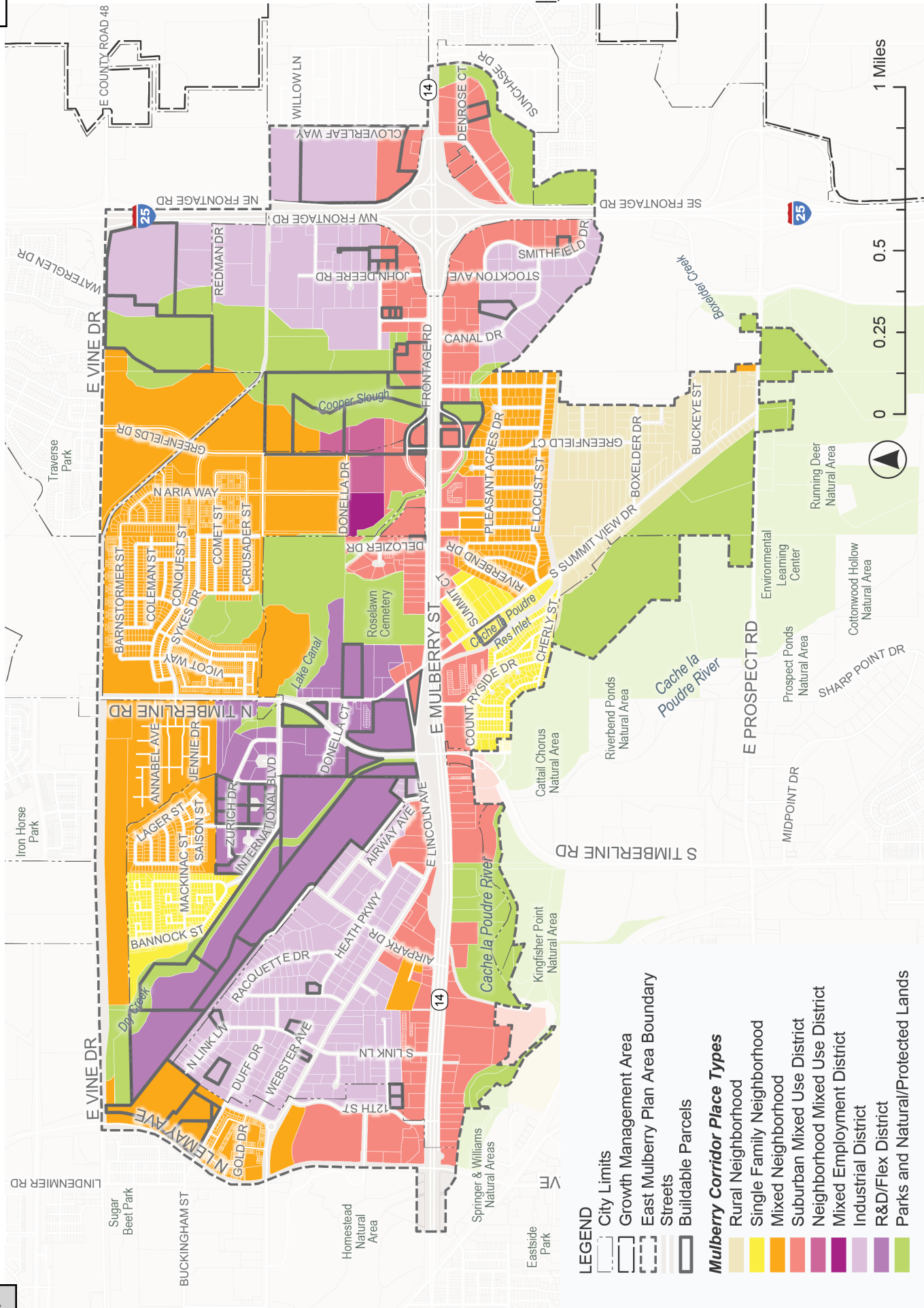
The R&D Flex District is one of the most flexible place type designations and supports a wide range of light industrial, employment, and commercial/retail land uses. Application of the R&D place type is supportive of Plan goals to remain a viable place for business and industry and promote additional neighborhood services and retail. This is particularly relevant for large portions of the Transitional Character Area which forms a bridge between established industrial development and new residential neighborhoods. The flexibility and range of uses within this place type make it ideal to accommodate a variety of future functions and land uses serving the needs of industrial and residential users while applying more modern buffering and

Parks and Natural/Protected Lands

The Parks and Natural/Protected Lands place type is applied to many areas of the East Mulberry Plan Area as shown on the Place Type Framework map. This place type is used where the City has already established ownership of land as an existing or future park, natural area or green space, and in areas bordering sensitive natural features and resources where buffering standards in future development will be required, such as along the Cooper Slough or Poudre River. The principal land uses within this place type as stated in City Plan include parks, open space, greenways, natural areas, spaces for outdoor recreation, agriculture, or community separators. South of Vine Drive and northeast of the Airpark is Dry Creek. The Airpark generally is located within the floodplain, but the area surrounding Dry Creek is designated as a high floodway. Designating the portion of the area surrounding Dry Creek, as the Parks and Natural/Protected Lands place type, is supportive of integrating future stormwater/floodplain enhancements along with environmental protection and transportation enhancements. Multiple strategies in this plan speak to incorporating natural features with floodplain enhancement (See Goal 2).

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ACE TYPE FRAMEWORK MAP



RECOMMENDED PLACE TYPE CHANGES FROM CITY PLAN

The East Mulberry Plan is recommending several changes to place type designations within the plan area that will require updates to the City Plan Structure Plan map. A recommended action item emerging from the adoption of this plan is to update the Structure Plan map in City Plan to be consistent with these changes.

Most recommended changes to place types are minor and reflect changes such as:

- Project-specific rezonings or annexations occurring since the last Structure Plan Map update in 2019
- City-purchased properties for future natural areas

Other minor changes to place type designations include the following:

- Increase in commercial designations fronting the I-25 Interchange to better reflect existing uses in place. It is recommended that these areas change from the Industrial place type designation to Suburban Mixed-Use District place type designation.
- Reassign the areas north of the Kingfisher Point Natural Area bordering Mulberry Street from Suburban Mixed-Use District to Parks; Natural/Protected Lands.
- Assign the Nueva Vida Mobile Home Park to the Mixed Neighborhood place type (change from Suburban Mixed-Use District).
- Reassign the Pleasant Acres and Boxelder Estates Neighborhoods from Suburban Neighborhood place type to Rural Neighborhood place type to better reflect the established large lot residential character of these neighborhoods.

The most substantial change recommended as part of this plan update is to reassign a large portion of the area surrounding the Airpark from the Industrial place type to the Research and Development/Flex District place type.

PLACE TYPES AND PLAN GOALS

Place type designations, as guided by City Plan, are intended to help realize the ultimate desired character and land use for all areas within the Fort Collins Growth Management Area. The place types assigned to the East Mulberry Plan Area closely align with the goals of this plan. Place type assignments are supportive of the strategies outlined in Section 3 of this plan and collectively will serve in tandem to implement the vision of this plan.

Place Type Assignment or Recommended Place Type Change	Alignment with Plan Goals and Strategies
Reassign the areas north of the Kingfisher Point Natural Area bordering Mulberry Street from Suburban Mixed-Use District to Parks; Natural/Protected Lands place type	Goal 6, Strategy 1 and 3 Protect and enhance existing natural habitats and features like the Poudre River and the areas that surround it.
Assign the Nueva Vida Mobile Home Park to the Mixed Neighborhoods place type	Goal 5, Strategy 2 Preserve and enhance existing mobile home parks.
Reassign the Pleasant Acres and Boxelder Estates Neighborhoods from Suburban Neighborhood place type to Rural Neighborhood place type	Goal 5, Strategy 1 Maintain similar land use and streetscape character in established neighborhoods.
Apply the R&D Flex place type designation to portions of the plan area near the Airpark	Goal 1, Strategy 2 Support the retention of existing industrial and agricultural business uses.
Maintain the Neighborhood Mixed-Use District place type near the Mulberry Street and Greenfield Court intersection	Goal 4, Strategy 3 Designate areas for commercial development that support the daily needs of residents and businesses.

CURRENT CITY ZONING DISTRICTS AND CORRESPONDING STRUCTURE PLAN PLACE TYPES

The table below illustrates the general alignment between current Fort Collins zoning districts and the place types found in the City Plan Structure Plan Map. In some instances, there is a one-to-one relationship between the current zoning districts and the corresponding Structure Plan place types (i.e., the Industrial zoning district and the Industrial District place type). In other instances, there are multiple zoning districts that may correspond with the purpose and intent of a particular Structure Plan place type (i.e., there are four zoning districts that correspond to the Mixed-Neighborhood place type), or multiple place types that correspond with a zoning district. Place types represent a broader approach to future land use guidance compared to zoning alone.

CURRENT CITY ZONING DISTRICTS	CORRESPONDING STRUCTURE PLAN PLACE TYPES
Residential	
Rural Lands District (RUL)	Rural Neighborhood
Residential Foothills District	
Urban Estate District	Rural Neighborhood or Suburban Neighborhood depending on development context
Low Density Residential District (RL)	Suburban Neighborhood
Low Density Mixed-Use Neighborhood (LMN)	Suburban Neighborhood or Mixed- Neighborhood depending on development context
Neighborhood Conservation, Low Density District (NCL)	Suburban Neighborhood
Medium Density Mixed-Use Neighborhood District (MMN)	Mixed Neighborhood
Neighborhood Conservation, Medium Density District (NCM)	
Neighborhood Conservation, Buffer District (NCB)	
High Density Mixed-Use Neighborhood District (HMN)	
Commercial and Mixed Use	
Downtown	Downtown
Community Commercial District (CC)	Suburban Mixed-Use
Community Commercial District- North College District (CCN)	
Community Commercial District- Poudre River District (CCR)	
Service Commercial District (CS)	
General Commercial District (CG)	Urban Mixed-Use
Neighborhood Commercial District (NC)	Neighborhood Mixed-Use
Limited Commercial District (CL)	Downtown; Suburban Mixed-Use
Employment and Industrial	
Employment and Industrial	Mixed Employment; R&D Flex
Employment District (E)	
Industrial District (I)	Indistrial, R&D Flex

PLACE TYPES AND UNIQUE USES WITHIN THE EAST MULBERRY PLAN AREA

As previously mentioned, this plan has assigned place types rather than prescribing Fort Collins zone districts to the East Mulberry Plan Area, namely because the broader place type categories are better suited to flexibly accommodate the diversity of unique land use types that already exist in the plan area. Also, place types can help guide general land use decisions as the plan area grows and changes over time, particularly for places where new development or redevelopment is expected. In these areas that will evolve and change, it does not make sense to assign a zone district until a more concrete vision for land use is known.

It was also previously noted that as areas of the East Mulberry Plan Area may be annexed through threshold annexations, they will be assigned to a City zone district upon annexation. It is anticipated that zone districts will remain aligned with existing Larimer County zoning and with a zone district consistent with the assigned place type. This is particularly important in meeting this plan's goal to preserve existing industrial areas by zoning them appropriately when they come into the City through annexation. However, there are some existing uses within the East Mulberry Plan Area that are not currently allowed within the City's industrial zone district, or any other City zone district. These include many of the long-standing agricultural service businesses located around the Mulberry and I-25 Interchange such as livestock auctions or livestock meat processing. If these areas were to be annexed into the City, they would receive a 'lawful, non-conforming' status.

Future Viability of the Agricultural Service Uses

The Fort Collins Land Use Code defines nonconforming uses as a use which was lawful immediately before annexation, but which does not conform to the use regulations for the zone district in which such use is located at the time of annexation. Nonconforming uses have limitations as directed in the Land Use Code, including that the expansion or enlargement of existing buildings shall not add more than 25% of



new floor area. To preserve and support the future viability of the agricultural service uses surrounding the interchange that would be non-conforming, it is the recommendation of this plan that additional permitted uses be added to the City's Industrial zone designation. At the time that these areas surrounding the interchange experience a threshold annexation, a simultaneous amendment to the Land Use Code should be put forward to add these uses within the Industrial zone district, the zone designation that would likely be applied to these areas.

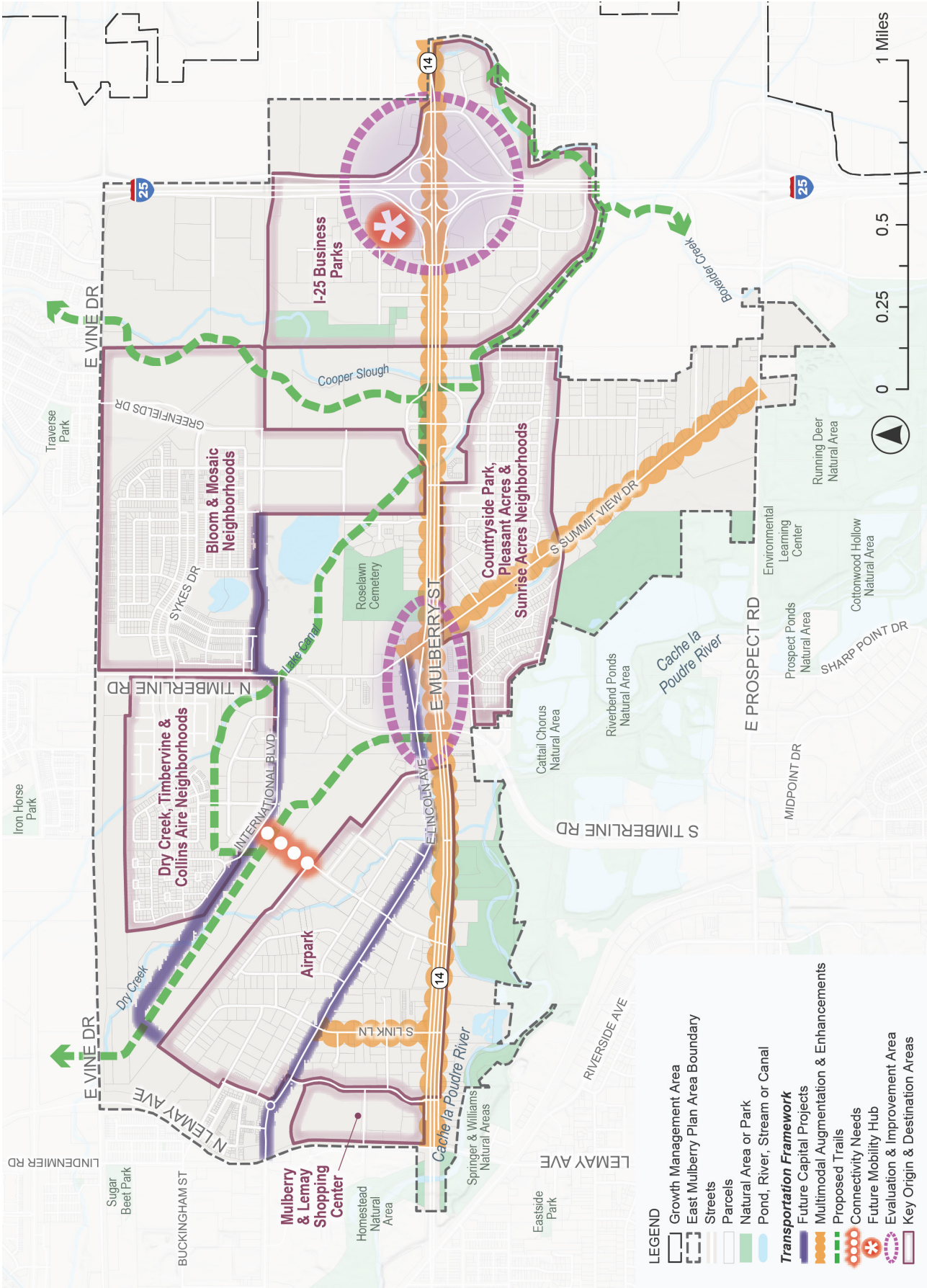
Proximity Based Standards

It is recommended that this addition of uses to the Industrial zone district be accompanied by proximity-based standards. Proximity-based standards are a tool that can be used to allow uses only in the industrially zoned land within a certain specified geographic area. In this case, these uses are concentrated in the northwest quadrant of the interchange. Therefore, the proximity-based standards could specify that certain additional uses be allowed in the Industrial zone district within a certain distance from the I-25 and Mulberry Interchange. The exact uses to be added and the appropriate distance determination should be evaluated at the time of annexation. This can help ensure that existing businesses offering meat processing, livestock auctioning, and other agricultural service uses remain in their current locations near the interchange without a non-conforming status following annexation. The proximity-based standards can also ensure that these types of uses, which are appropriate in their current context, but may not be appropriate in other areas, are not allowed within other parcels across Fort Collins with an Industrial zone designation.

Item 28.

Transportation Framework

TRANSPORTATION FRAMEWORK MAP

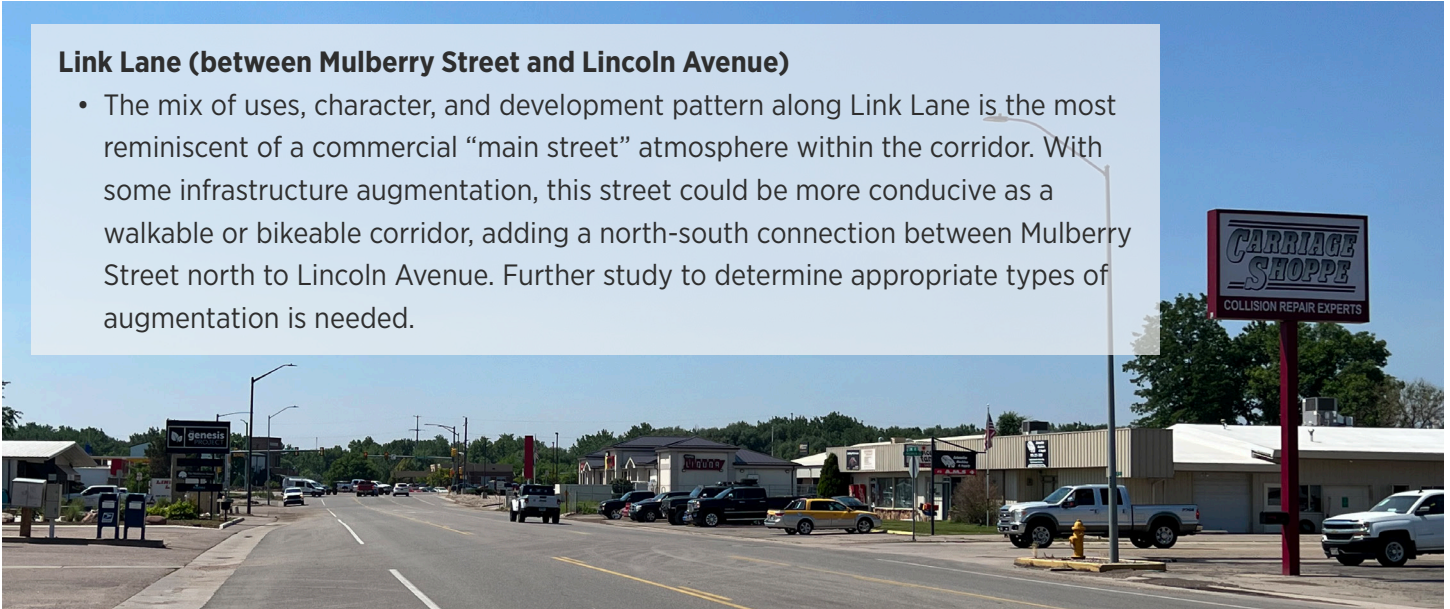


Transportation Framework

The Transportation Framework map depicts connectivity needs, proposed streets for augmentation, and areas that require future evaluation and improvement. Like other aspects of the Plan, the timing and implementation of many of these proposed strategies are dependent on annexation and available resources at that time. Because the existing streets in this area are deficient both in condition and multimodal infrastructure (see the Surface Conditions of Roads Map in Section 1 of the Plan), the general philosophy of the Transportation Framework is to address priority and interim needs. In the long-term, it is assumed that streets in the plan area will meet Larimer County Urban Area Street Standards (LCUASS). To reach full LCUASS standards represents a substantial investment of resources, therefore, many of the improvements captured on the Transportation Framework map represent augmentation opportunities that may not meet full LCUASS standards but offer a way to enhance streets with safe and convenient multimodal connections in a more interim capacity. This approach is further described under Goal 3, Strategy 1. Some of the areas identified on the Transportation Framework map in the “**Multimodal Augmentation & Enhancements**” category include:

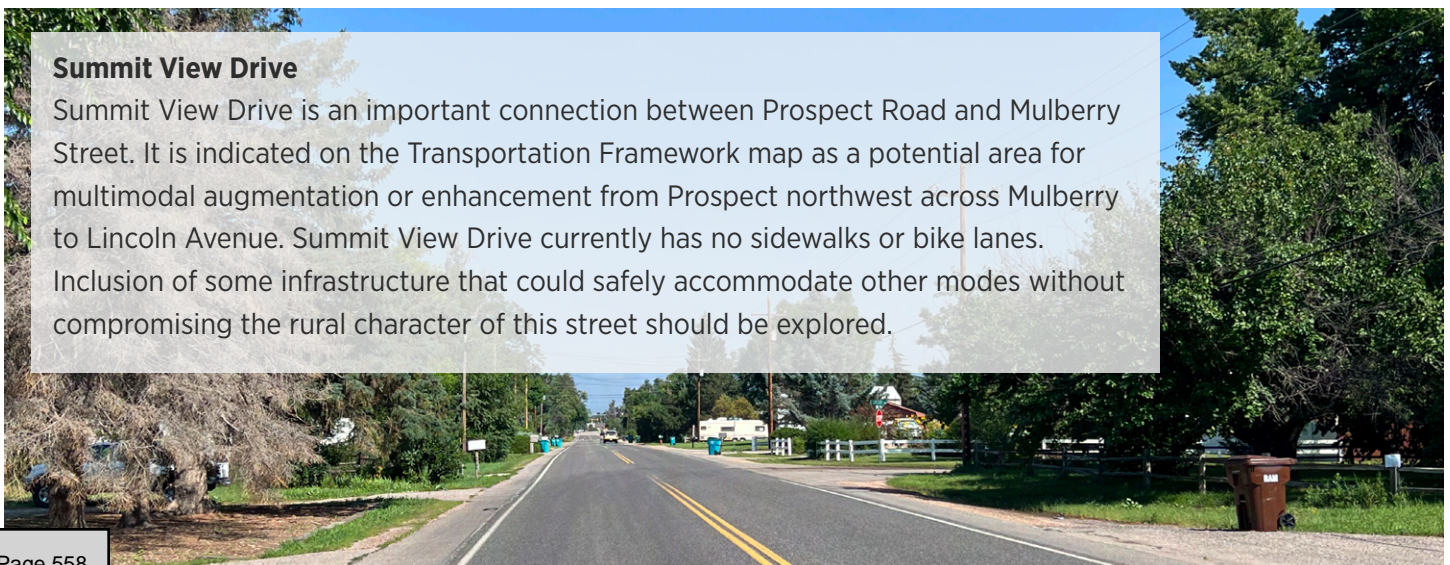
Link Lane (between Mulberry Street and Lincoln Avenue)

- The mix of uses, character, and development pattern along Link Lane is the most reminiscent of a commercial “main street” atmosphere within the corridor. With some infrastructure augmentation, this street could be more conducive as a walkable or bikeable corridor, adding a north-south connection between Mulberry Street north to Lincoln Avenue. Further study to determine appropriate types of augmentation is needed.



Summit View Drive

Summit View Drive is an important connection between Prospect Road and Mulberry Street. It is indicated on the Transportation Framework map as a potential area for multimodal augmentation or enhancement from Prospect northwest across Mulberry to Lincoln Avenue. Summit View Drive currently has no sidewalks or bike lanes. Inclusion of some infrastructure that could safely accommodate other modes without compromising the rural character of this street should be explored.



Mulberry Frontage Roads

- One concept that requires further analysis and collaboration with CDOT and other stakeholders would be to explore building shared use paths along the medians between Mulberry Street and the adjacent frontage roads. If feasible, this concept could offer a way to integrate multimodal infrastructure that is separated from the fast-moving traffic of Mulberry Street. This concept is included in the Active Modes Plan. See also Implementation Action Item 3.2.4 under Goal 3.



The Transportation Framework map also indicates

Future Capital Projects. Capital Projects in this case would be larger scale infrastructure enhancements that would be permanent changes to the characteristics and function of these roadways. One potential future Capital Project identified would be to continue the same street cross section on Lincoln Avenue from Lemay to Summit View. The City of Fort Collins improved the Lincoln Avenue Corridor between Riverside and Lemay, incorporating a buffered bike lane, landscaped medians, improved sidewalks, and integrated transit stops with bus pull-outs. These conditions do not continue beyond the roundabout near Cordova Road and there are no sidewalks or designated bicycle infrastructure on Lincoln Avenue through the remainder of the plan area. When considering future improvements to Lincoln Avenue east of Cordova Road, the design alternatives and concepts explored in the Lincoln Corridor Plan should be consulted so that continuous conditions from Lincoln Avenue to the west can be maintained as much as feasible. Future improvements to the segment of Lincoln Avenue within the plan area as well as other streets containing transit stops should consider

The continuation of International Boulevard is identified on the Transportation Framework map as another Future Capital Project. At the time of this plan's publication, International Boulevard currently exists in a short segment between Timberline and Bannock/Toronto Street in the Dry Creek neighborhood. From the Dry Creek neighborhood, the ultimate alignment of International Boulevard would connect with Cordova Road at the most northwest corner of the Airpark area. International Boulevard from Timberline Road would then jog slightly north and continue eastwards just below the Bloom and Mosaic neighborhoods. A direct connection northeast from Airpark Drive across the former runways/taxiways to International Boulevard should be considered during future Master Street Plan updates to improve connectivity to/from the Airpark. The Dry Creek, Timbervine, and Collins Aire neighborhoods have no access to the Airpark without first traveling east to Timberline, then into the Airpark via Lincoln Avenue. This potential connection is indicated on the map as **"Connectivity Needs"** and should be evaluated through further study.

Transportation Framework

Also overlaid on the Transportation Framework map is a network of **proposed trails**. Many of the proposed trails shown are consistent both with what was previously depicted on the 2002 East Mulberry Corridor Plan Framework Map, as well as with the City's 2013 Paved Recreation Trail Master Plan. Following publication of this plan, the City will be performing an update to the Strategic Trails Plan. That plan will include the East Mulberry Plan Area and should be consulted for guidance on integration of future trails within this area.

Many of the concepts put forward on the Transportation Framework map represent opportunities and ideas to further augment the transportation network of the East Mulberry Plan Area. These concepts would represent substantial change and would be accompanied by substantial costs to implement. The depth and breadth of analysis required to evaluate and explore these concepts cannot be accomplished through just this plan. Therefore, a key recommendation of the East Mulberry Plan is to complete a transportation-specific plan for the East

Mulberry Plan Area to understand and address the full set of needs. Part of this effort would be to identify funding and resources for a transportation-focused plan prior to when this area may be annexed in the future. See Goal 3, Strategy 3.

Specific areas within the East Mulberry Plan Area that will require additional evaluation are indicated on the Transportation Framework map as "**Evaluation & Improvement Areas**". A few specifically identified areas for further study include the intersection around Mulberry Street, Lincoln Avenue, Timberline Road, and Summit View Drive. The Mulberry and I-25 Interchange is another area identified for further study, including the evaluation of this area for a future mobility hub. Mobility hubs are meant to provide a seamless connection between transit and other modes of transportation and are intentionally located in key areas where the transit network intersects with other components of the transportation system. **Mobility hubs** can combine features like park-and-rides, bike parking, microtransit such as scooters, and enhanced transit shelters, amongst other elements.



Development Review Framework

EXISTING CHALLENGES TO DEVELOPMENT

The Mulberry Corridor's built environment spans multiple jurisdictions and over 70 years of varying development standards. The corridor still lacks a consistent pattern of development, and in many locations, basic health and safety infrastructure such as sidewalks, curb and gutter, and drainage networks. While new greenfield development in the plan area is expected to meet all modern development standards, as existing sites undergo changes in business activity or partial redevelopment, challenges remain in determining and prioritizing site upgrades. While the overarching goal is to bring properties closer to modern standards, this must be balanced against both a proportionate level of change to the site and while being mindful of corridor goals to maintain a unique and affordable location in the community for industrial and commercial businesses. With these goals and challenges in mind, the **Development Review Spectrum** was developed to guide future development and redevelopment activity for annexed properties within the plan area.



BILLBOARDS



NEIGHBORHOOD FLOODING



SIDEWALK DEVELOPMENT

DEVELOPMENT REVIEW SPECTRUM

The Development Review Spectrum highlights typical requirements and areas of flexibility for site upgrades within the City of Fort Collins' development review process. It is called a spectrum because it is organized by the level of review for different configurations of site and building upgrades, from lowest level of requirement to highest level of requirement. The purpose of the Development Review Spectrum (the spectrum) is to provide a structured and strategic approach for revitalizing and improving properties over time as they come through the City's Development Review process. It serves as an informational guide or roadmap for stakeholders involved in the redevelopment process, such as staff and decision-makers, developers, community organizations, and residents. The intent of the spectrum is to respond to context-specific needs by taking into account unique characteristics, challenges, and opportunities of the specific area being developed. The spectrum should be used alongside Plan strategies and a site's character area to identify priorities and flexibility for incremental site upgrades when appropriate based on site context and the proposed level of review.

Key objectives of the spectrum include:

- 1. Establish Priorities:** It establishes clear goals for the redevelopment of the area, outlining what the desired outcome and future state of the area should be.
- 2. Preserve Flexibility:** The spectrum recognizes that different contexts may require different implementation strategies. It outlines land use strategies that help shape the physical layout and character of the redevelopment area. By utilizing the place types approach, the framework allows for adjustments and adaptations as needed to ensure future annexation projects align with changing conditions and can respond to current needs.
- 3. Respond to Context Specific Needs:** The spectrum considers strategies and character area priorities to identify priority enhancements in the corridor (e.g. parking, urban design, and aesthetic improvements along the Mulberry Frontage or near the I-25 gateway).
- 4. Identify Infrastructure and Service Needs:** The spectrum identifies the infrastructure and service requirements that are specific to the area. It considers gaps, and potential requirements under interim conditions to ensure infrastructure and services can meet immediate and long term goals of the plan area.

By providing a structured framework, site improvements can be carried out in a coordinated and cohesive manner, maximizing the positive impact on the area while addressing community needs and aspirations.

Development Review Framework

DEVELOPMENT REVIEW SPECTRUM

LOWEST
REQUIREMENT

Requirements are cumulative & incremental; e.g. 'Highest Requirement' includes all previous criteria.

HIGHEST
REQUIREMENT

Change of Use (and/or Change of Business)	Minor additions and site enhancements (i.e. <1,500 (+/-) sf building addition, changing parking lot)	Significant change in character to site (i.e. building addition or reconfiguration)	Greenfield development, total site redevelopment
STORMWATER, FLOODPLAIN, EROSION CONTROL			
Adding or modifying 1,000 sf or more of impervious surfaces requires meeting stormwater detention, water quality, and low impact development standards.	<ul style="list-style-type: none"> Additional requirements may be linked to other site plan requirements or standards (e.g. paving parking areas). If there is lack of an adequate outfall, the site may need to over-detain. 	Meets all Development Code Standards for stormwater quality, detention, erosion control, and floodplain management.	Meets all Development Code Standards for stormwater quality, detention, erosion control, and floodplain management.
LANDSCAPING & FORESTRY			
Inventory onsite trees	<ul style="list-style-type: none"> Replace any dead trees. Mitigation for any removed trees. Install new/missing trees in street parkways. Soil amendments and water conservation considerations. 	Full tree stocking throughout the site.	Meets all Development Code Standards
PARKING & WALKWAY CONFIGURATION			
<ul style="list-style-type: none"> Ensure required amount of general, handicap parking spaces. Add bicycle parking. 	<ul style="list-style-type: none"> Reconfigure and delineate parking areas. Augment parking lot landscaping and screening. Ensure adequate covered bike parking. Create formal or informal on-site walkway connections. 	<ul style="list-style-type: none"> Direct walkway connection from building to the street. Interior and perimeter parking lot landscaping standards met. May require moving parking areas on site. 	Meets all Development Code Standards
ENVIRONMENTAL & HISTORIC RESOURCE PROTECTION			
Survey onsite resources as pre-submittal requirement, if data is missing.	<ul style="list-style-type: none"> New lighting fixtures meet lighting standards (4 more fixtures requires full site lighting review). Establish any required natural habitat buffer zones and considerations for mitigation. New development abutting historic resources meets design compatibility requirements. Enhance the natural ecological characteristics of the site by focusing native seed mixes and weed management plans based on site specific conditions. 	<ul style="list-style-type: none"> Ecological Characterization study. Replace/ensure all lighting meets lighting standards. Onsite Historic Resources comply with alternative mitigation requirements if not adaptively reused. 	<ul style="list-style-type: none"> Meets all Development Code Standards Onsite Historic Resources are adaptively reused, and design compatibility requirements met
TRANSPORTATION & FRONTAGE IMPROVEMENTS			
Repair or replace damage to any existing frontage improvements (e.g. sidewalks)	<ul style="list-style-type: none"> Dedicate any necessary right-of-way. Traffic Study or Memo may be required. Minor frontage improvements (Replacing sidewalks, curb & gutter). 	<ul style="list-style-type: none"> Full frontage improvements: curb & gutter, sidewalk, parkway. Traffic Study or Memo may be required. 	Meets all Development Code Standards
SITE DESIGN & AESTHETICS			
<ul style="list-style-type: none"> Replace nonconforming signage. Replace dead landscaping. Screened trash/recycling enclosure. 	<ul style="list-style-type: none"> Define/reconfigure parking areas. Parking paving may be required (front, publicly visible, or high-use areas). Parking lot landscaping/screening. Building addition meets LUC building design standards. 	<ul style="list-style-type: none"> Walkways out to public right of way. Parking lot meets LUC standards. New buildings/additions meets LUC building standards. 	Meets all Development Code Standards
UTILITIES & DEDICATIONS			
Utility easement behind sidewalk/street right-of-way may be required.	<ul style="list-style-type: none"> Additional utility easements may be required for new utility installations. Ensure fire separation and emergency access requirements met. Ensure proper utility separation requirements met for newly installed utilities. 	New tap or capital expansion fees for additional utility services needed (e.g. new dwelling units).	Meets all Development Code Standards

UNDERSTANDING POTENTIAL SITE UPGRADES AND ENHANCEMENTS

There are many types of development activity which may prompt the development review process and potential site upgrades. This spectrum of development intensity spans from simple changes of use as one business moves into a new space all the way to total site redevelopment or new greenfield development. Between both ends are more common types of proposals that may involve site reconfiguration or building expansions. In these middle scenarios there are often areas where staff and decision-makers can apply flexibility and or alternative prioritization of site upgrades that are more appropriate to the context of the East Mulberry Plan Area or which further Plan goals.

The table on the previous page highlights some of the common site upgrades and enhancements that may be required based on different levels of proposed development or redevelopment intensity. Each site and type of development proposal is unique, and the spectrum is meant as a guide to help property and business owners understand potential requirements when a site enters the development review process. For staff and decision-makers, both the spectrum and the priority section for each character area include high priority enhancements that are recommended based on a site's location within a specific Mulberry Character Area. Given the plan area's lack of consistent development patterns and need to prioritize different site upgrades based on character areas, this plan encourages future staff and decision-makers to collaborate with property and business owners on incremental site improvements that help maintain the plan area's unique and affordable role in the community.

The Development Review Spectrum and the requirements contained within would be applied when the City has annexed an area into City jurisdiction and a property has entered the City's development review process. These requirements would not apply to established sites that are not making changes to their properties or performing any of the types of activities contained in the Development Review Spectrum.

The spectrum provides policy guidance for how development review may be performed within the East Mulberry Plan Area. In many cases, requirements must meet existing code standards as prescribed in the Land Use Code, but code changes that would assist in enacting these standards should be considered following adoption of this plan. City staff and decision makers should also use the spectrum to support flexibility for redeveloping sites in the plan area through prioritizing certain site upgrades or deferments when allowed by the Land Use Code or through modification or variance procedures when it can be demonstrated the proposal advances goals and strategies of this plan.

Sites within the East Mulberry Plan Area that develop or redevelop in Larimer County and do not initiate an annexation threshold will likely still be referred from the County to the City for comment. City staff will continue to coordinate review on development activity with Larimer County staff.

5

Annexation Thresholds

Approaches to Annexation

Annexation Threshold Approach

**Ongoing Management of East
Mulberry Plan**

Approaches to Annexation

As previously described, the East Mulberry Enclave was officially formed on August 31, 2018, when the East Gateway Annexation became effective (annexing land into the City of Fort Collins from unincorporated Larimer County). Therefore, three years from that date on August 31, 2021, the East Mulberry Enclave was eligible for involuntary annexation by the City of Fort Collins. This is consistent with the third bullet, 'Annexation of Enclaves' below.

Annexation in Colorado can take place in three ways:

- 1. Petition for annexation by landowners** (voluntary annexation): If more than 50% of the landowners owning more than 50% of the area petition the governing body for annexation or in association with a serial annexation.
- 2. Petition for annexation election** (voluntary annexation): Registered electors may petition the governing body of any municipality to commence proceedings for an annexation election in the area proposed to be annexed.
- 3. Annexation of Enclaves** (involuntary annexation): An enclave is formed when an unincorporated area becomes entirely contained within the boundaries of a municipality. A municipality may initiate involuntary annexation of an enclave three years after it is formed.

Intergovernmental Agreement with Larimer County:

In addition to the C.R.S., the City of Fort Collins and Larimer County have an intergovernmental agreement (IGA) between the two local agencies to help guide matters of annexation and growth, including management of the Fort Collins Growth Management Area (GMA). The IGA also facilitates coordination in other matters of joint planning and management of public services and facilities. This IGA (Regarding Cooperation on Managing Urban Development) between Fort Collins and Larimer County specifically outlines how annexation is to occur within the GMA and how the City and Larimer County will coordinate these agreements.

Colorado Revised Statutes (C.R.S) Title 31

The source of annexation law in the state of Colorado is the Colorado Revised Statutes (C.R.S). C.R.S Title 31 Legislative Declaration states that the policies and procedures contained within are necessary and desirable for the orderly growth of urban communities in the state of Colorado.

Both petition for annexation by landowners and petition for annexation election are forms of voluntary annexation, meaning that if a majority of landowners or a certain number of electors within the area to be annexed are in favor of the annexation, they may initiate annexation. Involuntary annexation means that the annexing municipality is utilizing its authority pursuant to the C.R.S. to annex enclaves when eligible with or without the consent of the landowners or electors within an enclave.

Once an enclave is eligible for annexation, the C.R.S. does not require the City to annex the enclave unless either of the following occur:

- A petition is received by the City signed by more than fifty percent of the property owners owning more than fifty percent of the property in the enclave.
- At least 75 electors that reside in or own property within the enclave petition for an annexation election.

If either of the two above occur, the City has to initiate enclave annexation proceedings within one year.

Annexation Thresholds

When the East Mulberry Enclave became eligible for involuntary annexation in 2021, the City began to examine various approaches for potential annexation. This included robust study of the fiscal impacts of a potential annexation, review of opportunities and tradeoffs associated with potential annexation, and consideration of lessons learned from the City's previous annexations. With direction and guidance from City Council over a series of work sessions, staff iterated these potential approaches and requests for additional analysis. This work culminated in bringing forward a new approach called '**annexation thresholds**'.

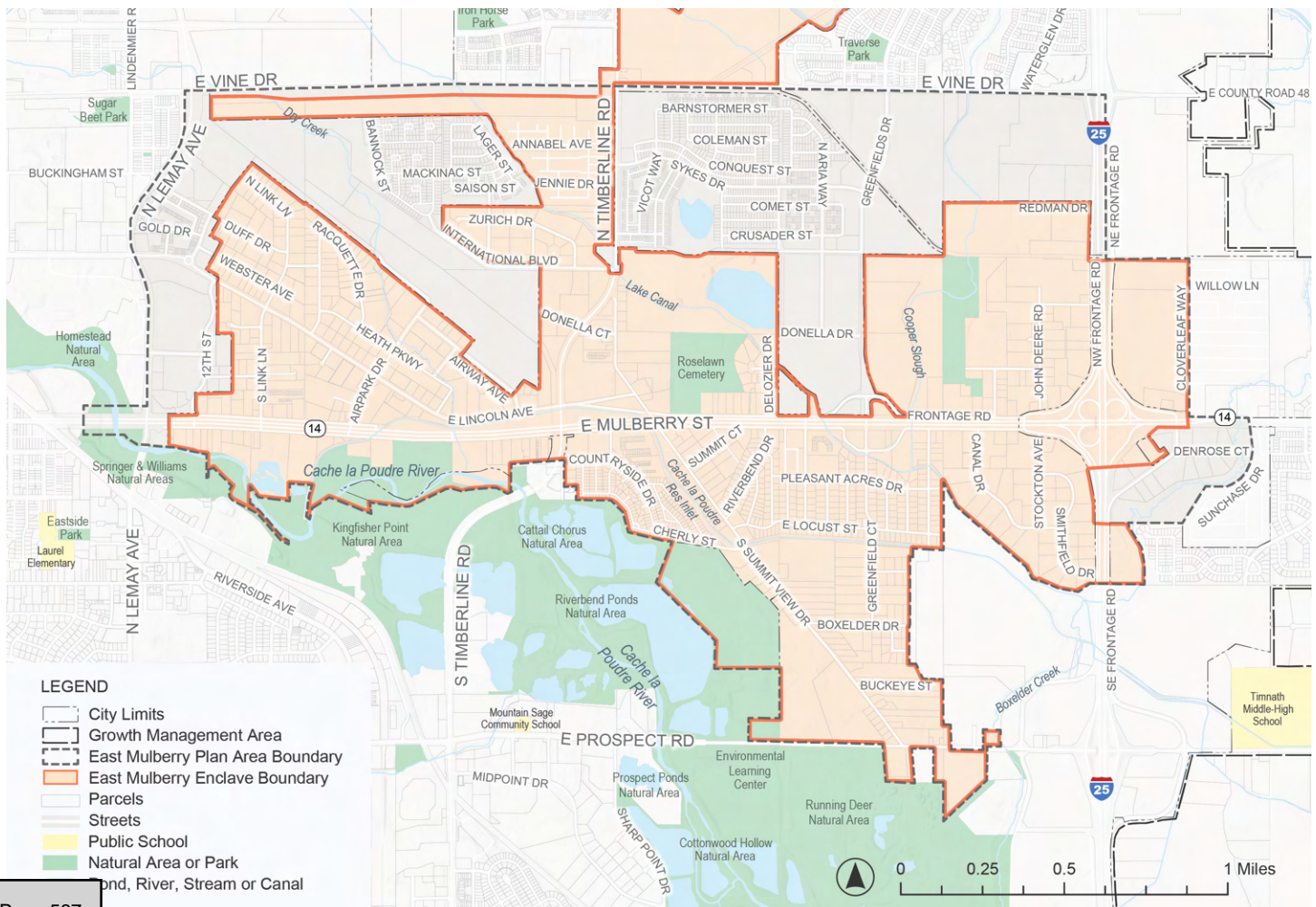
→ **Annexation thresholds** are a set of conditions that when reached, may represent an opportune time to consider annexation.

This map depicts the enclave and plan area. Under the threshold approach, the enclave would be brought into city limits incrementally in the approach described in this section.

\$ Financial Evaluation Framework

In considering the approaches to potential annexation, the City studied fiscal impacts of annexing five subareas within the East Mulberry Enclave. An Excel-based scenario modeling tool was developed to study the fiscal impacts of various phasing, sequencing and funding options. A more detailed overview of these financial considerations is available in **Appendix B** and the fiscal impact evaluation and modeling tool prepared by consultant Economic & Planning Systems (EPS), is provided as **Appendix C**.

No specific financial scenarios have been developed based on a threshold annexation. However, the process and approach previously utilized to study fiscal impacts would be replicated when analyzing annexation threshold scenarios.



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Annexation Threshold Approach

Annexation thresholds are a approach to annexation that has not previously been implemented by the City. Implementation of the thresholds approach means that City Council will evaluate each potential annexation threshold scenario individually as they arise. This creates a series of decision points for City Council over an extended time horizon. This approach will require ongoing monitoring, management, and consistent application of analysis techniques to be replicable over time. The following sections discuss how thresholds may be categorized, identified, and monitored.

Threshold Categories

→ & Threshold Alignment with Citywide Priority or Goal

Maintenance of Logical Boundaries	pg. 113
Achievement of Citywide Policy Priority	pg. 114
External Funding & Capital Project Alignment	pg. 115

Combining Thresholds	pg. 116
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Annexation Criteria & Readiness	pg. 117
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Identifying Thresholds	pg. 119
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Monitoring/Managing Thresholds Long-Term	pg. 120
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Annexation Threshold Categories

Maintenance of
Logical Boundaries

Achievement of Citywide
Policy Priority

External Funding & Capital
Project Alignment

Threshold categories were formulated through study of existing land use and development patterns within the enclave and to align with citywide priorities and goals. Additional categories of thresholds may need to be considered as the East Mulberry Enclave changes over time. The magnitude and scale of thresholds may vary and therefore warrant careful analysis and consideration. Additional thresholds could be put forward for consideration and evaluated through the process described in subsequent sections of this plan document.

→ *Alignment with Citywide Priority or Goal*

It is essential that the approach to threshold annexations is in alignment with City of Fort Collins citywide priorities and goals for consistency in managing growth. The table below provides information about **how each category of threshold is aligned with adopted Citywide priorities and goals**. The items reflected in this column are sourced from City Plan (2019) and from the 2022 Strategic Plan. Citywide priorities and community priorities may change as the City and region continue to grow and evolve and therefore threshold alignment with those priorities should be continually monitored over time.

CATEGORY:

Maintenance of Logical Boundaries

A threshold annexation based on maintaining logical boundaries seeks to streamline the provisions of services and enforcement responsibilities by uniting an area that is split between City and County jurisdiction. Depending on how portions of the Mulberry Corridor continue to annex organically, a threshold to maintain logical boundaries could occur in an area as small as a few blocks or represent something larger if the City and County begin to experience issues serving a larger fragmented area.

The following factors could indicate a threshold has been reached:

- There are multiple, individual properties under both City and Larimer County jurisdiction in close proximity.
- Properties in one jurisdiction may be partially or mostly surrounded by properties in the other jurisdiction.
- Primary access to properties occurs through/from the other jurisdiction.
- Isolated parcels in one jurisdiction occur across logical demarcation points, such as streets, ditches, and natural areas.

→ *Alignment with
Citywide Priority
or Goal*

- City Plan Principle LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land.
- Strategic Plan Strategy 1.7: Advance planning efforts in the Growth Management Area, including holistic considerations for potential annexations.

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CATEGORY:

Achievement of Citywide Policy Priorities

- Proactive Resource Protection
- Redevelopment Risk
- Other Proactive/Strategic Goal Alignment

The City may elect to pursue annexation in portions of the enclave to advance important community policy priorities which require properties to be located within City boundaries in order to enforce standards and receive funding.

It is important to note that there is a desire to simultaneously preserve existing natural features and affordable housing while also leveraging future development to help improve infrastructure and quality of life for residents and businesses in the East Mulberry enclave. These may sometimes seem in conflict with one another, but the recommendations and strategies in this plan strive to achieve both. As thresholds are implemented, staff will continually evaluate that a balance is achieved.

- Examples may include:
- Applying the City’s zoning authority to help preserve and protect manufactured housing communities or other naturally occurring affordable housing from potential redevelopment and resident displacement.
 - Protecting sensitive natural features such as the Poudre River or Cooper Slough by applying the City’s buffering standards.
 - Forming an urban renewal authority to catalyze development and infrastructure.
 - Purchasing property for City amenities and services (e.g., parks, natural areas, recreational facilities, stormwater detention, and more).

→ Alignment with Citywide Priority or Goal	
Proactive Resource Protection	<ul style="list-style-type: none">• City Plan Principle LIV 9: Encourage development that reduces impacts on natural ecosystems and promotes sustainability and resilience.• City Plan Principle ENV 1: Conserve, create and enhance ecosystems and natural spaces within Fort Collins, the GMA and the region.• Strategic Plan Strategy 4.6: Sustain and improve health of the Cache la Poudre River and all watersheds within Fort Collins.
Redevelopment Risk	<ul style="list-style-type: none">• City Plan Principle LIV 4: Enhance neighborhood livability.• City Plan Principle LIV 5: Create more opportunities for housing choices.• City Plan Principle LIV 6: Improve access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background.• Strategic Plan Strategy 1.8: Preserve and enhance mobile home parks as a source of affordable housing and create a safe and equitable environment for residents.
Other Proactive/Strategic Goal Alignment	<ul style="list-style-type: none">• City Plan Principle EH 3: Support local, unique, and creative business.• City Plan Principle EH 4: Ensure that an adequate and competitive supply of space and/or land is available to support the needs of businesses and employers of all sizes.• City Plan Principle T12: Build and maintain high-quality infrastructure that supports all modes of travel.• City Plan Principle T4: Pursue regional transportation solutions.• City Plan Principle T9: Utilize the transportation system to support a healthy and equitable community.• City Plan Principle T10: Support and enhance safety for all modes.• City Plan Principle LIV 10: Recognize, protect and enhance historic resources.

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CATEGORY:

External Funding and Capital Project Alignment

Threshold annexation based on external funding and capital project alignment could prompt the City to pursue annexation in the case that external funding awarded through grants or other means would alleviate some costs associated with annexation. There could also be Federal funding opportunities where the City could coordinate or partner on a grant application with the County and agree to annexation upon award or completion of the project depending on the goals of each agency.

Projects that might be eligible for funding opportunities may include:

- Transportation or pedestrian/ bicycle planning and infrastructure improvements
- Stormwater infrastructure improvements

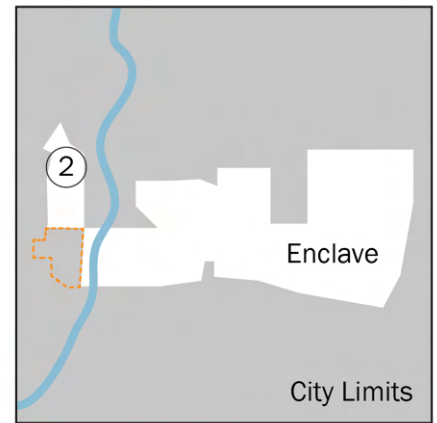
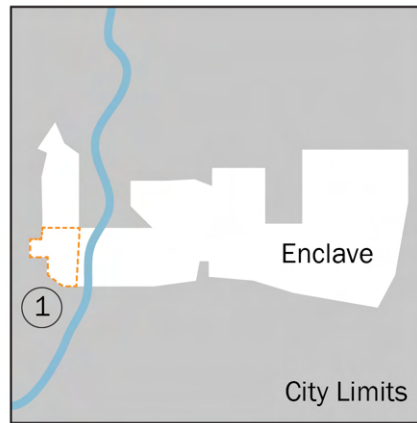
The East Mulberry area also falls within a **“qualifying census tract”** that may exempt projects from requiring matching funds. This is an important consideration for Capital Projects since that is often the limiting factor in grant applications. Also, in cases where multiple capital projects either within or directly impacting the East Mulberry corridor are able to be consolidated into one logical geographic annexation action.

→ Alignment with Citywide Priority or Goal	<ul style="list-style-type: none">• City Principle EH 5: Engage and help shape regional economic efforts.• Strategic Plan Strategy 6.4: Support and invest in regional transportation connections.
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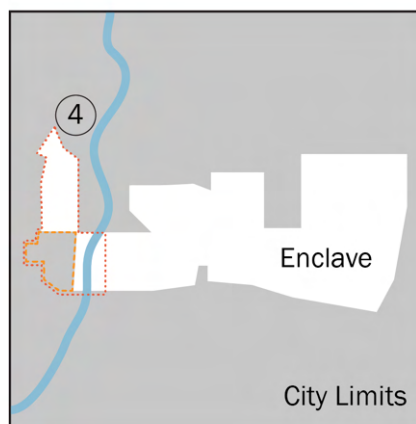
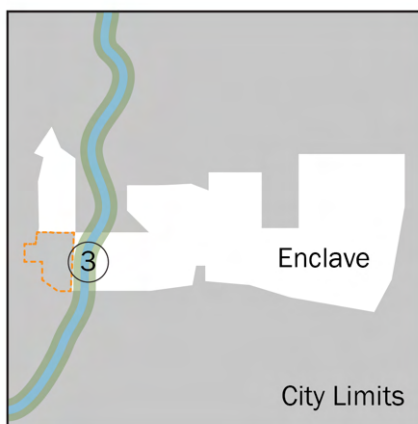
Combining Annexation Thresholds

Thresholds may occur independently, or some thresholds may be logically combined together when appropriate. For example, a voluntary annexation that occurs through development activity within the enclave may contribute towards creating illogical jurisdictional boundaries that make provision of services and enforcement responsibility challenging (Maintenance of Logical Boundaries Threshold). When examining that threshold and the potential annexation area, it could be determined that a nearby property with sensitive natural features could also be studied for inclusion in the annexation area. Inclusion of this sensitive natural feature would advance City policy priorities for preservation and protection of natural features and their associated buffers (Achievement of Citywide Policy Priorities Threshold). This hypothetical example of how multiple thresholds can be combined to determine the potential annexation boundaries is depicted in the series of diagrams below.



① Development proposal contiguous with City Limits initiates annexation

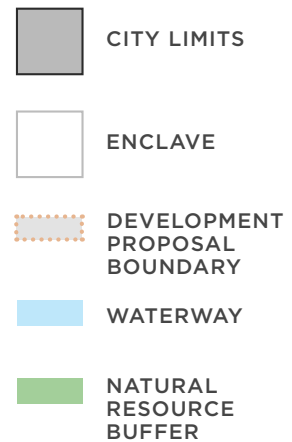
② “Island” is created (Maintenance of Logical Boundaries Threshold)



③ Ability to apply City's buffer standards to high-priority natural resource

④ Potential annexation boundary for analysis (Maintenance of Logical Boundaries Threshold & Achievement of Citywide Policy Priorities Threshold)

DIAGRAM KEY:



Annexation Threshold Criteria and Readiness

There are **criteria** set forth in **Section 31-12-104, of the C.R.S. that determine eligibility for annexation:**

While these criteria do not apply to an enclave annexation pursuant to Section 31-12-106, C.R.S., to ensure orderly development patterns and logical service boundaries, these criteria should still be considered as part of evaluating thresholds and whether to pursue annexation. Per CRS, Annexation Transition Committee is required in cases of enclaves in which the population exceeds 100 persons and contains more than 50 acres.

- ☐ A **minimum of one-sixth boundary contiguity with the annexing municipality**. This means that areas of the enclave that have met a threshold shall still meet requirements pertaining to establishing contiguity.
- ☐ The area of interest to be annexed is integrated or **capable of being integrated with the annexing municipality** and said area is urban or will be urbanized in the near future.
- ☐ Creation of **Annexation Transition Committee** (*see following page for more details*)

Other indicators of annexation readiness:

When examining annexation thresholds and determining potential annexation boundaries for further study and evaluation, the following should also be considered:

- **Street Contiguity:** In some instances, there are portions of streets within the enclave that cross between City of Fort Collins and unincorporated Larimer County. This means that the segments passing through each jurisdiction must be maintained by that jurisdiction rather than the street facility in its entirety. Although similar to a 'Maintenance of Logical Boundaries' threshold, instances where street segmentation could be consolidated might be an indicator of readiness for annexation.
- **City of Fort Collins owned properties:** Parcels already owned by the City within the enclave may also represent opportunities for building thresholds. There are multiple areas within the enclave owned by the City of Fort Collins (such as the areas between the Poudre River and East Mulberry Street near the Kingfisher Point Natural Area, Roselawn Cemetery, and an area surrounding the Cooper Slough on the east side of the East Mulberry Plan Area). Annexation consideration for these areas should still evaluate contiguity criteria and other requirements as outlined in the C.R.S.
- **Development Activity:** Sites that have proposals for development or sites that are developable but have not yet may also require consideration as a threshold. As outlined in Section 1 of this document, the East Mulberry Enclave is continuing to experience significant development. The catalytic effect of nearby development may result in the undeveloped portions of the enclave experiencing development interest.

Examination of these criteria can be further evaluated in '**Strategies for Monitoring Annexation Thresholds**' on page 120.

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Annexation Transition Committee



The Annexation Transition Committee (ATC) shall be composed of nine members:

- **5 members represent residents, operate a business, or own property within the enclave;** Representatives to be selected through via an application process and collectively by the staff representatives from the City of Fort Collins and Larimer County. Representatives from other parts of the East Mulberry Enclave could be invited to participate if there is not sufficient interest in serving on the committee from within the potential annexation area.
- **2 members represent the City of Fort Collins;** Qualified staff representatives selected by the director of the Community Development and Neighborhood Services department.
- **2 members represent Larimer County** The Larimer County Community Development Director should select two qualified staff representatives from Larimer County.

An Annexation Transition Committee will be formed each time the size of the potential annexation area meets the criteria of having a population of more than 100 persons and contains more than 50 acres. Committee members representing those that live, work, or own property within the potential annexation area will serve on one committee and will be excused from the committee upon completion of each annexation or City Council decision to not pursue annexation.

The first annexation transition committee should take responsibility to establish additional guidelines for the role of the committee and how to establish the application process for other committee members.

MORE DETAILS ...

Published notice of the creation and existence of the committee is required as part of communications related to enclave annexation. The duties of the annexation committee include serving as a means of communication regarding public meetings on the proposed annexation between the annexing municipality, county in which the enclave is situated, and those who operate businesses or own property within the enclave. The annexation transition committee also provides the mechanism by which residents, business operators, or other property owners can communicate through electronic mail, telephonic communication, regular mail, or public meetings with the annexing municipality or the county within which the enclave is located.

Under the annexation thresholds approach, it is possible that there may be extended periods of time between annexation activity, making it difficult to retain committee membership over this duration. For this reason, it is recommended that an annexation transition committee be formulated following the first threshold annexation, regardless of the size of area to be potentially annexed and the size of the population within this area. Following the first threshold annexation, the committee members representing the City of Fort Collins and Larimer County should continue to serve on the committee, even if there are no immediate subsequent threshold annexations. If any City or County staff representatives are no longer able to fulfill their committee role for subsequent annexations, new staff representatives should be designated. Committee members representing those that live, work, or own property within the potential annexation area will be excused from the committee upon completion and recording of each annexation.

It is recommended that future annexation thresholds that meet the specified parameters of 100 persons and containing more than 50 acres formulate annexation transition committees per annexation. Subsequent smaller threshold annexations in which the potential annexation areas do not meet the parameters of 100 persons and 50 acres will not formulate committees that include the five community members. However, the City and County committee members should continue to coordinate, particularly on appropriate notification strategies to maintain communication with the residents and businesses within the potential annexation area.

As described in the Actions After a Threshold Has Been Identified section, a neighborhood meeting is still recommended to be held with the residents and businesses within the potential annexation area in the case of every potential threshold annexation. This will offer a means of communication for those impacted by smaller threshold annexations without an annexation transition committee.

Identifying Thresholds for Annexation

Staff identifies potential annexation boundaries based on the type of threshold or thresholds that have been reached. Using these potential annexation boundaries, staff conducts a neighborhood meeting with nearby residents and businesses to share information about a potential annexation and to collect initial input. Following the neighborhood meeting, a six-month analysis period is initiated. During this period, the following activities should occur:

- Staff performs financial analysis to understand impacts and resources required for annexation. This financial analysis will utilize the same framework that has been used in the evaluation work conducted so far. Based on the financial analysis, adjustments to the potential annexation boundaries are made as needed.
- When required, formulation of the annexation transition committee should be initiated at the beginning of the six-month analysis period so that committee members representing residents, business representatives, or property owners can be recruited and onboarded to the responsibilities of their role. This will allow adequate time for the annexation transition committee to be prepared to serve their duties as dictated in the C.R.S. if decision-makers decide to proceed with annexation.
- Staff will also perform analysis on the condition and evaluate the existing maintenance activities on streets within the potential annexation boundaries, working closely with Larimer County. City staff can perform additional outreach to inform stakeholders of options related to the formation of SID's, GID's, BID's and other mechanisms for bringing streets up to LCUASS standards. One objective of this additional outreach would be for staff to educate stakeholders about how roadway maintenance is performed currently and how full ongoing maintenance by the City could be achieved. This may help to more appropriately set expectations.
- The waiting period will allow the City to continue informing residents and businesses in the affected area about changes to service providers, fees, and other changes to expect upon the date of effective annexation.
- Staff can continue to gather input from affected residents and businesses related to the potential annexation and their concerns.

Staff analysis and stakeholder input is shared with City Council and Planning & Zoning Committee members to identify if a threshold has been reached, timing options, and whether to pursue annexation.

If decision-makers provide guidance to pursue annexation, staff may begin annexation proceedings immediately or consider an additional waiting period. The effective date of annexation could be delayed, allowing time for the City to ensure personnel resources, including police officers and support staff are in place to serve the additional areas being brought into the City.

What happens when a threshold has been identified?

Staff identifies potential annexation boundaries

Nighborhood meeting with residents and businesses within potential annexation area

Adjust Threshold Annexation boundaries as needed based on results of analysis

6 month period

- Financial analysis
- Evaluate condition and existing maintenance activities of streets and other infrastructure
- Inform residents and businesses of service provider changes and anticipated fees
- Staff to continue gathering feedback
- Formulate **Annexation Transition Committee** as applicable

Analysis shared with Decision Makers to identify timing options and whether to pursue annexation

Staff may initiate annexation proceedings immediately or delay effective date of annexation to align with budgeting and resource availability

Strategies for Monitoring Annexation Thresholds

Monitoring of annexation thresholds and initial recognition of when a threshold has been reached will likely be a staff responsibility alongside City Council and Executive Lead Team consultation to determine whether official annexation action is warranted. **Multiple monitoring strategies can be deployed to help identify when certain thresholds have been reached:**

□ Monitoring Reports

Every two years, compile information on the enclave related to individual annexations, upcoming capital or master planning projects, redevelopment activity, and more, to determine if any potential thresholds have been reached. The first monitoring report should be issued within three months of adoption of this plan to establish baseline conditions for future reports.

□ Individual Annexations

When individual sites request annexation, staff is responsible for drafting a staff report and agenda materials for the Planning and Zoning Commission and City Council. These documents should include specific discussion on whether the annexation contributes to threshold criteria.

□ Capital Projects

Capital projects that may directly or indirectly affect the East Mulberry Plan area should be monitored as part of the ongoing threshold monitoring and management.

□ Future Plan Updates

Subarea plans such as the East Mulberry Plan are often updated every 10 – 20 years to identify new conditions and reconfirm priorities. During any future plan updates, staff should review and update potential threshold scenarios.

□ External Factors

Anytime special outside factors may lead to changes in the corridor, whether a new funding opportunity, collaboration with another jurisdiction, or a large development project, these present opportunities for staff to evaluate impacts on the corridor and whether they contribute to an annexation threshold outside the standard monitoring report timeline. It is important to note that if a large development project initiates a threshold and annexation consideration, the development project can continue to progress along the timeline dictated by the City's development review and annexation processes. The timing of that development project would not be impacted by the timeline associated with evaluating and analyzing thresholds.

□ Formation of an Annexation Transition

Committee This committee could help identify whether certain threshold criteria have been met.

□ Larimer County Input

Regularly consult with staff and decision-makers in Larimer County regarding the status of the enclave and fulfillment of the Intergovernmental Agreement in the context of the Mulberry Enclave. Larimer County staff representatives will serve on the annexation transition committee and can serve as liaisons to Larimer County Commissioners and leadership.

i As described previously, even with a threshold approach in place, voluntary annexation within the East Mulberry Enclave can continue in the ways as described within the C.R.S. Individual or groups of property owners who meet the outlined criteria for annexation eligibility may still petition for annexation as desired at any time. Also as described in the beginning of this Section, the processes by which property owners or electors can petition for annexation of the enclave or an annexation election can still occur. Successful pursuit of either of those two actions could result in the annexation of the entire enclave before the natural progression of annexation thresholds occurs to completion.

Ongoing Management of the East Mulberry Plan

The updated East Mulberry Plan and the proposed threshold annexation structure represents a new approach towards annexation and a slightly less traditional subarea plan document than some of Fort Collins' other subarea plans. Unlike other subarea plans, the East Mulberry Plan covers an area largely outside of City Limits. Many of the implementation actions suggested through the Plan are dependent upon these areas coming into City jurisdiction through potential future annexation. For this reason, the goals and strategies contained within the Plan attempt to successfully balance enough specificity to lay a foundation for the desired future of the East Mulberry Plan area, while also remaining nimble and adaptable to the evolution of this area over time. Successful management and implementation of this approach will require additional monitoring, updates, and evaluation over time. As threshold annexations occur, updates to this plan may be required as efficiencies and processes are established and conditions in the corridor continue to evolve.

City staff will bear responsibility to enact the process as covered in this plan, however, the involvement of residents, business owners, property owners, Larimer County, CDOT, and other stakeholders within the East Mulberry Plan Area will remain essential. The proposed thresholds approach was designed to build in substantial communication and participation opportunities for community members in the plan area (including the Annexation Transition Committee as well as neighborhood meetings). The thresholds process and opportunities for community participation should also be co-evaluated and adjusted as needed based on community feedback and experience following the first annexations occurring through this process.



Appendices

APPENDIX A: Community Engagement Reports

APPENDIX B: Mulberry Corridor Financial Considerations (Phased Annexation Approach)

APPENDIX C: Mulberry Corridor Financial Impact Analysis

APPENDIX D: Role of Subarea Plans

Appendix A:

Community Engagement Reports

Visioning Sessions

Online Survey

Community Advisory Group

Business & Community Workshops

Annexation Q&A Sessions

Appendix A: Community Engagement Reports

Visioning Sessions

EAST MULBERRY PLAN

SUMMER 2021 COMMUNITY ENGAGEMENT SUMMARY

August 18, 2021

Engagement Process Summary

The East Mulberry Plan update process is intended to develop and implement a community-engaged vision for the East Mulberry enclave, which is planned for annexation into the City of Fort Collins. In the summer of 2021, the City hosted six public engagement meetings, two per month, in June, July, and August. Residents and business community members were invited to attend the events to learn more about the annexation process, to ask questions, and to share their concerns and aspirations around future annexation efforts. Four meetings were conducted virtually and two were conducted in-person. Meetings took place on the following occasions (in-person meetings marked with an asterisk*):

- June 29th : 12:00 – 1:30pm (business-focused) & 6:00 - 7:30pm (resident-focused)
- July 14th: 12:00 - 1:30pm* (business-focused) & 6:00 - 7:30pm (resident-focused)
- Aug. 4th: 12:00 – 1:30pm (business-focused) & 6:00 – 7:30pm* (resident-focused)

The City presented an overview of the annexation history and participants were invited to ask questions and to respond to a series of questions from the City.

Key Concerns

Shared concerns were raised by residents and the business community. The most prominent of those themes, roughly in order of their prevalence included the following:

- Loss of affordability and rising costs (including gentrification);
- Fear of increased restrictions and regulations;
- Loss of diversity, both in uses and demographics /reservation of the industrial and agricultural character;
- Having a voice and involvement in the decision-making processes;
- Maintaining and improving flow of traffic, streets, and business access;
- Ongoing and increasing experiences of crime, homeless/transient population, flooding and drainage; and
- Aesthetic appeal of the corridor.

Suggestions

Participants provided suggestions for the plan update process, as summarized below.

Ongoing involvement of the business community: The business community would like to have increased opportunities to have input into the process, and a business association may be independently formed for the area with the help of the Chamber of Commerce (no association for this area currently exists). In

addition, they have requested that the City host more conversations with the business community throughout the process and even into the phases of implementation.

Ongoing residential engagement: The residential community also requested increased involvement and City staff has agreed to set up meetings with individual Home Owner's Associations (HOAs) and neighborhood groups to discuss the specifics of the plan for their neighborhoods.

Integrate with scenic byway efforts: Current effort to designate the Cache la Poudre Scenic Byway along Colorado Highway 14 (Mulberry Street) may be an opportunity for collaboration, funding, and a way to fulfill business, resident, and City desires to improve the aesthetic appeal of the East Mulberry corridor, make it more appealing "gateway to the City."

Community Responses to City Questions

The development of the themes above were derived from the following observations synthesized from the community meetings. The following four tables synthesize and summarize the input provided by the community at those meetings, as well as important overlaps between the business and residential communities:

What is valued most by the community?

Business Community	Shared	Residential Community
Streets, flow of traffic to allow big trucks	Low taxes	Housing affordability
This area is where businesses can "get dirty & make noise"	Diversity (of people, of uses, of business types)	Culture of the community
Proximity to I-25 & ease for customers & workers from other areas of Larimer/Weld counties	Affordability	
Space for storage, fueling, etc.	Character of place	

What needs work in this community?

Business Community	Shared	Residential Community
It is difficult to know what's going on and be involved when they are busy and involved in their own businesses – need good info and repeated contact	Homeless population	Schools are too far away
Work to keep industrial and agricultural businesses here	Crimes like theft and vandalism and drug-use (needles, etc.)	No safe parks and/or bike paths/sidewalks to get to parks
	Traffic flow (confusing, congested, dangerous for pedestrians and bikes) – improvements to frontage roads	Streets
	Flooding & drainage	

What are their fears/concerns?

Business Community	Shared	Residential Community
Tractor-trailer access will be splintered, restricted or made more difficult	Gentrification	The time it will take to get the annexation implemented
More restrictions on parking and/or signage	Rising rent and other costs	
Residential and/or retail will push out the industrial businesses	Higher taxes and/or restrictions (e.g. building standards, code compliance, etc.)	
Unease in opening/closing businesses because of transients sleeping in building entrances, etc.	Adjusting to the new requirements imposed by the City	
Increased traffic volume, difficulty “breaking in” to the traffic stream on Mulberry	City will just overlay plans and requirements on them that aren’t right for their area	

What do they hope for?

Business Community	Shared	Residential Community
Opportunities to provide additional primary employment	More opportunities to be involved and have a voice (advisory board, working groups, business association?)	Keep and/or provide more attainable housing options
Keep the diversity of uses allowed	Knowing what is going on as this process unfolds	Keep the diversity of the communities
	Better aesthetic appeal of the area	Help with improving & maintaining roads
	Better connectivity for bikes and pedestrians, as well as transit	
	That the City will really listen to them and include them in the planning and decision-making	
	Aesthetic improvements along the Mulberry corridor, especially at the interchange with I-25. Opportunity to create a gateway effect more like the Harmony interchange.	
	Mulberry is the eastern terminus of a scenic byway and could be improved to honor/fit	

Appendix A: Community Engagement Reports

Online Survey

East Mulberry Plan Area Visioning Summary

Introduction

The East Mulberry online visioning survey received 43 completed responses. Invitations to participate in the survey were sent out in a mailer for residents within the study area, and in an email to those who subscribed to the newsletter online.

The online survey rendered similar values, fears, and hopes about the East Mulberry Area that was captured by the community engagement meetings hosted in the summer of 2021. Overall, the common values identified by this survey include affordability for housing and property, conservation of natural areas and open spaces, and a focus on infrastructure that provides accessibility for a safe cohesion of travel between motorists, pedestrians, and bicyclists. Fears identified throughout the survey were focused on rapid growth and overdevelopment that may lead to affordability issues and over commercialization of the land, as well as a lack of safety around poor infrastructure and increasing traffic. Respondents communicated their hopes of this area to include an enhancement in existing and future traffic infrastructure, conserve and create access to natural areas/open spaces and look to create opportunities for affordability and sustainable growth in the East Mulberry Area, while addressing some of the social issues facing the area.

This Summary will walk through each survey question that was asked to residents and community members, highlighting the key takeaways learned from each question focus. Sample responses from each question are included in order to provide examples direct comments that were given from community members. The responses were analyzed to identify the common phrases and ideas for each question, which are highlighted in the bar graphs for each question.

Question 1:

The thing I value most in this area is...

"Easy access to both Old Town and I25; Affordability"

"The current existing natural preserves (ponds, river access, open spaces)"

"That it is an industrial area, with less rules and more affordability. Not Old Town, Not Fort Collins. That the area gives small businesses a more affordable place to start."

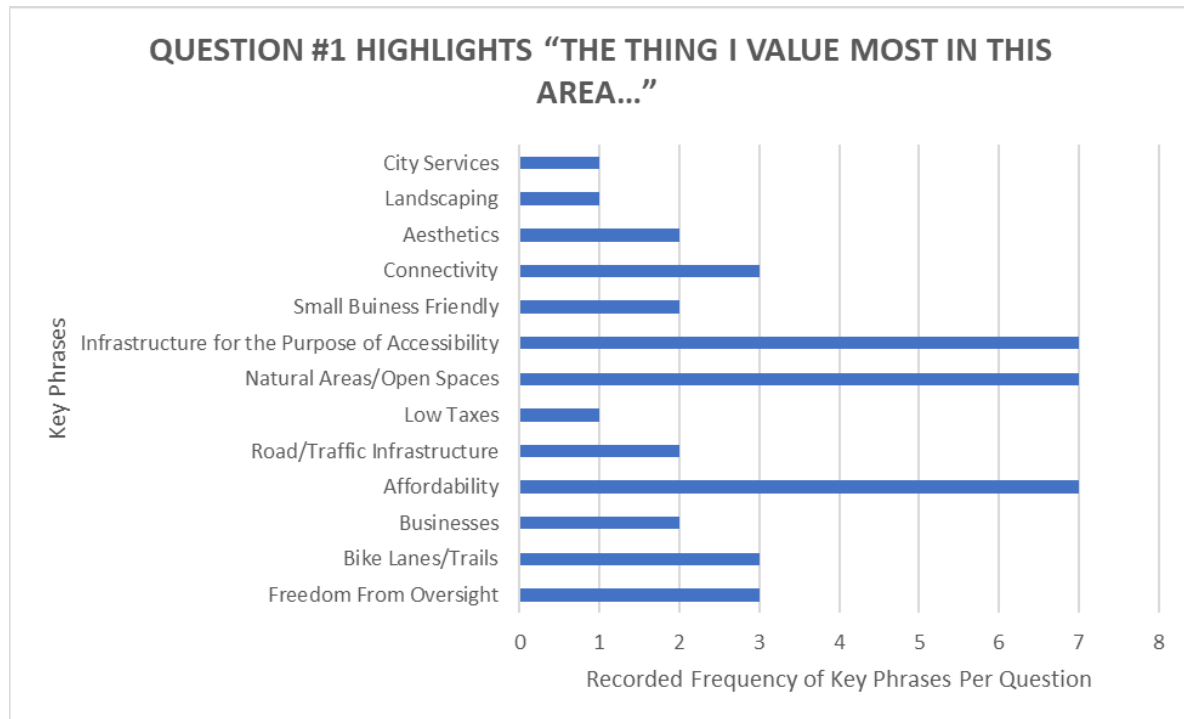
"Affordability for small business owners."

"That most city services are offered, although city water would be better than ELCO. Connexion is awesome, for example."

"Freedom from city oversight."

Question 1 intended to gauge what respondents currently value in the East Mulberry Area today. The three main values that were identified by respondents were affordability, natural areas & open spaces, and infrastructure for the purpose of accessibility. The respondents noted that having quick and direct access to both Old Town and I-25, yet still having more affordable levels of housing and small business venues, is a highly valued characteristic of the area. Furthermore, respondents also care highly about the natural aesthetics of the area, including natural areas, parks, and the scenic views of the surrounding mountains and farmland, as shown in the bar chart below.

There was a small portion of respondents (7%) that valued being outside of city limits. This small portion of comments highlights the uncertainty some residents share about the idea of the area annexing into the City of Fort Collins. These comments seemed beneficial to include because there is some uncertainty among respondents on how and when the City of Fort Collins might annex the area in the future, as part of the area remains under Larimer County's jurisdiction. These concerns were also related to a lack of clarity around the financial implications of annexation for businesses and uncertainty around how needed services and infrastructure in the area would be managed by the City.



Question 2:

The thing I would like to see change most is...

"The roads and intersections are the neighborhood unsafe...need lights with left turns both on Prospect and intersection of Greenfield's Ct and Mulberry"

"A real street. Currently our neighborhood dirt road is severely eroded."

"Better bicycle access to downtown and connected bike paths. A path along Vine, south of the Railroad tracks that makes Timberline to the Beet Park safe and easy would be AMAZING"

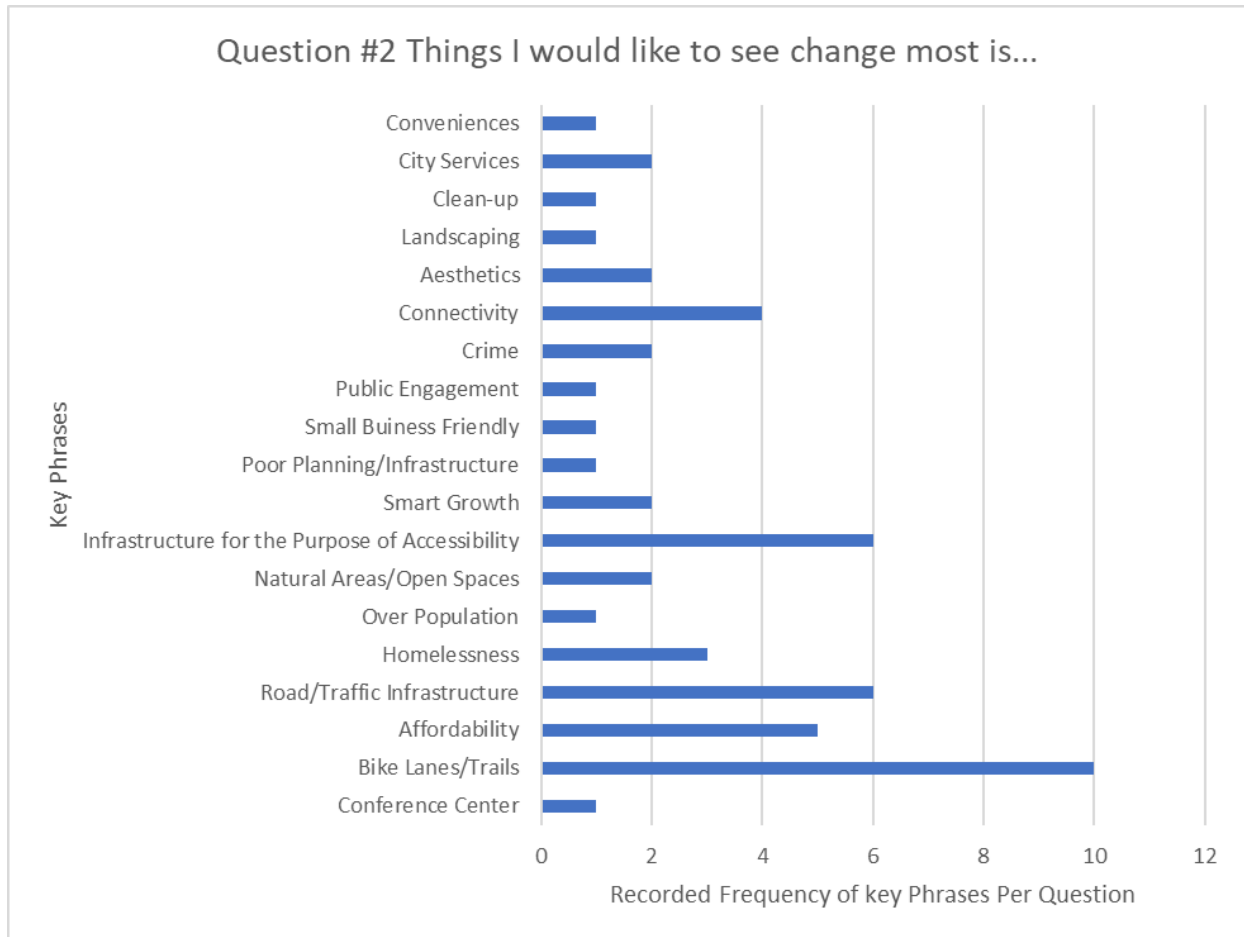
"Sewage tie-in options for those currently on septic on Summit View Drive"

"More community programs to encourage neighbors getting together to help with people who are less fortunate, trash pick up in the area or just to gather and get to know one another"

"More connections to the city so we don't have to drive into town for everything. Need bike paths, sidewalks, city bus connections, and even a supermarket in the northeast of the city"

Question 2 asked respondents what changes they would like to see prioritized in the area. The most common response was to add more bike lanes and to prioritize pedestrian connectivity to amenities, open spaces, and various neighborhoods within the area. Methods for improvements mentioned included safer traffic patterns, better public transportation, and improvements to roadway infrastructure.

Respondents would also like to see solutions to social issues like homelessness, as well as lowering the crime rate. Respondents suggested providing better access to city services to address some of these concerns. Along with the changes to infrastructure and social issues, respondents would like to see aesthetic changes, like more landscaping to soften the view of concrete islands and a general clean-up of the area. Furthermore, adding more conveniences to the area like grocery stores, restaurants, gas stations, and other businesses would benefit residents and consumers. The chart below highlights the most used phrases among the responses to this question. Note that the top three key phrases revolved around connectivity and accessibility for multimodal transportation.



Question 3:

What are your hopes for this area?

"To get more accessible grocery store and small communal spaces with breweries, parks, coffee shops, restaurants, etc. and to change the current East Mulberry stigma of being an impoverished, crime zone"

"That the area will remain a more affordable place for businesses that want to start and grow in the area. And that the valuable space the businesses need for parking etc. is not used for sidewalks, trees and bushes"

"Interconnectivity to everything the city offers. It would be nice to have more than one egress in and out of Timbervine/Dry Creek. Last year's spring snow, quite literally trapped many of us in the neighborhood for a day"

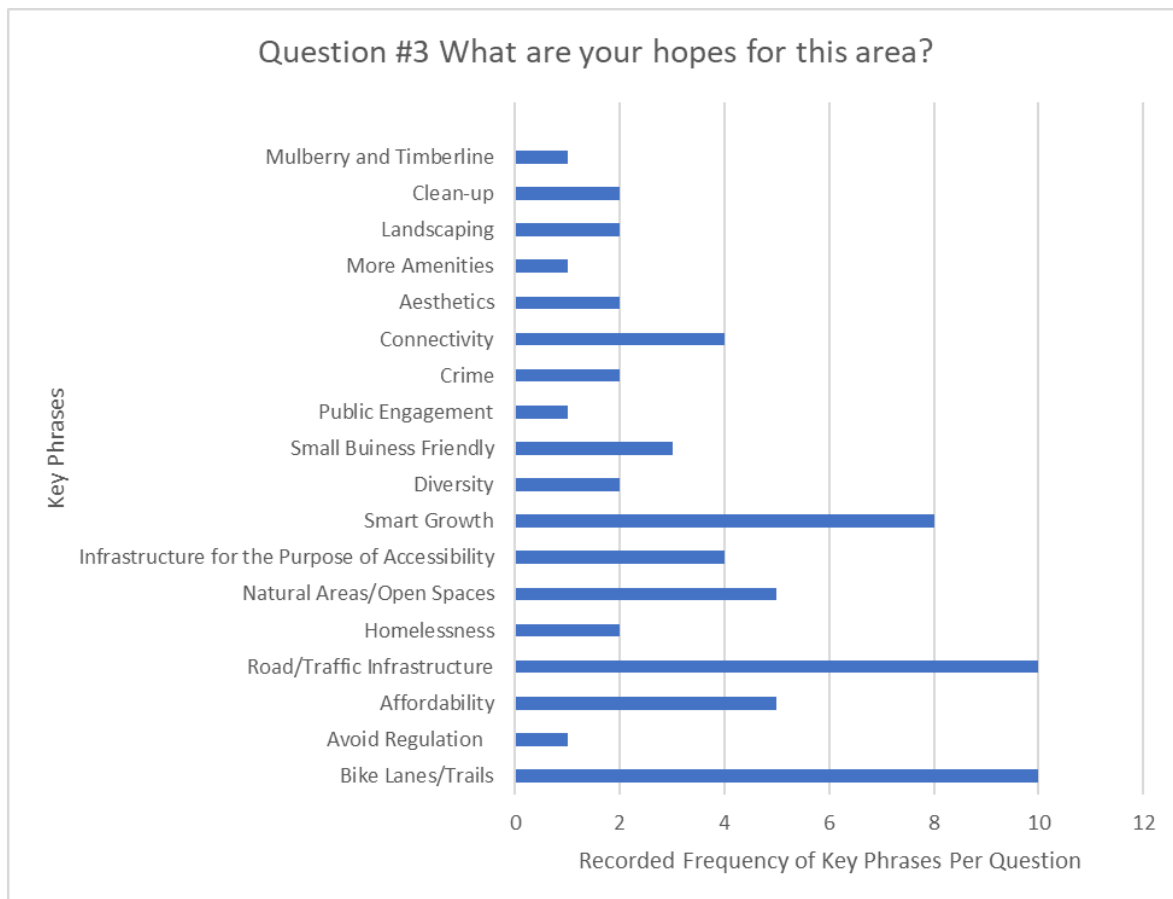
"Restrictions on raising rents, help with housing inflation"

“I hope that the community can be mindful of how important supporting small businesses is; now that Target & Starbucks has moved in, the convenience of having them so close can be devastating to the family-owned businesses”

“Walkability. You cannot visit this area for shopping or business without a car. Tree planting and added landscape features/naturalization and preservation.”

Many of the hopes reported by community members addressed the changes that were reported in Question 2. 55% of respondents commented on a hope to have an infrastructure that leads to better multimodal connections between the City of Fort Collins and the East Mulberry Area. Common solutions suggested for these connectivity and accessibility issues were safer trails/bike lanes, more lighting, additional turning lanes, more crosswalks, and addressing potholes.

Community members also hope for the future development in the area to follow smart growth principles. Reported smart growth suggestions included having affordable housing, avoiding suburban sprawl, being small business-friendly, adding grocery stores and other amenities, preserving natural areas, adding trails and public transportation, addressing homelessness, and preventing crime.



Question 4:

What are your fears for the future?

“That current open spaces might be encroached on or that current hotels on East Mulberry will continue to function as they are now, which is part of what attracts increased substance use, crimes rates, etc. to that area”

“Underutilizing this space. In filling it with meaningless retail/commercial/big box stores. Losing the opportunity for massive cultural advancement for the next century”

“That costs will increase, and space will decrease, making it less affordable. Look at the vacancy rate in this area compared to the others in the Fort Collins area. The draw for business in this area is not a nice sidewalk it is the Industrial affordability”

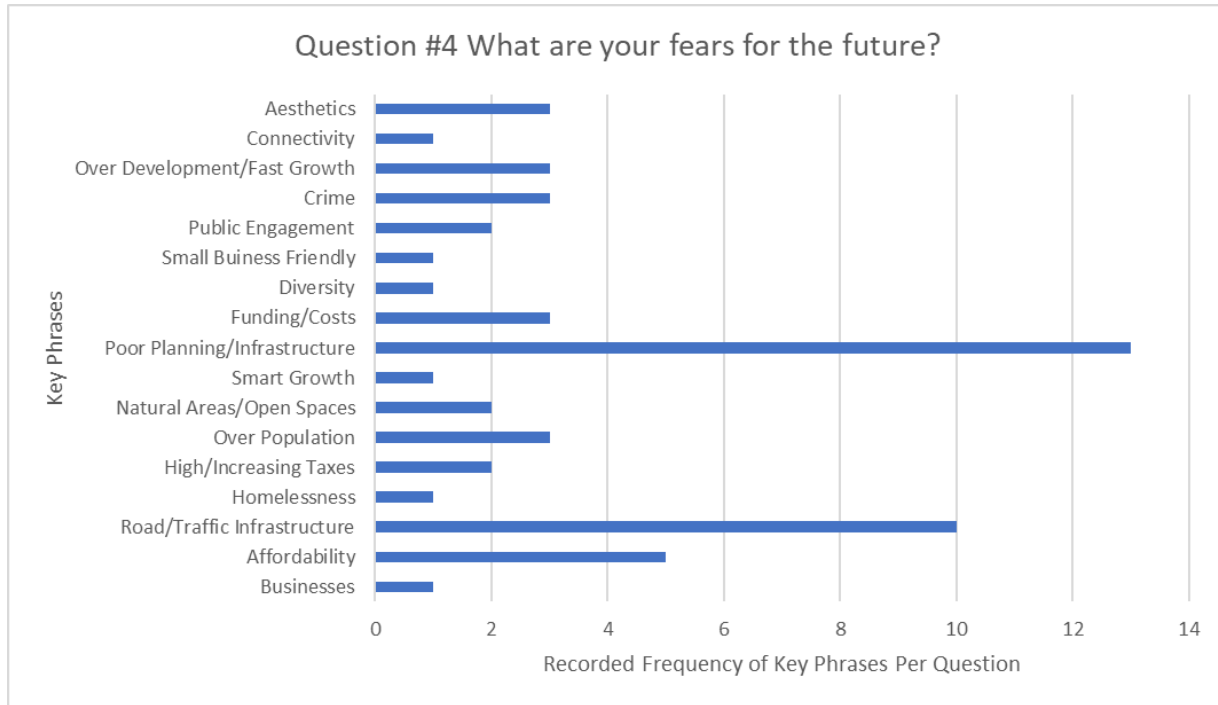
“I fear that the pace of housing/development growth will far surpass the infrastructure growth, leading to continued traffic and safety issues”

“The land won’t be brought into the city limits before it’s developed, and terrible industrial will fill the areas next to our houses. That something terrible will happen before the city considers the safety of residents. Right now, we can’t walk from our neighborhoods without almost getting hit!!”

“That the character will change with no architectural/design regulations. Homeless population will continue to grow. Multifamily, apartment-style building. Housing prices will continue to rise, making it only accessible to the wealthy.”

Fears for the East Mulberry Area involve poor planning, traffic infrastructure, and affordability. Many respondents fear that without careful planning East Mulberry will succumb to overdevelopment and fast growth. The fear of over-development and rapid growth includes the fear of losing natural areas, the creation of high property values, continued crime, traffic congestion, infrastructure neglect, and a decrease in cultural advancement.

Most respondents reflected hopes to see some of the successes of infrastructure that the City of Fort Collins has (utilities, proximity to essential amenities, bikes lanes clean streets, etc.) but fearing that these successes could hurt affordability and create challenges for local, small businesses. Residents want to see improvements to the area without it losing its affordability or industrial businesses that have thrived in the area for years.



Question 5:

What are some obstacles for the hopes you have for this area?

"I worry about funding because some of the East Mulberry is under the City of FC jurisdiction, and some is under County jurisdiction: it would be nice to see continued collaboration between the two for this are specifically"

"The area around I-25 and Mulberry has a population that needs help but as it stands now, it doesn't always feel safe visiting the business in the area after dark."

"Gentrification. Growth. Balance between homes and businesses. Costs."

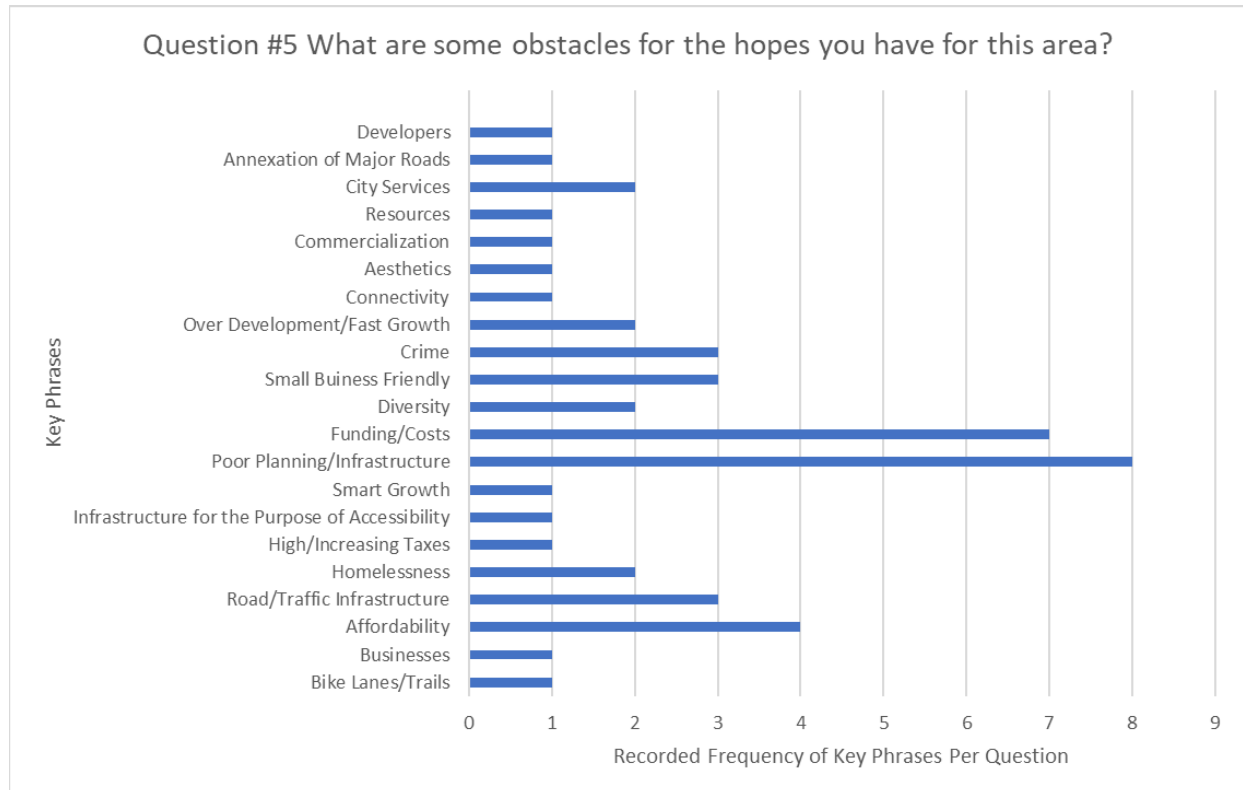
"That businesses will not have interest or financial ability to invest in improvement. I don't see a path forward. Traffic volume and speed is an enormous safety concern."

"No resources to solve problems. The county says it's a city issue/ the city says it's a county issue"

"Homeless population has to be addressed...safety for all, many not wanting to be annexed into the city, affordable housing has to be addressed, and infrastructure thought out first."

Respondents identified various obstacles that the East Mulberry Area may face when working towards their community hopes. The biggest obstacles surrounded resources, funding, and planning concerns.

Social obstacles included addressing homelessness, crime, and gentrification. Economic obstacles included funding, affordability, and the potential for the area becoming unsustainable for small businesses. Infrastructure obstacles included traffic, a lack of supportive resources for individuals in need, and a lack of affordable housing. All obstacles mentioned came with a general uncertainty from respondents on how the city plans to develop, fund, and address development in the East Mulberry Area.



Question 6:

Additional Comments:

"I think the city of Fort Collins should look at what other cities have done as they have annexed industrial areas. Instead of making the decision itself, the city should present various scenarios to the businesses of this area with the trades offs to ensure buy in."

"An Industrial area is nice if the roads are kept up, no potholes, swept / clean. Most of the businesses are here because they wanted less overhead, more square footage"

inside as well as outside for less money. Don't take away valuable space."

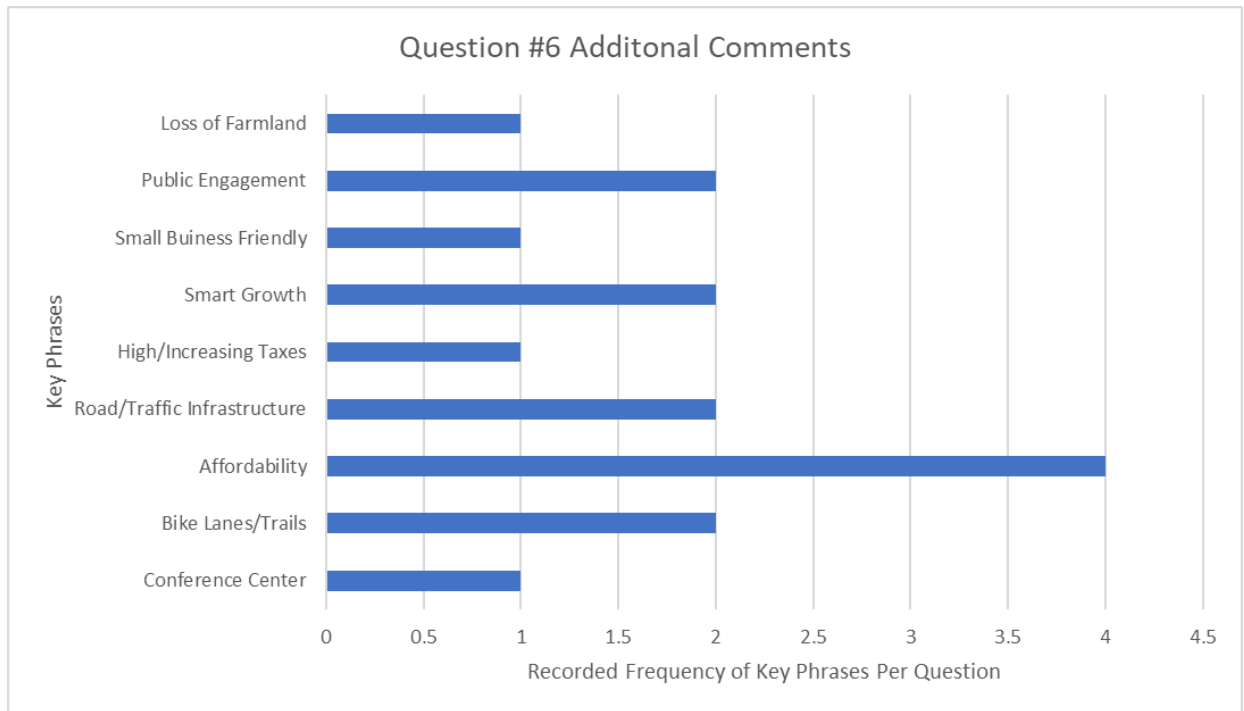
"There are so many people in this area that want to help and be a part of the solution and broader Fort Collins Community, but there is a great sense of disengagement. I really appreciate this survey coming out and am very hopeful for the future of District 1."

"I think building new homes adding to the types of businesses in the area will help remedy the bad rap this area sometimes gets. I think the best way to help awaken this area is to encourage new, fun, and exciting businesses to come to the northeast part of town and build affordable housing to allow more people the opportunity to own a home in our city. More stuff to do, eat, drink, and see with an efficient traffic pattern within problematic areas are what we need!"

"Northern Fort Collins is an obvious choice for the city to expand with the infrastructure already in place. Making an investment in the existing communities will benefit the city for years to come. As someone who was drawn to Fort Collins with the promise of it being one of the best cities for biking in the country, I have found that to not be true if you live on the North side of the city. People are constantly moving to this area for the outdoor recreation and Fort Collins should further embrace that by providing safer options and more dedicated trails, not just bike lanes on busy roads."

"Farming north of Mulberry disappearing. Where will our food come from? Leave land for community farming. Rooftop Farming"

The final question gave respondents an opportunity to leave any other thoughts that had not been included in the previous questions. Ensuring that community members are heard and understood is a vital part of the planning process, and respondents noted their appreciation for the opportunity to voice their opinions on the East Mulberry Area Plan. Some comments stated they would like to continue to see more collaboration and engagement options. Respondents also recapped the need for planning that creates affordability and diversity of the East Mulberry Area, which could lead the area to feel more appealing to future residents, consumers, and visitors.



Appendix A: Community Engagement Reports

Community Advisory Group

ADVISORY GROUP MEETING 1

EAST MULBERRY PLAN

Date: October 18, 2021

Location: Zoom (virtual)

Participants: Shawna Van Zee (City of Fort Collins), Jeffery McClure, Dave Marvin, Wayne Hunter, Erika, Stan McGarvey, Carol Cochran, Brown Abrams, Cindy Freeman, Craig McKee, Jesse Eastman, Josie Plaut (IBE), Susan Hsin (IBE)

MEETING MINTUES

Objective/Topic	Notes
Introduction + Meeting Kick-off	<p><i>Shawna welcomed everyone from the Advisory Panel and handed off facilitation to Josie. The group the introduced themselves.</i></p> <p>Introductions</p> <ul style="list-style-type: none"> • Jeffrey McClure, co-owner of Fort Fun with wife Jan • Bill Demos, owner of Mountain Pet Supply, been in the area since 1986 • Dave Marvin, residents of Boxelder Estates, been there 1990 • Mike Brown, Western States Bank, bank has been here since 2004 • Wayne Hunter, owners of Super Market Liquors, been the owner for the past 5 years • Erika, resident of Countryside Park, been here for almost 4 years • Stan McGarvey, owner of Charco Broiler Restaurant, 3 generations • Carol Cochran, owner of Horse and Dragon Brewery since 2014 • Brown Abrams, previous owner of Fiberlock, since 1992, doesn't own it anymore but still owns land next to it • Cindy Freeman, resident of Countryside Park, lived in the area since 1994 • Craig McKee, owner of water quality company, decorative concrete company, arts center, and distillery + brewery location too, been in Fort Collins since 2003 • Jesse Eastman, owner of Fort Collins Nursery, been in business since 1932, been in this location since 1950, owner since 1976
Process Overview + Advisory Group Roles	<p><i>Shawna shared overview of the East Mulberry Plan, including a map showing the plan area and the areas up for annexation</i></p> <ul style="list-style-type: none"> • Distinguished boundaries of plan area and annexation areas

- Defined *enclave* – an area that is completely encircled by a properties that are part of the city jurisdiction
- Agreement with the county that once an enclave forms, the City of Fort Collins will annex the enclave
- Plan Purpose - develop a vision for East Mulberry that will guide public and private investment in the future
- Existing plan from 2002 as a resource/reference
- Topics Under Consideration
 1. Look and feel of the area
 2. Types of uses and activities, desired improvements
 3. Stormwater, streets, sidewalks, infrastructures
 4. Health and Safety
- Reviewed overall plan development timeline (see Power Point)

Community Engagement Goals

- Engaging diverse group of stakeholders
- Utilizing equity and inclusion resources within the City
- Some engagement tailored to businesses/residents in East Mulberry
- Balance of local and broader community engagement
- Public Information Meetings → Public Listening Sessions → Community Advisory Group (current phase) & additional Public Meetings

City Commitment to the community

- We will clearly capture and share advisory group perspectives with the rest of the planning team → back and forth communication between planning team and advisory groups
- We recognize that we will not be able to integrate every idea in the plan due to the nature of disagreement and limited time, but the goal is to develop a plan that encompasses community needs and aspirations
- We encourage the participants to follow up with us if they have any further questions that go unanswered in this session

Group Engagement Guidelines

- Listen with an open mind and seeking to hear and understand all voices and perspectives
- Be respectful of others, even when you disagree
- Keep responses brief to make space for everyone to share and meeting continues to flow

Shawna extended the offer to the group to have reach out with any questions or set up private conversations as needed.

City Plan Core Values

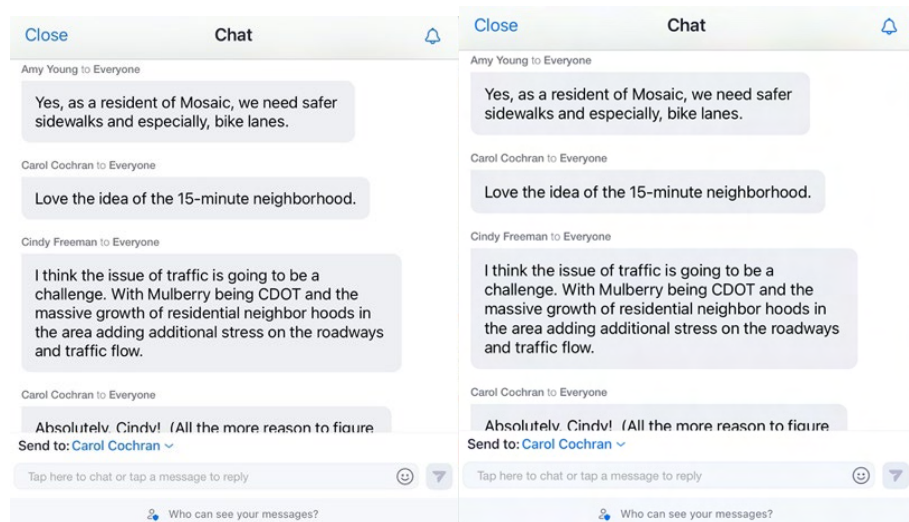
Livability

- Attainable housing and businesses → hoping to address the growing concern about how expensive it is to live and grow a business in Fort Collins

	<ul style="list-style-type: none"> • Vibrant economy with good jobs • Safety and stability → provided by city services <p>Community</p> <ul style="list-style-type: none"> • Culture of open, honest, communication • Commitment to equity, diversity, and inclusion • Strong public and private social services <p>Sustainability</p> <ul style="list-style-type: none"> • Commitment to the Triple Bottom Line → social, environmental, economic
Vision & Guiding Principles Activity	<p><i>The advisory panel was invited to share their thoughts about the outlined vision and guiding principles and to provide more specific input about their ideas, opportunities, and concerns. In addition to conversation and the Zoom chat, a Miro collaboration board was used as a means for further engagement.</i></p> <ul style="list-style-type: none"> • Dave: there is a lot to absorb in a short amount of time in this space <ul style="list-style-type: none"> ○ Josie clarified that there is no rush to get all ideas down during this session and that it will be open afterwards • Bill: what is the coordination between Fort Collins and CDOT to manage HWY 14? <ul style="list-style-type: none"> ○ Must be considered as the design is planned out because this byway will have a significant impact on local businesses in the area, for better or for worse ○ Lots of industrial transportation ○ Must consider the balance between industrial and residential traffic ○ I-25 Interchange is a pinch point; residential traffic and truck traffic are conflicting ○ Unloading trucks can cause a • Mike: expressed his concern about how large area this is, and that there is currently only 1 description for the entire area; the total area needs to be broken up to be more comprehensible subareas <ul style="list-style-type: none"> ○ Josie: during the next meeting we will present proposed subareas and get the advisory panel's perspectives on how to create buffers and smooth transitions between the subareas ○ Everything will eventually be address in one master plan so that the area does not become fragmented throughout the planning phase • Mike: Maintain this area's industrial character - a place where people come to make noise and get dirty, and he does not want the city to apply the same standards to this area compared to the rest of the city <ul style="list-style-type: none"> ○ "We don't need the city to come in and plant flowers along all the sidewalks" ○ The city has not yet annexed another area that is as developed as East Mulberry, so the fear is that the city will come in and overlay their standards and solutions not unique to this area • Craig: He paid an impact fee for development/beautification on Timberline north of Mulberry and supports that kind of improvements

- Carol: Just because the businesses are classified as commercial does not mean that these areas can all be addressed in the same way. For example
 - Difference between industrial and retail
 - Traffic requirements for these areas differ drastically
- Bill: If Fort Collins wants to maintain affordability, then must support the businesses and industrial properties in this area because these are what pays the bills for amenities and services
- Erika: Fort Collins promotes the “15 Minute Neighborhood”, how can they keep this up?
 - 15 Minute Neighborhood is idea that all the needs of residents (grocery stores, retail, work, schools) have should be bikeable or walkable in 15 minutes; hope to reduce commute time
 - Expressed appreciation for the businesses in this area, but she can see how this would be obstacle to developing this area into a 15 minute Neighborhood
- Dave: Summit View is a racetrack right now, but one of the most beautiful roadways in the city; this is where the residential areas pour out onto the road before diverging to other roadways
 - Boxelder Estates – the neighborhood appreciates the rural feel and doesn’t want new city standards to take that away
 - Maybe Summit View could be improved, to slow traffic and make the corridor more of a boulevard.
- Jeffrey: agrees with Dave that beautification of Summit View should be prioritized
- Jesse: how much influence does the City have over Highway 14 which is a state highway?

Comments in the Chat



1. Vision & Aspirations	<p>*comments from the Miro Board*</p> <ul style="list-style-type: none"> • For the existing neighborhoods, incorporate the concept of the <i>15-minute neighborhood</i> - an existing guiding principle of Fort Collins development already • Don't overly design streets and impost too many requirements on industrial development • Continue to allow unique business use that was created out of necessity when Fort Collins was not interesting in our businesses being within city limits • Movement of cars, trucks, and people need careful consideration • Benefits to businesses in improving the look of Mulberry • Beautification of the Mulberry corridor • Building for today AND tomorrow - maintain industrial base
2. Map	<p>*comments from the Miro Board*</p> <ul style="list-style-type: none"> • I-25 interchange is a pinch point where residential traffic and truck traffic often clash - must consider this in roadway design • Residents are coming down the frontage road, which is where some of the conflicts between trucks and cars exist • Mosaic needs safer sidewalks and bike lanes • Impact fee for development/beautification of Timberline x Mulberry • No need for flowers and medians - would take away from the industrial feel and function; consider what makes sense for curb and gutter • Summit View is currently a racetrack, but it's a really beautiful roadway - could be a parkway and an important part of the scenic byway • Boxelder Estates - maintain the rural feel; no curb and gutter is OK for many residents • Cooper Slew Open Space
3. Equity Lens	<p>*comments from the Miro Board*</p> <p><i>No comments were made in this section</i></p>
Next Steps	<ul style="list-style-type: none"> • The Miro board will stay open and editable through the end of the week. Additional comments are welcome. • We will NOT be meeting on November 1st, but will meet November 15th and will begin reviewing subareas. • We are hosing public meetings on October 27th and 28th – please invite friends, coworkers and other interested parties to participate.

ADVISORY GROUP MEETING 2

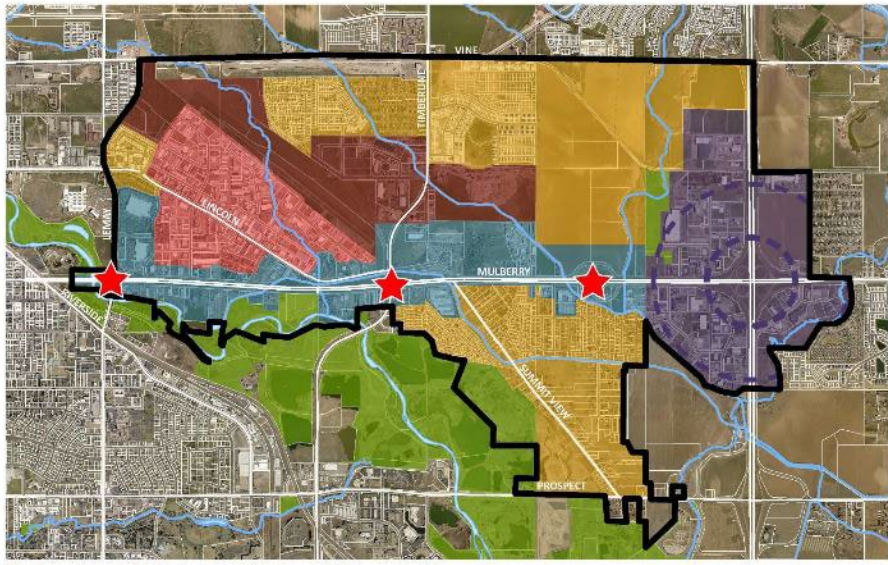
East Mulberry Plan

Date:	November 15, 2021
Location:	Zoom (virtual)
Participants:	Sylvia Tatman-Buruss (City of Fort Collins), Shawna Van Zee (City of Fort Collins), Bill, Stan McGarvey, Patty, Craig, Carol Cochran, Cindy Freeman, Dave Marvin, Erika Jan & Jeffrey Jesse, M. Brown, Amy Young, Josie Plaut (IBE), Susan Hsin (IBE)

FOR NEXT TIME

- Next meeting on December 13th
- Finish subarea questions (Future development and Residential Subareas)
- Priorities for improved main corridor improvements
 - Including pedestrian and bicycle connectivity
- Additional questions from internal City working groups
- Targeted outreach focused in subareas - advisory group members will be asked to help extend invitations

Objective/Topic	Notes
Introduction + Meeting Kick-off	<p><i>Sylvia welcomed everyone from the Advisory Panel and handed off facilitation to Josie. Sylvia noted that she will be available for any questions about the project and welcomed the opportunity to speak with any member individually.</i></p> <p><i>Overview of meeting agenda and focus on subareas, including the use of Mentimeter as a technology to help in the online format.</i></p>
Vision and Equity Statement	<p>Vision: Advancing citywide goals while honoring the uniqueness of the plan area.</p> <p>Equity Statement: Provide meaningful ongoing opportunities for engagement and help assure equitable outcomes, especially for those most impacted and those who are historically underrepresented.</p>
Guiding Principles	<ol style="list-style-type: none"> 1. Celebrate Uniqueness: Valuing the industrial area benefits. As this area is annexed into the City of Fort Collins, we want to figure out how to maintain its qualities that makes this area ideal for businesses and residences, such as affordability. 2. Preserve Affordability & Economic Health: Affordability is a quality of this area that is highly valued by residents and businesses of East Mulberry. As discussion for changes for this area are being had, we

	<p>need to keep this value in mind in order to prevent unintended consequences and displacement of businesses and residents.</p> <ol style="list-style-type: none"> 3. Improve Livability – summarized by the idea of a “15-minute neighborhood” and improved mobility. 4. Enhance Relationship with Nature: Preservation, mitigation, and improved connections to natural areas
Subarea Introductions	 <p> Residential Natural Areas Airpark Future Development Mulberry Frontage I-25 Gateway Major Intersection / Activity Area Waterways, Drainages, Canals </p> <ol style="list-style-type: none"> 1. North & South Residential (in yellow) <ul style="list-style-type: none"> ○ Mostly dedicated to residential. 2. Mulberry Corridor (in blue) <ul style="list-style-type: none"> ○ Timberline and Lemay/Timberline and Mulberry intersections. ○ Mostly commercial and retail uses along the road. 3. I-25 Area & Gateway (in purple) <ul style="list-style-type: none"> ○ Mostly commercial and industrial uses. ○ Primary functions are interchange of commerce, agricultural related, exchange of supplies to neighboring states. 4. Industrial Park (in red) <ul style="list-style-type: none"> ○ Industrial, retail, and commercial uses. ○ Lots of service-related industries (automotive, landscape, construction, fabrication etc.). 5. Future Development (in brown) <ul style="list-style-type: none"> ○ Currently an “in-between” zone with uses that are not as defined right now. 6. City Owned Natural Areas (in green) <ul style="list-style-type: none"> ○ These areas will not be developed on, but the city will continue to maintain. ○ Includes the Cooper Slough Drainage Area.

	<p><i>Advisory Group questions and Comments:</i></p> <ul style="list-style-type: none"> ○ What are the concentric circles in the I-25 gateway area? <i>Outlines the gateway area that the city is trying to define. The city has some ideas for improvement for the interchange area in the future but is inviting feedback from the Advisory Group and community because this is not a final map of the subareas.</i> ○ Who owns it and what are the plans for development to the Airpark Area? <p><i>It is currently owned by [NEED NAME] and had been proposed as a technology center, but it was never developed. Greeley waterline runs through this area, so parts of the area cannot be developed. The city can control the zoning and plans for potential future uses but cannot control what happens on the private lands.</i></p>
Mulberry Corridor	<p><i>Introduction to subarea conversations and use of Mentimeter, an engagement tool used for polling. Polling results and notes attached and/or available by separate PDF.</i></p> <p><i>Likely Future...</i></p> <ul style="list-style-type: none"> ○ Will remain commercial in nature. ○ Improvements or changes of ownership for specific properties and possibility an assemblage of properties. ○ Lemay area shopping centers – can expect little to no change because these are relatively new developments. <p><i>Polling questions and conversation:</i></p> <ol style="list-style-type: none"> 1. How important is it to see aesthetic improvements in the median and street landscaping, signage, and screening (making storage/activities not visible to neighbors)? <p><i>There was some confusion and discussion around the polling set up and especially around the signage question. Josie and Sylvia explained a bit about the Fort Collins signage code and that the City is currently open to feedback about how business signage should look in this area (i.e., how cohesive or different it is compared to other areas in the City).</i></p> <ul style="list-style-type: none"> ○ Would the area West of Lemay be able to achieve landscaping improvements like those implemented East of Lemay? <p><i>The collaboration of CDOT and the City is something that we would like to see in hopes of creating something that is functional and meeting a higher aesthetic standard.</i></p> <ol style="list-style-type: none"> 2. Intersection improvements (function + aesthetics) on Lemay, Link Lane, Timberline, Summit View, Greenfield? <ul style="list-style-type: none"> ○ Even though Lincoln is not directly intersecting with Mulberry, the intersection between Lincoln and Timberline is a “nightmare” and needs to be addressed because it directly impacts the traffic that

	<p>flows onto Mulberry. Carol makes a trip to this intersection every day and it is “terrible”</p> <ul style="list-style-type: none"> ○ Are these questions directed specifically towards cars? Or should the discussion include pedestrians and cyclists? <p><i>For now, this question is about vehicles. We will explore bicycle and pedestrian connectivity in the next meeting.</i></p> <p>3. How important are the AESTHETIC improvements to you at these key intersections on the Mulberry corridor?</p> <ul style="list-style-type: none"> ○ How do we strike a balance between function and aesthetic when making changes for the future? Feels like at no point should aesthetic be prioritized over functionality and clarity. <p>4. What future uses are you open to seeing along the Mulberry Corridor?</p> <p><i>Sylvia explained the distinction between industrial uses, commercial, and mixed-use (service industries that don’t necessarily have a store-front, but a facility is necessary for the business operations, commercial uses are more related to retail and sales)</i></p> <p>5. Are there any types of businesses that you would most like to see added to the Mulberry Corridor?</p> <p>6. Are there any types of businesses or uses that you DON’T want to see on the Mulberry Corridor?</p> <p>Additional Question for Future Discussions</p> <p>Frontage road improvements?</p> <ul style="list-style-type: none"> ○ Several members stated concerns about the function of the frontage roads including safety concerns when turning onto West Bound Mulberry, no meaningful directional traffic signs in place, no guard rail in place, and many accidents that end up in or near businesses including Fort Collins Nursery.
I-25 Gateway	<p>Likely Future...</p> <ul style="list-style-type: none"> ○ Regional commercial and ag support businesses. ○ Planned I-25 and Mulberry interchange improvements. ○ Future proposals for additional commercial and industrial uses. <p>Polling Questions</p> <p>1. How important are the following improvements to you at the I-25 interchange and Mulberry?</p> <p>2. How important are these improvement in other parts of the I-25 subarea?</p> <p>3. What future uses (commercial vs. industrial) are you open to seeing in the I-25 sub area?</p>

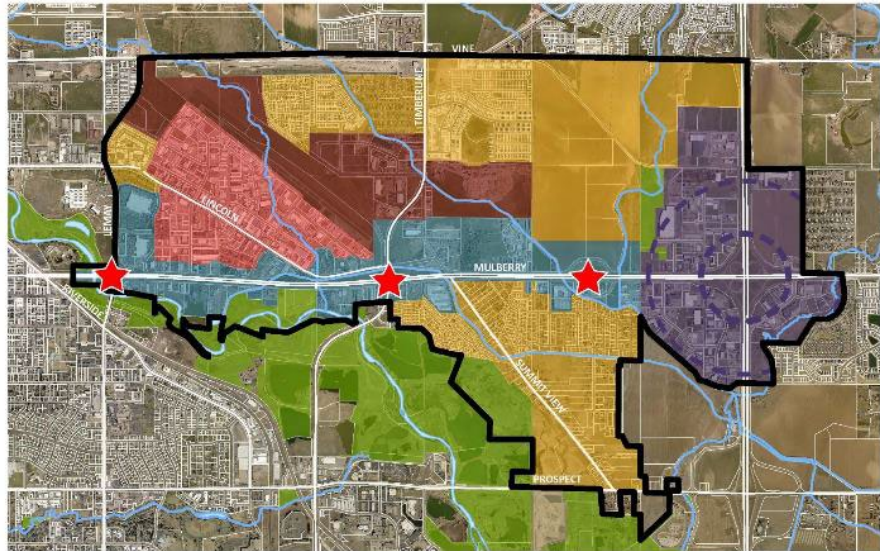
	<ol style="list-style-type: none"> 4. What traffic & connectivity improvements are important to you in the I-25 subarea? 5. Are there any types of businesses that you most like to added to the I-25 subarea? 6. Are there any types of businesses or uses that you DON'T want to see in the I-25 subarea?
Industrial Park	<p>Likely Future...</p> <ul style="list-style-type: none"> ○ Industrial character and uses to remain. ○ An area of interest for new uses and businesses. ○ Individual properties to change ownership and use. <p>Polling Questions</p> <ol style="list-style-type: none"> 1. How important is it to see improvements to landscaping, improved intersections, signage, and screening? 2. What traffic and connectivity improvements are important to you? 3. How open are you to new industrial uses? 4. Are there businesses types you want to see? 5. Are there business types you don't want to see?
Conclusion and Next Steps	<p><i>Josie provided a brief overview of next steps and plan for next meeting on December 13th (action items are highlighted in the first section of notes).</i></p> <p><i>Sylvia thanked everyone for their time and extended the invitation to reach out with any questions that might come up in between this meeting and the next, and if anyone wants to meet one-on-one to discuss something more in-depth.</i></p>

EAST MULBERRY ADVISORY GROUP MEETING 3

Date:	December 13, 2021
Location:	Zoom (virtual)
Participants:	Sylvia Tatman-Buruss (City of Fort Collins), Brown Abrams, Craig McKee, Stan McGarvey, Dave Marvin, Amy Young, Erika, Carol Cochran, Cindy Freeman, Josie Plaut (IBE), Susan Hsin (IBE)

ACTION ITEMS

- Next Advisory Group Meeting will be in February 2022, exact date and time TBD.
- Sylvia to gather more information from the city's utilities team about the possibility of increased rates in response to Cindy's question about costs associated with changing electrical meters.
- Follow up with Advisory Group members that offered to help with community outreach and provide them with the necessary materials & information – Stan will reach out to business owners in his network, Carol will reach out to her neighboring businesses, Amy will reach out to Mosaic Neighborhood Facebook group chat.

Objective/Topic	Notes
Introduction + Meeting Kick-off	<p><i>Josie welcomed the group and briefly explained the meeting agenda and reviewed previous meeting discussion including the subarea map.</i></p>  <p> ■ Residential ■ Natural Areas ★ Major Intersection / Activity Area ■ Airport ■ Future Development — Waterways, Drainages, Canals ■ Mulberry Frontage ■ I-25 Gateway </p>

<p>Future Development Area</p>	<p>Continuing the format from the previous meeting, the group discussed options for the future development subarea.</p> <p>Overview & Questions</p> <ul style="list-style-type: none"> • This is the subarea with most opportunity for change within the next 5-15 years. • Carol – is this area privately owned or can the city put in specific recommendations for this area? <p><i>Sylvia - What can and cannot happen in any given area is primarily determined by zoning, which is yet to be determined for this subarea. The city is currently exploring ideas with input from the community, including this group. Zoning and private party investment will be the two most influential factors about what happens here. The City can only do so much to determine what happens on private land. In addition to zoning, the City has a limited number of addtional ways that they can help incentivize the development of projects that meet community goals and needs.</i></p> <ul style="list-style-type: none"> • Amy – if a current private property goes up for sale, does that provide the city an opportunity to rezone that area? <p><i>Yes, but this is a complex process and there are a lot of standards and guidance that help shape what is possible. The City does not usually do spot zoning, and rezones typically involve a significant amount of land. The Subarea identified as “Future Development” is currently being discussed because there is more of a chance that this area could be rezoned. There is room for community input for what this area will entail in the future.</i></p> <ul style="list-style-type: none"> • Cindy – if the zoning changes in 5-10 years you are affecting how they can sell their existing business. Most businesses there were established prior to the residential built up around it. <p><i>Sylvia – For the most part, upon annexation the City would apply very similar zoning to what properties are currently zoned in the county.</i></p> <p><i>Josie invited the group to join this session’s Mentimeter engagement tool. Polling results and notes attached and/or available by separate PDF.</i></p> <p>https://www.menti.com/i1vxpojzad</p> <p><i>Questions for the Group:</i></p> <p>What kinds of uses might you like to see?</p> <p>Options included the following, which have been ordered from highest to lowest rank. The expressed desired future uses were highly variable across the group with every answer having participants who were strongly opposed or strongly in favor of each idea. There were no clear winners or losers.</p> <ul style="list-style-type: none"> ○ Basic services (restaurants, grocery, banking, etc.)
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	<ul style="list-style-type: none"> ○ Arts / creative spaces ○ Commercial / retail ○ Pharma / tech ○ Additional Industrial ○ Mixed use (residential and commercial) ○ Attractions / entertainment <p>What do you think would add the greatest value to the area? To the Fort Collins community at large?</p> <ul style="list-style-type: none"> ● Several comments mentioned the need for improved connectivity, especially for active modes of transportation, and the desire for more parks and basic services. ● Some mentioned arts and entertainment. ● Some expressed concern that the area might become increasingly residential over time and push out businesses and industry. <p>Any additional thoughts & ideas for what add the greatest value here? To Fort Collins at large?</p> <ul style="list-style-type: none"> ● Input from the advisory group were captured in the Mentimeter poll, but there were strong opinions about implementing safe and integrated trails for bikes and pedestrians.
North & South Residential	<p>Likely future...</p> <ul style="list-style-type: none"> ● Existing residential will largely be unchanged. ● Additional new residential is underway and is more likely. ● New residential will conform to current City standards. <p>Participants were asked to rank the following improvements in of priority (most desired first). The results in order of priority were as follows:</p> <ol style="list-style-type: none"> 1. Bike & Pedestrian Infrastructure 2. Improved Trail Connectivity 3. Broadband 4. Undergrounding utilities 5. Stormwater and flooding infrastructure 6. Fix potholes <ul style="list-style-type: none"> ● Cindy – How much will the cost be for changing out electrical meters? <p><i>Sylvia will check on the answer to this question with her colleagues in utilities. There will most likely be a slight change to the utilities with meter changes, but these changes will look different for different groups depending on their area and energy usage.</i></p>

	<ul style="list-style-type: none"> • Craig – There seems to be a need for connectivity from all these residential zones to adjacent areas. • Erika – There is currently only one place to catch the bus from where we live, and it is not the most comfortable for pedestrians to get there. Hopes to see that students and residents in the area can have more access to these public transit stations to transport themselves to other resources in Fort Collins.
Corridor Improvements	<p>The Advisory Group was introduced to potential design concepts for each of five roads:</p> <ol style="list-style-type: none"> 1. Lincoln Ave. 2. Link Lane 3. Summit View 4. Racquette Dr. 5. Mulberry St. / HWY14 <p>Overall Discussion</p> <ul style="list-style-type: none"> • Carol – Has a co-worker that is an avid biker, yet he is still scared to bike a mile to work because he has to get onto Timberline, where there is lack of bike infrastructure separate from the busy main road. • Dave – Intersection between Timberline and Lincoln is horrid. • Cindy – Does not feel safe biking to work even though she lives close. • Amy – Reinforced the idea that she would love to bike to work, but she does not feel safe doing so and feels worried for her son, who loves to bike, every time he goes out for a ride. • Dave – Recognizes that this is a long-term project but emphasized that this issue needs to be resolved with urgency. • Erika – Must sit at the Mulberry and Timberline intersection for at least 4 cycles every morning when she enters Old Town for work.
Proposed Solutions for Corridors	<p><i>Lincoln Avenue</i></p> <p>Possible Direction</p> <ul style="list-style-type: none"> • Capital Project (paid for by public funds) • Currently a portion of Lincoln has no shoulder, sidewalk, or protected bike lane. • Option to extend pedestrian and bicycle pathways like the segment of Lincoln that has already been upgraded, and to improve median landscaping and stormwater infrastructure. <p>Discussion</p> <ul style="list-style-type: none"> • Carol – Appreciates the image shown of the stormwater ditch that runs alongside Lincoln East of Lemay. There is extensive potential there to make improvements. The bird life there is amazing, although there is a lot of trash.

	<ul style="list-style-type: none"> Generally, the group was favorable to this improvement as described. <p>Link Lane</p> <p>Possible Direction</p> <ul style="list-style-type: none"> Mix of private and public funds. Improve pedestrian and bicycle pathways. Improve entry and exit options – make curbs possible. Would need to work with local business owners to encourage defined entrances/exits as possible. <p>Discussion</p> <ul style="list-style-type: none"> Carol – Feeling conflicted because her own property (Horse & Dragon) had to undergo this rezoning process, but she does feel like it was worth it because it made customers more comfortable. Would love to see this enforced for her next-door neighbors. Generally, the group was favorable to improvements as described. <p>Josie – it may be helpful to consider the idea of “front-of-house” and “back-of-house” regarding the corridors. The larger corridors can be considered front-of-house and might like a higher-grade finish, but the back-of-house areas may not need the same level of aesthetic care.</p> <p>Summit View</p> <p>Possible Direction</p> <ul style="list-style-type: none"> Capital project paid for by public funds. Extend pedestrian and bicycle pathways by adding protected bike and pedestrian infrastructure on one of road (similar to Vine Dr.) <p>Discussion</p> <ul style="list-style-type: none"> Dave – Must consider the character of what is existing in the area in the planning process. Although he appreciates what has been done on West Lincoln, he feels like the sense of authentic character could be taken away if we did this for Summit View. There is something unique about Summit View that needs to be preserved. Erika – Echoes Dave’s comments that Summit View provides a great view in her morning commute and hopes that the open spaces and character can be preserved with the changes to the roadway in the future. Hopes to keep the beauty of the natural area in a safer way rather than the new “manicured” landscape. Craig – Implementing some curves and meandering pathways that complement the beautiful natural views can help to reduce the speed of drivers in this area in a more natural way. Maybe we could try something besides the typical wide and straight roadway.
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	<ul style="list-style-type: none"> • Erika – Is there a more aesthetically pleasing way to make the protected bike and pedestrian lane instead of the concrete bollards and concrete protective curbs? • Carol – Would like to see comprehensive improvements for pedestrian & bicycle safety – not just on Summit View but need improvements on Timberline/Mulberry and/or Lincoln and also on Prospect from I-25 to Riverside to make complete routes. <p><u>Racquette Dr.</u></p> <ul style="list-style-type: none"> • Likely to experience little change. • Likely a light touch on safer bike and pedestrian movement. • Looking at possible piecemeal improvements for one side of the street adding a sidewalk and some street treats/landscaping. • The stormwater department will evaluate further infrastructure needs and budget through Dry Creek Master planning.
Mulberry Street/HWY14	<p>Mulberry corridor needs a significant dedicated planning effort.</p> <ul style="list-style-type: none"> • This corridor deserves its own thorough planning process due to its sheer scale, and it involves cooperation with CDOT. • Needs functional improvements on the frontage roads, key intersections, and bicycle and pedestrian infrastructure. • Many opportunities for aesthetic improvements on medians and other street trees and landscaping.
Engagement Strategy	<p>The City needs help from the advisory group to invite additional input from community members throughout the plan area. The area generally has less formal social infrastructure hopes the advisory group members can help drive participation in subarea workshops next year.</p> <p><i>Josie asked the group:</i></p> <ul style="list-style-type: none"> • How might we best engage people from different areas? • Who are 10 folks you know who should be involved in some way? • Thinking of the folks you know, how should the city proceed with gathering input (online surveys, in-person group conversations, online group conversations, etc.)? • Are you willing to extend a personal invitation to people you know? <p>Discussion</p> <ul style="list-style-type: none"> • Amy – There is a Facebook group for the Mosaic Neighborhood that is relatively active, and she can make a post to get more folks engaged. • Craig - Having a survey that is accessible at different businesses might be helpful. Leaving a QR code for the convenience of survey participants might be impactful.

	<ul style="list-style-type: none"> • Dave – Must identify what kind of information the city is trying to capture from the public, quantitative or qualitative. It might not be worth it to do the “deep-dive” on a survey because the quality of information might not be worth the effort for outreach in this format. • Carol – There is value in allowing people to feel like they are being heard. Surprised that there has been minimal participation from the community because there are many people who have expressed strong opinions in the past yet are still not finding their way to these important conversations. • Josie – Suggested an idea to host subarea meetings/focus groups where the public interest can be more geared towards specific interests. There is still a barrier for community engagement since these meetings must be hosted online. • Carol – Happy to contact business folks she knows in the area for a meeting at Horse & Dragon or online.
Conclusion and Next Steps	<p><i>Josie concluded the meeting with closing remarks and asked the group for any final thoughts.</i></p> <ul style="list-style-type: none"> • Dave - Suggested gathering statistically significant data from the community, understanding doing so can be very difficult to achieve. So suggested bringing in the university or another 3rd party organization to help with the survey questions. <p><i>Next meeting for the advisory group will be held in February. Josie encouraged advisory group members to extend this conversation to others and help invite more people to the subarea workshops.</i></p>

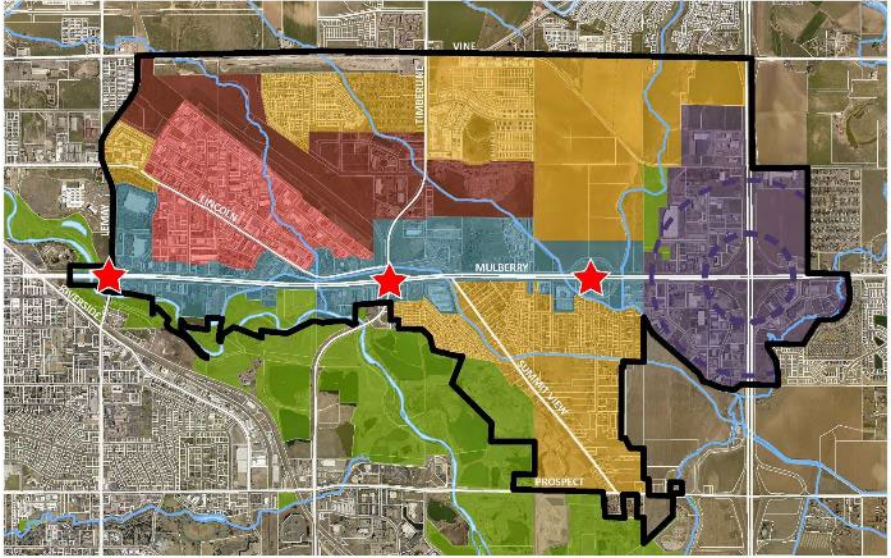
EAST MULBERRY ADVISORY GROUP MEETING 4

Date:	February 7, 2022
Location:	Zoom (virtual)
Participants:	Sylvia Tatman-Buruss (City of Fort Collins), Tayla Copeland (City of Fort Collins), Shawna Van Zee (City of Fort Collins), Craig McKee, Erika, Cindy Freeman, Jesse Eastman, Josie Plaut (IBE), Susan Hsin (IBE)

ACTION ITEMS

- Refine and specify the language used in list of goals to make sure that the information presented resonates with the community and the Council.
- If using Mentimeter results for council, adjust the scale of the graphic results to avoid confusion.
- Send out the draft plan for participants that are interested in staying involved, and maybe planning a meeting with the City to go over the plan to gain common understanding.
- Possibly finding a new meeting time during the day that would work better for most.

Objective/Topic	Notes
Introductory Remarks + Meeting Kick-off	<i>Josie welcomed the group and briefly explained the meeting agenda.</i>
Community Workshops Update	<p>Resident Workshops</p> <ul style="list-style-type: none"> • Two Resident workshops have happened so far, one in English and one in Spanish. • 12-14 people attended each workshop, which is a successful turnout in the City and IBE's experience. <p><i>Josie shared the results from the workshops (both Spanish and English) with the Advisory Board.</i></p> <ul style="list-style-type: none"> • Results identified shared and mixed priorities from each group. • Spanish-speaking group prioritized improvements to the Lemay/Mulberry intersections, while the English-speaking group prioritized the Summit View/Mulberry intersection. • Residents are generally more oriented towards improving civic infrastructure compared to the industry sector. Once the business workshops happen, results will be analyzed and compared. • Distinctions between Spanish-speaking community and English-speaking community for connectivity to certain destinations. Access to Vine Drive is a priority for Spanish-speaking community where as the English-speaking community prioritized Downtown.

	<ul style="list-style-type: none"> Spanish-speaking community was less interested in additions to industrial, business, retail, and basic services than the English-speaking community. They were also less inclined for large scale changes overall. The causal drivers of these differences should be explored further. Interest from both groups for more natural areas + parks, restaurants, arts & creative spaces, community & recreation facilities, and attractions. Emphasis on mobility and making larger improvements to natural areas are consistent themes that emerged. The only demographic information we asked for in the meetings was the relationship to the area. This is also true for the questionnaire that is available on the City of Fort Collins' website. Without a clear use for the demographic information, the team decided to not ask more questions on demographics. Our focused on the interaction and perspectives gained from the meetings.
Key Issues & Strategies of Subareas	<p><i>Josie provided a brief review of the different subareas in conversation for the East Mulberry Plan. We will be looking for confirmation and questions from the Advisory Board during this section.</i></p>  <p>Safety</p> <ul style="list-style-type: none"> I-25 and East Mulberry consistently noted as an area where the success of businesses is partially disrupted by safety issues not adequately addressed by current law enforcement efforts. Businesses in this area actively requested to be annexed to help mitigate crime.

	<p>Aesthetics & Transportation</p> <ul style="list-style-type: none"> • Aesthetic improvements along the E. Mulberry Frontage Road. • The highway is currently dangerous to access by all modes of transportation. • Many intersections are currently unsafe for pedestrians and cyclists. <p>Stormwater Improvements</p> <ul style="list-style-type: none"> • The service-area/industrial park southwest of the old airport and directly east of Home Depot and Walmart is affected by poor stormwater infrastructure and flooding. <p>Affordable Housing and Transit</p> <ul style="list-style-type: none"> • Mechanisms for affordable housing preservation are an option in the plan area neighborhoods. • Investments in transportation improvements can be planned for Summit View. A bike and pedestrian lane on one side of Summit View has been in discussion to improve safety for bikers and pedestrians. • There are opportunities for enhancing bicycle and pedestrian connectivity for key corridors.
Plan Structure	<p><i>The following framework and information will be presented to Council. This is a chance to make sure that this is accurately representing the work and ideas that have come from the Advisory Board before the presentation to Council. Josie reminded the group of the reasoning behind why we are doing all of this in the first place.</i></p> <ul style="list-style-type: none"> • Commitment was made through an intergovernmental agreement between the County and the City. • The city is the urban service provider capable of providing more services than the county. • This area has urban needs that are not being met (police services, stormwater mitigation, etc.). • Disparities exist in access to amenities that will likely increase as time goes on. <p><u>Goals for the East Mulberry Plan</u></p> <ul style="list-style-type: none"> • Dedicated and flexible space for industry. • Safe and functional stormwater and transportation infrastructure. • Integrate and connect to community amenities & services. • Celebrate and enhance historic and natural features. • Explore phases of annexation.

	<p><i>The advisory board members expressed some concern that the language in the goals was missing key ideas. (See discussion for more detail). An overview of each goal area and strategies was presented to the group.</i></p> <p><u>Dedicated and Flexible Space for Industry</u></p> <ul style="list-style-type: none"> • Make space for additional innovation and entrepreneurship in commercial and industrial uses. • Allow for context-specific and customized solutions related to in-fill development, business expansions, and remodels. <p><u>Safe and Functional Stormwater & Transportation Infrastructure</u></p> <ul style="list-style-type: none"> • Collaborate with CDOT, adjacent business-owners and other community stakeholders on the re-design of East Mulberry Street (not the corridor as a whole) including multi-model transportation. • Improve accessibility to greater Fort Collins community and enhance safe travel and accessibility for all modes of transportation. • Improve stormwater infrastructure through capital improvements and context-specific mitigation strategies, especially in the industrial area. • Explore potential funding mechanisms for addressing substandard and missing infrastructure. <p><u>Integrate and Connect to Community Amenities & Services</u></p> <ul style="list-style-type: none"> • Increase safety through Fort Collins Police Service patrols and community policing efforts. • Explore ways to maintain housing affordability and existing character of residential neighborhoods. • A big challenge for the city, to deliver amenities improvements without disrupting the affordability of living in this area. This reality of these challenges is present in ongoing discussions, and planners are currently trying to arrive at a balanced solution. <p><u>Protect and Promote Historic and Natural Features</u></p> <ul style="list-style-type: none"> • Protect existing natural habitats and features (including the Poudre River, Dry Creek, Cooper Slough, and Boxelder Creek) through thoughtful and appropriate development. Making this area more productive and enjoyable from both an ecological and recreational standpoint. • Identity new areas for parks and natural areas. • Increase access to existing parks and natural areas. • Increase the urban tree canopy throughout the corridor. <p><i>Josie took a pause in her presentation to ask the group if they think this information hits the mark.</i></p>
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	<p><u>Comments from the Group</u></p> <ul style="list-style-type: none"> Should aesthetic improvements and beatification be included more explicitly on this list of goals based on our discussions? Mulberry corridor being a gateway area into Fort Collins makes it high priority for aesthetic improvements and good first impressions. Sylvia's Response – Much of these beautification initiatives will occur as a byproduct of some infrastructural re-development. The goal to enhance the historic and natural features is also related to aesthetic improvements. Will the character of the residential neighborhoods and the smaller homes in the area be preserved, or forced to change because other investors are supporting the change? What about other ways to address affordability, character, and improvements? Sylvia's Response – The plan is going to outline context-specific strategies for different areas. These will be proportional to the project that is happening (ex: travel corridor specific, building specific). Residential building permits are usually separate from commercial development. There are some strategies in place, such as land-use code, that will serve as guidelines for how these areas will change. Some of it can be controlled by the city, but some of it is unpredictable and out of the City's control. Regarding language in the overarching goals: <ul style="list-style-type: none"> Some of our key discussion points that don't seem to have as much emphasis in written form compared to what we have heard consistently in our discussions. The titles seem vast and vague, which can leave a lot of room for interpretation. Motives can be a little unclear with the current format. Some goals do not seem to be reflected in the goal statements, and some terms can be clarified to avoid confusion. Which improvements are considered a necessity and what will be the priorities for the City? For example, how do we define what an amenity is, and which ones should be prioritized? This is currently unclear due to a lack of hierarchy and refinement. Sylvia's Response - The City is aware of the many issues that could be addressed, but resources are limited, especially with for expensive capital improvement projects. The City doesn't want to over overcommit to promises that don't have realistic funding sources. Where would the priorities lie? Sylvia & Josie's Response - The planners are still in the process of determining the highest priority needs and allocating capital budgets. Priorities have not been finalized, but there has been progress. Progress with the capital projects is happening
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	concurrently as we are having discussions about how to move initiatives along.
Next Steps & Closing Remarks	<p><u>Phases Annexation</u></p> <ul style="list-style-type: none"> Careful and strategic analysis of pros and cons related to annexation. Phasing may allow for greater integration and implementation of plan goals. <p><i>Sylvia clarified that the City Council has final say in how annexation happen. This is an area of Fort Collins that is part of the community, but not currently served by the City. There is a clear need for providing services and amenities for this area to be brought in. The City planning group is drafting a phased annexation plan and will share that back with the community, including this group, for feedback.</i></p> <p><u>Business Community Workshops</u></p> <ul style="list-style-type: none"> Tuesday, Feb. 8 12-1:30PM and Wednesday, Feb. 9 6-7:30pm. Currently 20 participants registered. Josie encouraged everyone to continue sharing events to help drive participation. <p><u>Upcoming Council Work Sessions</u></p> <ul style="list-style-type: none"> March 8th – Review the plan framework (what was reviewed today) April 13th – Joint Council and county meeting April 26th - Draft plan for Council to review Annexation Phasing – tentative for April or May City Council Adoption Hearing – May or June <p><i>Josie clarified that the Council workshops are not interactive with the community participants, but meetings will be streamed live and recorded for those who wants to see how City Council is thinking.</i></p> <p><i>The group expressed interest in having two more meetings to review the draft plan and the annexation plan. They also expressed interest in a daytime (noon?) meeting instead of evening, which is difficult for family commitments.</i></p> <p><i>Josie and Sylvia thanked the group for their generous participation and time engaging in this process.</i></p>

EAST MULBERRY ADVISORY GROUP: ANNEXATION LENSES & PHASING

Date:	April 1, 2022
Location:	Zoom (virtual)
Participants:	Sylvia Tatman-Burruss (City of Fort Collins), Shawna Van Zee (City of Fort Collins), Mike Brown, Amy Young, Erika, Josie Plaut (IBE), Susan Hsin (IBE)

ACTION ITEMS

- Share recording of this meeting with other Advisory Group members.
- Share [recording of Council's most recent meeting](#) to Advisory Group members.
- Joint City Council and County Commissioners meeting on April 13th
- City Council work session focused on annexation April 26th
- Complete draft of East Mulberry Plan – City will reach out in the coming months.
- Notify Advisory Group when the Council's vote will take place in an updated newsletter.

KEY TAKAWAYS & PERSPECTIVES

- Support for annexation in hopes of eventually benefitting from increased resources and attention toward transportation, policing, stormwater, and other topics
- Concerns and surprise that annexation was in question and group member expressed concerns about perceived lack of leadership, follow through, and potentially damaging optics if the City chooses to back down from annexation.
- Desire for greater connectivity, continuity, and safety for different modes of transportation.
- Preference to start with Mulberry Corridor and the I-25 Gateway.

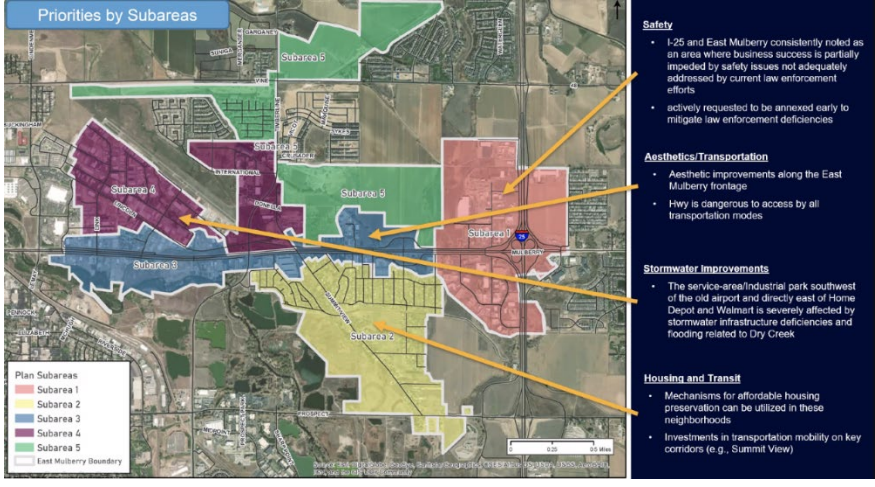
KEY MESSAGES FROM ADVISORY GROUP MEMBERS

- The financial implications and concerns should not get in the way for the betterment of the community.
- It is short-term thinking to hesitate making improvements to this area. Feels like a short-sighted perspective to think that investing in this area won't be worth it. I would like to see the council be more optimistic in this effort.
- It would be challenging to employ a phased approach for the improvements. It seems like the area should either be annexed or not annexed. If we don't annex, then the City does not need to worry about having a plan and can stop spending so many hours and resources to wait on decisions.
- Lack of vision by the City. Does the City want a cohesive feel on this side of town? At this point it does not seem like they are convinced it is worth investing in East Mulberry.

Objective/Topic	Notes
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Introductory Remarks + Meeting Kick-off	<p><i>Brief overview of the agenda and conversation about the focus on the difference between the Annexation Plan and the East Mulberry Plan.</i></p> <p><i>The meeting was recorded via Zoom.</i></p>
Community Workshops Update	<ul style="list-style-type: none"> • Council asked staff to focus more on annexation phasing and options • The East Mulberry Plan, while related, is on hold for a couple months. • Council work session on April 26th will hopefully provide guidance for how to move forward. • The East Mulberry Plan can and does exist without annexation, but annexation would provide greater accountability and resources focused on implementation. • Annexation is part of the longstanding agreements between the City and the County, though it is not a given. Staff and consultants are working to develop information and context to help inform council's decision-making process
Annexation Overview	<p><i>Difference between Annexation Plan and East Mulberry Plan</i></p> <p><u>Annexation Plan</u></p> <ul style="list-style-type: none"> • There is an intergovernmental agreement that defines when an area becomes an enclave, it will be annexed into the City and the City will become the service provider in the area for policing, zoning, building codes, stormwater infrastructure, and transportation. The current City council has brought into question the annexation of the area. <p><u>East Mulberry Plan</u></p> <ul style="list-style-type: none"> • Existing plan from 2002 that addresses development in the area. It works as a guiding document on whether this area will be jointly adopted by the city or not. Recent efforts have focused on updating the 2002 plan. The plan will be more robustly implemented if the area is annexed than if it is not. <p><u>Questions/Comments from the Group</u></p> <ul style="list-style-type: none"> • We were under the impression that the annexation was going to happen, and it was just a matter of time until it was finalized. Is that still the case? <i>At this point, Council is asking for more information to make a more informed decision about moving forward.</i> • Is the City waiting for more information or is there something else going on behind the scenes? <i>The starting point was the agreement, but ultimately the decision is up to Council, and they can choose whether to follow through with annexation.</i> • What are the repercussions if Council decides to not annex this area? <i>This is something that the staff is still trying to understand as well. It will largely depend on how the conversation goes on April 26th before we have a better idea.</i>

- What happens to the East Mulberry Plan that we have been working on over the past many months?
It was a surprise for everyone that the last Council work session went the direction it did. They want to make sure that all the community engagement work that has already been done is still accounted for moving forward.
The annexation plan and East Mulberry Plan are related, but not directly tied together. If Council does not decide to proceed with annexation, the East Mulberry Plan can still be adopted. If the plan is adopted without annexation, it is likely that it will serve as more of a guiding document, rather than a plan.
- What was the purpose of updating the 2002 Plan?
Many City policies have changed since 2002, so the City wanted to reevaluate the original plan in alignment with the current needs of the community and changes the Fort Collins has experienced since 2002. This gives the City an opportunity to take more community feedback into consideration as well.
- What factors influence what City Council is looking for in deciding on annexation?
It's a matter of having enough resources, the timeline of when to start projects, and how to handle existing issues with roads and infrastructure. They are looking for staff to outline these concerns with more clarity to help make their choices more obvious.
- Has there been discussion about the increasing development and population increase in this area? Genuine concern about public safety due to the anticipation of many people moving to this area.
Because the policies of the City have changed to accommodate multimodal transportation, the City, as an urban service provider, requires this for new development. The requirements for the county, which has more rural foundation, are much different. The requirements and services from the City and the County do not exactly line up, so the issue at hand is to figure out a solution that will be a common ground for the differences between the two jurisdictions.
The objective of today's conversation is to be able to better understand and articulate the community's responses around potential annexation by understanding different perspectives from the community. We are trying to identify what the community perceives as the benefits and drawbacks of annexation.
Suggestion to watch the recorded Council session to better understand the shift in direction / the Council's questions around annexation. It's important to note that Council works and decides on issues and that City staff's role is to provide information and guidance to Council, but they are not one and the same.

	<ul style="list-style-type: none"> Pedestrian, bike, and resident safety in this area is why an advisory group member decided to join. The Mosaic Neighborhood, for example, has great roads and infrastructure, but outside of the neighborhood, that is no longer the case. No private builders and developers are going to deal with the City's infrastructural and connectivity issues. <p><i>Planning and resources from the City can begin with annexation, but even if that is the case, it is very unlikely that any major changes would happen in the next 5 years. It is a long process.</i></p>
<p>Phasing Overview</p>	<p><i>The group moved into an annexation activity after being introduced to the annexation subarea map (which is a little different from the East Mulberry Plan Subarea Map). The group reviewed a summary of concerns and opportunities by subarea.</i></p>  <p>There are no hard boundaries for the subareas on this map, but it is divided up in a way to help us make sense of the area.</p> <p><u>Why are we talking about phasing for annexation?</u></p> <ul style="list-style-type: none"> Allows for the City to build up resources over time, rather than all at once. Allows time for revenue generation ahead of other phases. Allows for better community engagement ahead of each phase. <p><i>Often, annexation areas are much smaller than what is to be the case for East Mulberry, so the phasing plan helps annexation be more feasible.</i></p> <p><u>Phasing lenses</u></p> <p><i>Each lens focuses on one priority area. Other priority areas are still present but might be delayed or resourced differently. The idea is to spark conversation, rather than expect that the city will take on any one of these lenses specifically. The options generally represent a time that would start in couple of years and last 10 or more years.</i></p> <ol style="list-style-type: none"> Fiscal Health for City → emphasizes fiscal impact to City of annexation, including priorities, budgets, risks, and timing.

- Prioritizing revenue for the city through primarily through city sales and some property taxes.
 - Annexes commercial areas first with residential areas coming later.
 - Allows financial resources to be built up most quickly to help offset additional costs (e.g., policing, capital improvements, etc.)
2. **Environmental & Hazard Protection** → Emphasizes annexation areas that need improvements to address environmental and natural hazard concerns (e.g., flooding).
 - Recognizes that floods are a major concern in this area.
 - Prioritizing subareas 1, 2, 4, which include Cooper Slough, Dry Creek, and the Poudre River Trails.
 - Might be a while until stormwater infrastructure improvements are made, but this lens would get it on the list as a priority.
 3. **Economic Opportunity** → Prioritizes the annexation of properties with potential for new industrial and commercial development that would generate income for the local economy.
 - Effort to identify which areas will maximize business potential while meeting the multimodal requirements.
 4. **Residential Enhancement** → Emphasizes connectivity, utilities, and other social priorities.
 - Focuses on residential / resident priorities.
 - Prioritizes annexation of subareas 2, 3, and 5, which have existing residential neighborhoods
 - Conversation around affordable housing in this area.
 5. **The Gateway Community** → Emphasizes functional and aesthetic improvements along the Mulberry corridor.
 - Aesthetic and functional improvements in partnership with CDOT.
 - Prioritizes Subarea 3 and central portion of Subarea 1

Sylvia clarified that staff would present financial numbers to council on April 26th. These lenses are meant to help inform council's thinking about an annexation approach based on different priorities.

Questions from the Advisory Group

- Have any numbers for cost and benefit been put together yet? What is the bare minimum for cost and funding? Seems like there is a huge gap in this presentation about this.
- Round numbers will be presented from the financial analyst in the next council meeting on April 26th. We currently have a general idea, but it is up to Council to decide what to do including looking annexation from staffing, services, maintenance, and capital perspectives.*

<p>Phasing Lenses Conversation</p>	<p><u>QUESTION FOR THE GROUP</u></p> <p>Which area would you suggest annexing first and why? If you had to rank them, or put them in an order, which order would you choose? Why?</p> <ul style="list-style-type: none"> • Focusing on the Gateway Lens should be prioritized to address the issues of public safety and transportation. If this was the starting point, there is potential that the improvements would spill over into the other Subareas. • The Gateway seems to be the most palatable choice because it would have the greatest positive impact on the most people and the whole town of Fort Collins, versus improvements to other subareas would only be a help to the people who interact with those areas more exclusively. • Even though this would be the most beneficial lens to take on, it is equally probably the most difficult subarea to address. • There are many overlapping issues characteristic to this area (i.e., stormwater infrastructure/flooding, traffic safety issues), that might make this phasing plan not the most pragmatic solution. It would be difficult to compartmentalize the improvements to one specific subarea. • To clarify, the Gateway Lens is not just a notion for beautification. • Policing by the interstate is needed. Is there any data to provide to City Council that addressing this area would be a crime reduction effort, which would reduce the urgent need for police services? <p><i>The data is available in call volumes to the area. It shows that police are needed in this area, which could help the case for the Gateway area being pushed forward.</i></p> <ul style="list-style-type: none"> • It seems Council is struggling with the justifying the cost to cover policing, but that cost isn't supported by the current revenue/budget, making it a barrier for the city to annex this area. • Being short in resources doesn't mean we shouldn't be doing anything. <p>What would you most like council and staff to understand about your thoughts on <i>annexation</i>?</p> <ul style="list-style-type: none"> • The financial implications and concerns should not get in the way for the betterment of the community. • It is short-term thinking to hesitate making improvements to this area. Feels like a short-sided perspective to think that investing in this area won't be worth it. Would like to see the City be more optimistic in this effort. • It would be challenging to employ a phasing approach for the improvements that need to be done in this area. It seems like it should either be annexed or not annexed, which might make this whole plan less confusing to our benefit. If we don't annex this, the City does not need to worry about having a plan, which is currently
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	<p>something that the City is expending so many hours and resources to wait on decisions.</p> <ul style="list-style-type: none">• Lack of vision by the City. Does the City want a cohesive feel on this side of town? At this point it does not seem like they are convinced it is worth to invest in.
Closing Remarks + Next Steps	<p><i>The civic process only works because of the engagement from the community. Our commitment is to continue facilitating opportunities that will elevate the voices in the community.</i></p> <p><i>This is far more than just a financial decision, but rather a whole city decision. Despite the interesting turn in the road for all of us in this process, all the progress made today is helpful for the City to gain clarity for this complex decision.</i></p> <p><i>The Council work session on April 26th is focused on the Annexation Plan, which will include the lenses we discussed today, accompanied by the round financial numbers. There is currently no deadline for council to decide by. The work session on the 26th will not lead to any decisions, but the hope is to get enough done to create guiding direction that will lead to a decision.</i></p> <p><i>Regarding the East Mulberry Plan, it has the most impact is when single properties and new development occurs. New developments will be subject to the plan guidance whether the annexation happens or not. At the very least, the impact will happen, but at a smaller scale (developers, builders, private businesses) with the creation of this plan document.</i></p> <p><i>Josie thanked everyone for their time and encouraged the group to keep learning, keep staying involved, and to watch and participate in the council work sessions and hearings accordingly.</i></p>

EAST MULBERRY ADVISORY GROUP: ANNEXATION & PLAN UPDATES

Date:	February 2, 2023
Location:	Zoom (virtual)
Participants:	Megan Keith (City of Fort Collins), Sylvia Tatman-Burruss (City of Fort Collins), Shawna Van Zee (City of Fort Collins), Josie Plaut (IBE), Elicia Ratajczyk (IBE), Brown Abrams, Stan McGarvey, Amy Young, Cindy Freeman, Nathan Randall (City of Fort Collins),

ACTION ITEMS

- We should move the voluntary annexation by landowner petition example to a different spot in the slide deck, it was a little awkward.
- Shawna to share the Q&A document and information about the upcoming timeline with everyone via email.

KEY MESSAGES FROM ADVISORY GROUP MEMBERS

- There is still general support and interest in annexation and improvements in the East Mulberry Enclave.
- They would like to be kept informed and are concerned about the uncertainty of both the timeline for annexation and clarity around what it would mean for different types of properties including how it would affect property taxes, values, access to businesses and amenities.
- They would like additional clarity about what this is going to look like and help in envisioning how the process will unfold.
- They would like to be notified as improvement projects (whether from CDOT, the City, or the County) are planned and information on how they can be involved in the process.

Objective/Topic	Notes
Introductory Remarks + Meeting Kick-off	<i>Welcome & Introductions. Brief overview of the agenda. The meeting was recorded via Zoom.</i>
Review: What is the East Mulberry Plan & how does it relate to Annexation	<i>Difference between Annexation Plan and East Mulberry Plan</i>
What has happened since our last Advisory Group meetings	<i>Moving away from phased approach and character areas</i>
General Perspectives: What we heard	<ul style="list-style-type: none"> • Desire for greater connectivity, continuity, and safety for all modes of transportation

	<ul style="list-style-type: none"> • Maintaining mix of current uses, beautify Mulberry corridor, accommodate light industrial uses • General support for annexation • Some concern and surprise that annexation was in question by City Council
How this connects to your feedback	<ul style="list-style-type: none"> • Your input has gone into the East Mulberry Plan • You will have a chance to see and comment on that plan before it is ratified next summer
How the Annexation Conversation has unfolded	<ul style="list-style-type: none"> • Timeline of events that have occurred over the last year • March Council Session – Council asked for a pause and time to address some of their concerns • Worked through some issues and most recently met with Council in December • Introduction of the Thresholds/Tipping Points approach: <ul style="list-style-type: none"> ○ Maintain logical boundaries (e.g. voluntary annexation of individual parcels) ○ Proactive Resource Protection (e.g. Cooper Slough) ○ Redevelopment Risk (e.g. mobile home parks) ○ External Funding (e.g. CDOT improvements at I-25) <ul style="list-style-type: none"> ▪ <i>Does CDOT have any current plans to improve the interchange? Yes, there is a plan but no clear indicator on the timing of when they will pursue that.</i>
How would you be informed of future annexation (when thresholds are met)?	<ul style="list-style-type: none"> • Outreach to community • Initiating resolution of City Council, recommendations from Planning & Zoning commission, two ordinance readings of City Council (over 4-6 months) • Each touchpoint will have opportunities for community members to become engaged
What does it look like moving forward?	<ul style="list-style-type: none"> • It may take a significant amount of time to reach annexation.
Group Conversation	<ul style="list-style-type: none"> • How is this landing for you? • What are your thoughts & questions? • Is this a reasonable approach from your point-of-view? <p>Brown Abrams: I'm only tangentially involved because I own a vacant lot behind American Furn. Warehouse, I'm just wondering about what annexation means and how it will impact property taxes and values.</p> <p>Megan: <i>One of our goals is to clearly communicate what the changes will be in going from the county to annexation into the City. We hope that you could help to distribute some of that information as we move forward and we will follow up after the meeting with some of those resources.</i></p>

Josie: There has been opportunities for individual property owners to talk with the City's planning staff and will that still be available to property owners?

Megan: Yes, we will certainly continue to do that as we move forward.

Brown Abrams: I'm glad to see its finally coming together, as property owners we were happy to not pay City taxes but we did need the roads fixed so we got together and raised the money for a special improvement district to do that.

Josie: This will still be a long and slow process and its important to set expectations that this will happen very slowly. There is the voluntary annexation approach that is available if you do not want to wait for the thresholds to trigger potential annexation.

Brown Abrams: Do you know why these areas of the City weren't originally part of the City?

Josie: This area has traditionally been on the edge of the growth management area and has functioned as the buffer between the urban and rural areas.

Stan: I'm excited about the improvements along Mulberry with the landscaping and everything. I'm only concerned about access into my business. Will the frontage road be eliminated and make that more difficult? I've seen some things on some of the previous plans that could affect my property but overall I'm excited about some of the improvements that could aesthetically improve the area.

Megan: We would definitely be in communication with you and our goals are to minimize the negative impacts and disruptions to businesses.

Josie: The East Mulberry Plan includes pretty broad brush strokes and when the improvements begin to take place there would be a lot of community engagement and input as we get to the levels of detail needed and you and others in the area would be invited to really engage and provide input on the specifics there.

Amy: I'm still having trouble envisioning when and how this is going to be implemented and its pretty different than what we were talking about a year ago. I'm just struggling to visualize when, how, and where improvements would take place.

Josie: One of the lessons I've learned from the Southwest enclave annexation is that annexation doesn't really lead to immediate capital improvements. The services like policing and things happen immediately but the changes to streets takes time and the transition to different rules and taxes also takes some times so people have both input and time to get used to what that will look like. While the threshold approach is a little more uncertain

Amy: If an area is annexed, like let's say Roselawn, if that were to be the next annexed area, how would that impact the community there? Would

that then give you the license to improve East Mulberry along that area, for example?

Megan: Yes, if that were to happen, planning and zoning would start looking at what makes sense and come up with a plan that makes sense as to what annexation would look like. The transfer of services to those areas would be determined in more detail.

Amy: Have you really determined what makes a threshold?

Megan: Yes, some of the examples are some of the things that we are considering, but there are some other things as well, such as continuity and how we build some of the City's goals into these thresholds and logically sequence things including all of these factors.

Josie: Existing residential areas will probably be the slowest to be annexed as opposed to some of the areas that are still developing. The transfer of services and improvements to things like storm sewer would begin to be put into the que (for the whole City) but all of those things would take time.

Amy: So as far as East Mulberry and the frontage road, etc. could be developed kind of piece meal then, depending on thresholds?

Megan: So, that is part of what we're trying to address. So in your example, we would be actively trying to keep from creating that patchwork, or choppy sections approach, and so we would be annexing it in one or two longer segments, if not the whole thing at one time, trying to do what makes sense.

Cindy Freeman: So in looking at this map and our discussion, it seems like the Gateway at I-25, the Mulberry Corridor, and then maybe Lincoln are the priorities?

Megan: Yes, that sounds like how we are starting to think about this and where we are anticipating that we will reach these thresholds first, and residential communities won't experience the thresholds in the same way and so those will likely take longer to get through annexation.

Cindy Freeman: Have you been in communication with CDOT about how improvements will take place as they improve the highway and interchanges? How do we improve connectivity and the safety at some of the intersections along Mulberry?

Megan: We anticipate a lot of on-going coordination with CDOT as we move through both the Mulberry Plan and Annexation and while there hasn't been a lot of interaction lately, there will be more in the future as we move forward.

Josie: Again, things will move really slowly until they don't but as specific projects begin to happen we will provide information and engage the community as they become imminent on the horizon.

	<p><i>Megan: Yes, we think that sharing things that are in progress or in the pipeline will be great and we would be able to provide this group with information and a mailing list of things that are coming up.</i></p> <p><i>Cindy Freeman: How would the stormwater situation relate to Countryside, where I live, if Mulberry and the commercial properties along there were annexed and improved? How can something like stormwater be done piece meal?</i></p> <p><i>Megan: Yes, good question. We have been thinking a lot about that and we are hyper aware of those issues and that will be something that will be key in creating the thresholds and looking at how things may take shape.</i></p>
Closing Remarks + Next Steps	<p><i>Shawna: We will be hosting four public meetings, two virtual meetings at the end of February, and two in-person meetings in March. We will send out mailings prior to the meetings. One of the virtual meetings will be recorded and posted online. The in-person meetings will be held at the Genesis Project.</i></p> <p><i>Reach out to Megan or myself (Shawna) if you would like to have an information session or discussion in your community.</i></p> <p><i>W</i></p>

Appendix A: Community Engagement Reports

Business & Community Workshops

EAST MULBERRY PLAN

COMMUNITY ENGAGEMENT REPORT

February 18, 2022

COMMUNITY ENGAGEMENT OVERVIEW

Between October 2021 and February 2022, the Institute for the Built Environment (IBE) at Colorado State University facilitated a series of engagement activities to solicit input from the East Mulberry Plan Area residents and owners of commercial/industrial businesses. Engagement activities included a community advisory group, virtual workshops, and an online questionnaire.

Advisory Group

Members of the Advisory Group have consistently engaged with the East Mulberry Plan project team to share their knowledge, concerns, and hopes for the outcomes of the multi-stage planning and annexation process. They have played an important role in holding the project team accountable for maintaining the project's vision and spreading the word about engagement opportunities through their personal networks. The advisory group included renters and homeowners of several East Mulberry neighborhoods, including Boxelder Estates, Countryside Park, and Mosaic, along with businesses of various sectors, including Charco Broiler Restaurant, Fort Collins Nursery, Western State Bank, Mountain Pet Supply, and more. Four advisory group meetings were held October of 2021, and their involvement in future engagement opportunities and review processes will be key for the project's future success. The draft plan goals were shared at an Advisory Group meeting on February 4th, 2022. The community perspectives expressed through the workshops both confirmed and refined language for the goals.

Virtual Workshops

The most recent series of community engagement workshops gathered input on aesthetic and functional priorities for streets and roads, bike and pedestrian infrastructure and trail connectivity, utility improvements, and future land use priorities for the East Mulberry plan area. The perspectives and lived experiences of the diverse stakeholders who live, work, shop, and play here are helping the city develop the vision and priorities for the plan area while honoring the areas unique characteristics.

In the most recent phase of community engagement, the City of Fort Collins and IBE worked together to host a series of public engagement workshops that provided an opportunity for Spanish and English-speaking, and commercial/industrial businesses to share their perspectives and priorities. Outreach

efforts targeted a broad range of populations and organizations so that the plan reflects the values and aspirations of diverse community members.

Online Questionnaire

An online questionnaire, available in English and Spanish, was open from January 21 through February 15. The questionnaire was not promoted heavily, but rather as an option for those who could not attend one of the community workshops. A total of 13 people completed the questionnaire. Half of respondents were residents north of Mulberry while the other half represented residents south of Mulberry, property owners, employees in area businesses, patrons of area businesses, and a business owner.

KEY THEMES OVERALL

The overall community sentiment reflects a desire for a complete and diverse community that includes existing and future industrial and commercial uses, while adding more basic services (e.g., restaurants, parks, grocery stores, etc.) and preserving existing housing and overall affordability. In addition to the overall sentiments, the community expressed interest in stormwater infrastructure to reduce flooding, safe and functional transportation infrastructure including improved multi-modal access to community amenities and services, and improved connectivity to natural spaces.

The community engagement included three distinct populations who share some priorities, while maintaining diverse perspectives on some topics: Hispanic residents, non-Hispanic residents, and business owners. All groups shared concerns with traffic connectivity, function, and safety for all modes of transportation. There is a shared preference among most participants for prioritizing parks and natural spaces, restaurants and hospitality establishments, and basic amenities to improve the livability in the area, while maintaining its affordability and unique industrial landscape. Members of all three groups expressed concerns about increased costs and fees associated with the annexation and the source of funds to pay for improvements and projects. The community requested that the City continue to be transparent about funding sources and timelines as they develop.

In some instances, the three groups expressed distinct concerns and priorities. Preservation of industrial uses, both current and future, is the highest priority business stakeholders. Residents generally favored maintaining existing industrial uses, while Hispanic residents expressed the greatest concern around new industrial uses. Priorities for intersection improvements and connectivity to other locations in Fort Collins contrasted significantly between the Spanish-speaking and English-speaking stakeholders (see below for additional detail). In general residents were more concerned with topics around livability (basic services, pedestrian and bicycle connectivity, internet service), while the business community was most interested in preserving industrial and commercial uses and minimizing financial impacts related to City regulations and development requirements.

COMMUNITY ENGAGEMENT OUTCOMES

IBE gathered input on the community's preferences and priorities for aesthetics, transportation and connectivity, public infrastructure, and future development/land use. The community expressed a range of concerns, desires, and ideas regarding the East Mulberry plan area, including similarities and differences across stakeholder groups.

Community feedback is summarized by stakeholder group below.

Topic	Hispanic Residents	Non-Hispanic Residents	Business Community
Look & feel of East Mulberry corridor	Highest preference given to neighborhood and traffic safety, lighting, and aesthetics. With a desire to see improvements in landscaping & vegetation.	Aesthetic improvements would be appreciated to give this scenic byway greater appeal, although aesthetic improvements do not seem to be a priority compared to other categories for improvement.	The primary use of Mulberry should be upheld, which is to serve as a corridor into Fort Collins and transport supplies for businesses. Some beautification efforts would be desirable to elevate the appearance of the entry into Fort Collins, with some concerns that landscaping would limit visibility of businesses and potential high cost.
Intersections & frontage road improvements	<p>The highest priority intersection for the Hispanic community was Lemay, likely because they frequently pass through the intersection for work and access to basic amenities.</p> <p>This priority was notably different than English-speaking community members intersection improvement priorities.</p>	<p>Priorities in order: Timberline & Lincoln, Summit View, Link Lane, Frontage Roads and Lemay.</p> <p>Existing conditions are dangerous for pedestrians and bikers due to wide roads and short amount of crossing time (esp. Summit View).</p> <p>Design and wayfinding improvements (e.g., diagonal angle of turn on Summit View & Mulberry) to make intersections less confusing and reduce frequency of accidents.</p>	<p>Highest priority intersections were Frontage roads, Summit View, Link Lane, and Timberline & Lincoln were the top priorities. and the as many businesses use these roads daily for transportation of supplies and for customer access.</p> <p>Summit View traffic light is too short for cars and pedestrians/cyclists to cross Mulberry and confusing angles.</p> <p>Improvements to Link Lane would help the flow of traffic in this area.</p>

Priorities for bicycle & pedestrian connectivity	<p>Greater interest for bicycle and pedestrian infrastructure that will connect to commercial destinations, including Vine Drive, which was unique to the Hispanic community. Additionally, connectivity to businesses along E. Mulberry and to the medical area on Lemay Medical were priorities.</p> <p>Access to Old Town and the University were not listed as top priorities.</p> <p>Connectivity to trails and downtown Fort Collins was less of a priority for Hispanic residents.</p> <p>Expressed greatest interest in crime prevention.</p>	<p>Highest priority for connecting to commercial and entertainment areas (e.g., Old Town, Lemay & Mulberry commercial area, and natural areas including the Poudre River Trail.</p> <p>Vine Drive and Lemay medical area were not identified as top priorities, contrasting with the Hispanic community.</p>	<p>Overall, the business community expressed less concern about bicycle and pedestrian connectivity in the area than residents.</p>
Future land use	<p>Highest preference for new parks and natural areas, restaurants and eating establishments, attractions and entertainment spaces, and community facilities.</p> <p>Lowest preference for new light industrial, high-tech businesses, new commercial and retail and four-story buildings.</p> <p>Prefer to preserve current land uses, especially the commercial and residential areas.</p>	<p>Highest preference for more restaurants, parks and natural areas, basic services, new businesses (including attractions and entertainment, and arts and creative spaces), and community facilities.</p> <p>Lowest preference for four-story buildings, new light industrial. Mixed perspectives about new high-tech businesses.</p> <p>Some residents shared that they moved to Fort Collins as relief from higher density urban environments.</p> <p>Affordability should be maintained regardless of</p>	<p>Strong preference to maintain current industrial land uses and affordable housing.</p> <p>Interested in development that would bring more people and activity to the area (e.g., restaurants, basic amenities, retail, and entertainment).</p> <p>Mixed perspectives about high-tech industry and higher density development. Some see opportunity while others see a threat to the unique industrial landscape and businesses.</p>

		changes to future land use.	
Infrastructure improvement priorities	Highest preference for broadband services, followed by improvements to public infrastructure (i.e., road & intersection improvements, stormwater infrastructure).	Highest preference for pedestrian infrastructure at key corridors, closely followed by key intersection improvements. Interested in having more options for affordable and stable internet connectivity including broadband.	Most interested in infrastructure that would enhance public safety. Mixed interest in broadband service. Fee and cost increases are a concern, and some do not feel the need to pay more for infrastructure improvements to help their business.
Overall priorities	Solutions for safety-related issues are highest priority including lighting improvements and addressing crime and traffic issues, and improved bicycle and pedestrian connectivity to businesses on Mulberry, Lemay commercial and medical areas, and public green spaces. Would like to see an area specifically designated for Hispanic and international products. Prefer to preserve the current land uses, possibly connected to a sense of vulnerability in regard to job security and housing affordability. Would like more public engagement opportunities to provide input on East Mulberry and to stay updated on project progress.	Transportation related infrastructure for all modes, especially pedestrian and bicycle infrastructure, and improvements at key intersections. Traffic safety-related issues concerning all modes of transportation was highest priority for this group. Improved bicycle and pedestrian connectivity to nature trails, open green space, and downtown are a priority for many in this group.	Prioritize infrastructure improvements that are necessary and avoid adding unnecessary costs to running a business. Transparency in project funding and potential fees such as property taxes, sales tax, signage changes, stormwater fees, etc. Traffic-related projects should be prioritized to alleviate barriers and safety concerns for drivers, pedestrians, and cyclists.

NEXT STEPS

The Advisory Group and the general community will be invited to review the draft East Mulberry Plan and the draft annexation plan before the draft plans are presented to City Council, currently planned for the second quarter 2022.

Appendix A: Community Engagement Reports

Annexation Q&A Sessions

EAST MULBERRY PLAN & ANNEXATION THRESHOLDS

COMMUNITY ENGAGEMENT OUTREACH REPORT

March 20, 2023

Prepared by



**INSTITUTE FOR THE
BUILT ENVIRONMENT**
COLORADO STATE UNIVERSITY

ENGAGEMENT OVERVIEW

Purpose of this Report

The report below summarizes the community engagement activities and results from February and March 2023 focused on the East Mulberry annexation approach.

Project Overview

As part of the East Mulberry Plan revision and the corresponding approach to annexation of the East Mulberry enclave, City staff worked with Colorado State University's Institute for the Built Environment to design and deliver a series of community engagement events. The purpose of the events was to introduce community members to the "thresholds" annexation approach, to provide opportunities for public comments and questions, and to address community member's questions and concerns regarding potential future annexation.

Community Engagement Activities

Five community engagement activities were held in February and March of 2023. The first was with the community advisory group and the other four were open to public comment. In advance of the public meetings the city sent direct mail invitations as well as conducted a door-to-door campaign to raise awareness for the events. In total, about 140 community members participated in the advisory group and public meetings. The February and March 2023 public engagement efforts focused primarily on the approach to annexation vs. the broader East Mulberry Plan update, which had been the focus of the 2021 community engagement efforts. The report summarizing the Summer 2021 East Mulberry Community Engagement effort can be viewed at the following link:

<https://www.fcgov.com/planning/files/ibe-synthesis-east-mulberry-engagement-summer-2021.pdf?1629409952>

Advisory Group Meeting

The East Mulberry Advisory Group was formed in 2022 and met several times. The group includes residents and business owners who meet with city staff periodically to discuss their vision for the area. On February 2, 2023, the group convened online to learn about the thresholds approach toward annexation in the enclave and share their initial impressions. Facilitators from the Institute for the Built Environment helped to guide the conversation. Advisory group members asked questions about the annexation timeline, implications for their properties and communities, and how the thresholds approach would work to prompt annexation.

Public Community Engagement Meetings

The City of Fort Collins hosted a series of public meetings to connect community members with staff to answer their questions about the East Mulberry Plan and annexation. City staff from Community Development & Neighborhood Services, City Manager's Office, Economic Health, Civil Engineering, Transportation, Sales Tax & Revenue, and Code Compliance departments were present to answer

questions. Each session included a 45-minute presentation followed by a 45-minute Q&A session and was facilitated by staff from the Institute for the Built Environment. Meetings were scheduled to accommodate community member's needs, preferences, and schedules including online and in-person meetings, daytime and evening events, and live Spanish interpretation. The list below details when and how each meeting was held.

Online meetings with live Spanish interpretation:

- Monday February 28, 5:30 to 7:00pm, 32 community members
- Tuesday February 29, 10:00-11:30am, 35 community members

In person meetings at The Genesis Project on Link Lane:

- Tuesday March 7, 10:00-11:30am, 40 community members
- Thursday March 9, 6:30-8:00pm, 28 community members

Participants included East Mulberry residents, business owners, and property owners primarily from the plan area. Community members who attended the sessions learned about the city's planned approach to annexation and received access to additional information and resources regarding annexation impacts for individual properties. The community sessions helped city staff to further understand the community's questions and concerns about the annexation process.

During the in-person community sessions, participants were encouraged to fill out comment cards with specific questions to be addressed during the meetings. Residents and business owners were invited to request one-on-one meetings with city staff to respond to individual questions and concerns. Staff received eight paper comment cards after the in-person meetings on March 7th and 9th and 13 follow-up inquiries submitted through the online form on the project website. Meeting participants were also invited to email staff directly, so some additional follow-up occurred in that form.

KEY THEMES & DISCUSSION TOPICS

The comments, questions, and concerns from community members regarding annexation focused primarily on how annexation would impact them in six key issue areas: taxes, costs, and regulations; stormwater management; roads and intersections; policing; local character; and timeline and process. Perspectives varied among community members regarding the favorability of annexation, with some who are supportive of annexation, some who are opposed to annexation, and others who hold a mixed or neutral position.

One group of residents shared about their experience with voluntarily annexation and spoke about this change in a positive light, commenting that it had reduced their taxes and utility costs overall.

The table below highlights the thematic areas of the questions and concerns that were expressed during the community engagement efforts. The sentiments expressed reflect the range of perspectives and opinions shared by community members. While fully capturing the diversity and nuance of the

community perspectives is not possible, the synopsis below provides an overview of the perspectives that were expressed during the meetings.

Topic	Resident Community	Business Community	City Response & Resources
Taxes & Costs & Regulations	<ul style="list-style-type: none"> Concerned that property taxes for family homes and land will rise following annexation. Varied opinions regarding the desirability of municipal vs. current utility service providers (i.e., electricity, internet). Confusion about how time-of-day electric rates will be assessed by the city, compared to county providers. Those who already pay HOA or local improvement district fees don't want to pay fees to the city as well. 	<ul style="list-style-type: none"> Questions about how city taxes differ from county taxes (e.g., sales tax, use tax, property tax, and stormwater fees). Concern that adding city sales tax will make businesses less competitive in the region, especially for small businesses. Concern for new taxes and fees being unfair to large businesses, which will be expected to pay more according to size. Concerned about additional city regulations in addition to existing county regulations for businesses. 	<ul style="list-style-type: none"> Staff are anticipating conducting additional engagement with the business community in the form of individual follow-up meetings as well as the opportunity to help craft and review policy related to business success and preservation within the area. Staff from the City's Sales Tax and Revenue department were available at every meeting for questions. Handouts pertaining to sales and use tax information were prepared and available as physical handouts at in-person events, and as links located on the project webpage.

Topic	Resident Community	Business Community	City Response & Resources
Stormwater Management	<ul style="list-style-type: none"> • Want to see improvements to ongoing flooding issues in the area. • Think that flooding control should be a priority for city planners if the area is annexed. • Doubts about development in the area, as the area is largely in the floodplain. 	<ul style="list-style-type: none"> • Worried about flooding from local creeks that overflow near business centers in the area. • Concern over stormwater fees, which many business owners perceive as too high. • Think that stormwater fees should go directly toward infrastructural projects in the area with clear impact. 	<ul style="list-style-type: none"> • Staff are very aware of existing flooding issues within the area and heard this sentiment expressed again clearly during each of our recent sessions. • Staff attempted to convey that although residents and businesses would begin paying a stormwater fee upon annexation, fees collected would ultimately contribute towards infrastructure improvements that could help improve the flooding issues within this area. • The East Mulberry project website as well as handouts distributed at in-person events included links where estimated residential or commercial stormwater fees may be calculated. Staff are working to include additional information related to stormwater fees on the project website due to a high level of interest in this topic.

Topic	Resident Community	Business Community	City Response & Resources
Roads & Intersections	<ul style="list-style-type: none"> Residents who rely on frontage roads know that they are unsafe but worry the city will get rid of them entirely. Some would like to see neighborhood access for cars prioritized over pedestrian and bike access routes. Specific questions about problematic intersections (Timberline & Mulberry and Prospect & Summit View). 	<ul style="list-style-type: none"> Want to preserve access to key business and manufacturing corridors, like Lincoln Avenue. Interested in improved connectivity along East Mulberry between I-25 and downtown Fort Collins. Concerned that costs for new infrastructure, like sidewalks, will be passed along to business owners. 	<ul style="list-style-type: none"> Staff heard and documented locations where residents expressed safety concerns. Staff conveyed that East Mulberry Street will remain a Colorado Department of Transportation (CDOT) facility, but that the frontage roads would come under the City's purview upon annexation. The update to the East Mulberry Plan will further explore how to preserve existing access while also improving connectivity for all modes. Through the update to the East Mulberry Plan, staff are exploring ways to apply development standards appropriately, especially for minor site/building modifications.

Topic	Resident Community	Business Community	City Response & Resources
Policing	<ul style="list-style-type: none"> Concerned about crime in the area, specifically related to drugs and human trafficking. Residents have noticed an uptick in the homeless population sleeping in their neighborhoods. Some residents expressed satisfaction with the County Sheriff's department and worry that Fort Collins Police Services are understaffed. 	<ul style="list-style-type: none"> Like residents, business owners have noticed an uptick in crime and wish their area could be safer. Noted several instances of vandalism that hurt businesses and are costly to clean up. Want to make sure the East Mulberry Corridor is considered safe for customers to travel through. 	<ul style="list-style-type: none"> Staff received feedback both about satisfaction with the County Sheriff's department as well as the desire for more oversight in certain parts of the area. Staff shared that upon annexation, any area coming into City Limits would be serviced by City of Fort Collins Police Services (FCPS). As the East Mulberry Corridor has grown over time, urban policing issues have become more prevalent with greater call volume and incident complexity.

Local Character

- Want to preserve rural character, especially for residents with large plots of land and animals.
- Concern that city regulations might dampen the rural-ness of East Mulberry neighborhoods.
- Some residents chose to move to this area because they wanted to live in Larimer County, not within the city.
- Doubtful that city re-zoning policies will accurately reflect the industrial functions that the area serves.
- Interest in maintaining distance between industrial areas and Fort Collins city proper.
- Sense of pride in the area's industrial/rural feel, which some worry could change under annexation.
- Large plots of land including those with farm animals would be allowed to remain upon future potential annexation activity. Some other characteristics that contribute to the rural feel of East Mulberry neighborhoods would remain.
- Although some may have located here to be within Larimer County as opposed to the City of Fort Collins, the East Mulberry Enclave is within the City's Growth Management Area (GMA) which was created in 1980. The GMA supports urban development and services within the boundary and more rural development and community separators outside of this boundary.
- The East Mulberry area serves an important industrial and commercial service function for the greater Fort Collins community. It is a priority to preserve these functions into the future.
- Through the update to the East Mulberry Plan document, staff are aiming to preserve and promote

Topic	Resident Community	Business Community	City Response & Resources
			the industrial functions that exist within the East Mulberry area. This can be accomplished by providing land use and zoning guidance that closely matches current zoning designations under Larimer County.
Timeline and Process	<ul style="list-style-type: none"> • Desire for more clarity about when annexation will happen for specific areas / properties. • Desire for clarity about timing for improvements upon annexation (e.g., stormwater infrastructure, intersection improvements, etc.). 		<ul style="list-style-type: none"> • The update to the East Mulberry Plan will further document the Annexation Thresholds approach, including how to monitor and track thresholds as well as how to proceed once a threshold has been met. Staff will bring thresholds forward for City Council consideration. When decision makers determine that official annexation action is warranted, property owners and business owners will be informed about the potential annexation and will have the opportunity to offer feedback throughout the process.

Appendix B:

Mulberry Corridor Financial Consideration

Phased Annexation Approach

Appendix B: Financial Considerations

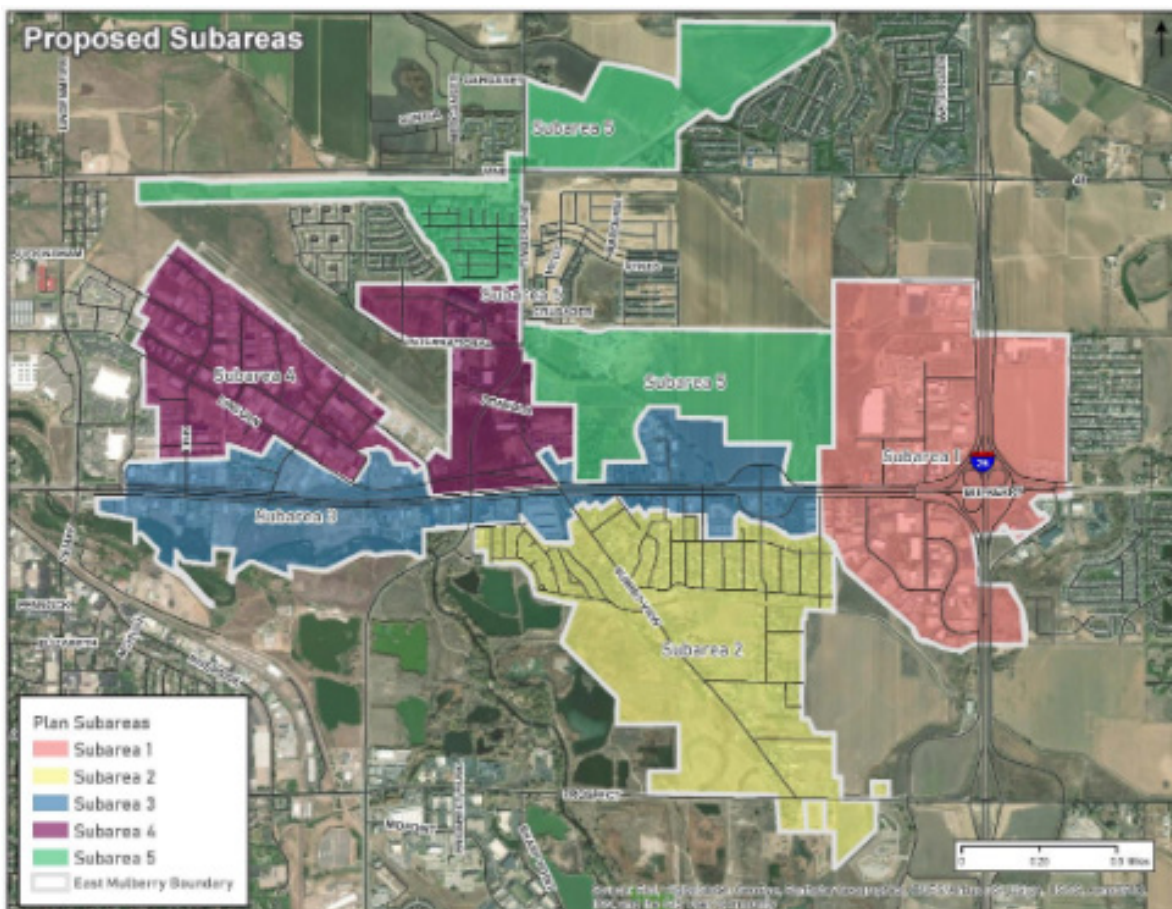
Phased Annexation Approach

The City partnered with consultant Economic & Planning Systems (EPS) in 2020 to provide a fiscal impact evaluation of the potential annexation of the East Mulberry Enclave. EPS developed an Excel-based scenario modeling tool to assist in measuring the fiscal impacts resulting from alternative phasing, sequencing and potential funding options related to annexation of the enclave area. An overview of the EPS work is included as Appendix C.

The fiscal model is structured to evaluate the impacts of providing a full suite of City services within the annexation area. Core assumptions include providing all existing governmental services and electric, stormwater and broadband utility services. Water and wastewater services are excluded from the analysis and will continue to be delivered by the incumbent providers. The modeling is structured to capture all expected ongoing revenues and expenses (sales taxes, property taxes, street maintenance, police patrol services, etc.). On the capital side, one-time revenues

such as capital expansion fees (CEF) and plant investment fees (PIF) are modeled, as are required expenditures (stormwater infrastructure for projects within Fort Collins utility service areas, new parks, etc.). The difference between expected revenues and expenses is the Net Fiscal Impact, an indication of whether new sources of revenue will be required.

The potential annexation area was mapped using GIS data to break out the land parcels into logical planning units (following existing land use designations, historical area characterizations, City Plan guideposts, etc.) that allowed for comparison of sequencing and phasing alternatives. These “boundaries” were not specific recommendations but a tool to establish a set of different potential annexation options. The enclave area currently has an inventory of approximately 1,100 housing units and 500 businesses. Significant growth in both segments is likely to occur over the next 20 to 30 years. Several projects are already in the early development stages.



Appendix B: Financial Considerations

Phased Annexation Approach

The initial modeling assumed full absorption of all five subareas at the onset of the annexation and concurrent development growth and activity over a 20-year evaluation period. Prioritization, timing and phasing/sequencing were not explicitly addressed in this preliminary effort in order to determine the total financial impact from the enclave.

Subsequent efforts entailed the development of five phasing lenses to articulate and depict the priorities, assumptions, and potential “benefits” or “drawbacks” to each scenario based on previously stated priorities and analysis by Council, community members, and City staff. Each of the scenarios includes a different sequencing and timing of all five subareas but ultimately includes all land area within the enclave.

1. **Economic Opportunity** - Emphasizes economic development and vitality in the area
2. **Residential Enhancement** - Emphasizes connectivity, utilities, and other social priorities
3. **Environment & Hazard Protection** - Emphasizes environmental buffers, flood mitigation
4. **Fiscal Health for City** - Emphasizes fiscal impact to City of annexation, including existing priorities, risks, and timing
5. **Community Gateway** - Emphasizes improvements and reinvestment potential for the Mulberry Corridor, including the highway and frontage roads

These five scenarios each depict a slightly different emphasis of priority but all of them consider the City’s Triple Bottom Line (TBL) approach to evaluations. Sustainability advocates use the TBL in decision-making to bring the global concept of sustainability to action at the local level. Essentially, that means projects are evaluated based on their social, economic and environmental impacts. Rather than make decisions solely on the basis of profit or the economic bottom line, three bottom lines (social, economic, and environmental) are considered. The City is able to use TBL in both longer-term planning evaluations, as well as in decision making.

These scenarios are theoretical and assume annexation within given periods of time. They can be adjusted by changing the underlying assumptions to produce different results. None of these scenarios are meant to be “staff recommendations” given the uncertain timing and velocity of threshold annexation and are instead a starting point for conversation and analysis. The results of these modeling efforts were presented at the August 1, 2022, Council Finance Committee meeting, as well as summarized at the December 13, 2022 Council Work session.

Governmental: 20-Year View		
(\$M)	Range	Avg. / Yr.
Revenue	\$80 - \$210	\$4 - \$10
Expense	(\$115) - (\$265)	(\$6) - (\$13)
Margin	(\$35) - (\$55)	(\$2) - (\$3)

Utilities: 20-Year View		
(\$M)	Range	Avg. / Yr.
Revenue	\$75 - \$240	\$4 - \$12
Expense	(\$200) - (\$365)	(\$10) - (\$16)
Margin	(\$85) - (\$125)	(\$4) - (\$6)

The range of estimates above includes both ongoing revenue and expenses, as well as one-time capital expenditures and impact fee revenues. Primary expenditure drivers are highlighted below:

- **Police Services:** Analysis of existing activity in the annexation area suggests that up to 35 additional FTE (23 sworn officers; 12 professional support) would be required at an annual cost in excess of \$5 million.
- **Streets / Traffic:** The annexation area encompasses nearly 46 miles of roadways, of which approximately 30 miles would be envisioned to come under City maintenance and upkeep. Annual estimate of maintaining is around \$750,000. Potential additions of up to 14 miles of roadway w/ new developments would increase this figure.

Appendix B: Financial Considerations

Phased Annexation Approach

- **Light & Power:** Capital expenditure estimate for connectivity and sub-station buildout requirements is \$90 - \$100 million. This figure may change depending on availability of land upon which to locate a proposed substation to serve eastern portions of the plan area.
- **Stormwater:** Capital improvements primarily related to the Cooper Slough and Dry Creek/Lincoln channel areas are approximately \$40 million.

The analysis assumes existing city rates, fees and cost structures will be applied to the potential annexation areas. No new fees, increases in rates or inflationary impacts are included in the base analysis. The timing and need for services will be dependent on the types of services provided (police services, for example, would be required up front upon annexation; parks maintenance needs would be ramped up with the potential development of new facilities). On the governmental side, new capital expansion fees and grants could help offset the increased operating costs needed for providing incremental services. Timing and sequencing of potential annexation areas would determine if additional funding sources would be required. On the utility side, there is an expectation of heavier infrastructure requirements up front (both to acquire assets from existing providers and to build out and connect to existing City systems). Offsets would be available from new development fees and potential rate adjustments to the customer base.

Additionally, the scenarios above were also evaluated by accelerating or de-accelerating the potential annexation timeframes. While the annual, average bottom line impacts are not much different than the above estimates, accelerating the timeframes does increase risks by committing to larger expenditure outlays upfront (police, street maintenance, L&P infrastructure) with revenues dependent on development activity and increased revenue (sales

The governmental side will require additional funding upon any potential annexation option. No specific identified source of funding is currently available, and while tax and fee revenue would increase from the annexed areas, council priorities and existing needs will inform the extent to which additional funding may be assigned. The Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) may provide some opportunity for federal funding assistance. On the utility side, mechanisms are in place to pay for additional requirements brought on by potential annexations, subject to impacts to existing projects and funding requirements, and the resulting impact to ratepayers.

In response to Council feedback and further community engagement, city staff has continued to update the analysis frameworks. Staff has provided additional input to council centered around opportunities and tradeoffs. In December 2022, staff provided a framework for evaluation of the enclave area centered on a “thresholds” concept. As summarized in previous text, staff was initially tasked with a financial analysis of a phased approach whereby Council would consider adopting set years for different phases of annexation. While the costs and revenue projections are still relevant in some ways for estimates within areas of the enclave, they will not be fully applicable under a thresholds approach. While no specific additional financial scenarios have been developed to date around a specific threshold event given the multitude of annexation scenarios under threshold annexation, the basic process for further evaluation will utilize the same general approach as has been done to date. More information about annexation thresholds is provided in Section 5: Annexation Thresholds.

Appendix C:

Mulberry Corridor Financial Impact Analysis

MEMORANDUM

To: Dave Lenz, City of Fort Collins

From: Dan Guimond and Matt Prosser; Economic & Planning Systems

Subject: Mulberry Corridor Annexation Economic Analysis

Date: May 31, 2023

This memorandum provides an overview of the methodology used to analyze the fiscal impacts to the City of Fort Collins of the potential annexation of the unincorporated enclave along East Mulberry Street in Larimer County. The purpose of this memorandum is to document the approach and process Economic & Planning Systems (EPS), along with City of Fort Collins' Finance and Planning Departments, took to determine potential fiscal impacts on the City. The memorandum also contains the major phasing and qualitative findings of the analysis. Quantitative findings and outputs developed during the process are provided in separate presentations and council communications.

Project Background

Over a period of time, the City has annexed multiple properties on the eastern edge of the city along the Mulberry Street corridor extending to I-25 which has created a large enclave of unincorporated Larimer County property. Per existing intergovernmental agreements (IGAs) between the City of Fort Collins and Larimer County, the creation of this enclave triggers a requirement for the City of Fort Collins to eventually annex all of the property in the enclave.

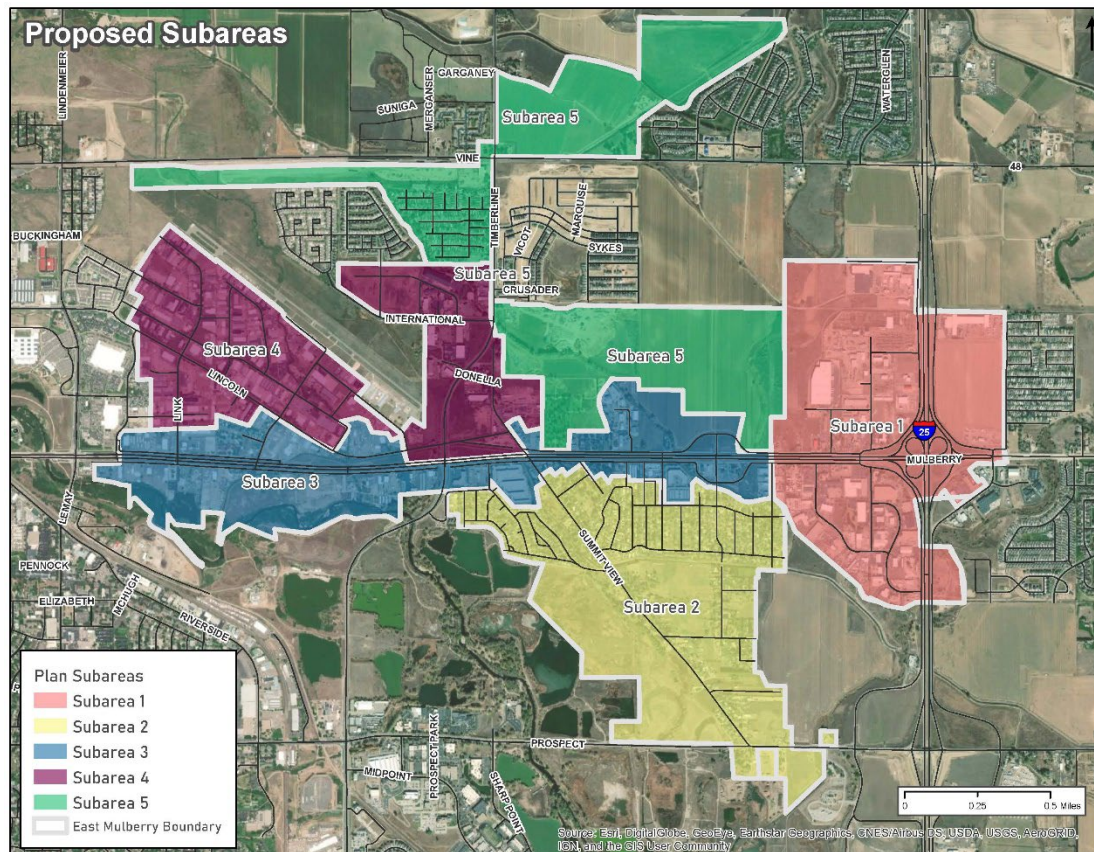
The requirement to undertake annexation prompted the City to develop an updated land use plan subarea plan for the Mulberry Corridor to provide guidance on land use and capital improvements needed and desired for the area. To support this effort and financial planning, the City retained EPS to create a fiscal model to estimate fiscal impacts of annexation including both one-time capital costs as well as ongoing operational costs.

Fiscal Impact Analysis Methodology

Study Area Conditions and Inputs

The fiscal impact model was built to evaluate both existing properties and uses as well as potential future development within the Mulberry Street enclave. The Enclave Area is large and encompasses over 2,600 acres of private property on both sides of Mulberry Street roughly between Lemay Avenue (on the west) and just beyond the I-25 interchange (on the east). To address the size and varied development context in the enclave, the area was originally split into five subareas for the purpose of evaluating fiscal impacts, as shown in **Figure 1**. A subsequent sixth subarea was defined to address the formal annexation of a property (and related development) that was approved during the plan process. This development, Subarea 6, was part of the larger Subarea 5.

Figure 1 Mulberry Enclave Subareas



The annexation Enclave Area is currently home to a significant amount of residential, commercial and industrial development. There are currently 1,114 housing units and 4.8 million square feet of non-residential buildings. The area's population in 2020 was 3,557 people and contained 6,564 jobs within 508 businesses. The Enclave Area is split between existing, developed properties and vacant/under-developed properties that can support new buildings/uses. The area has 1,258 acres of private, developed acres and 1,409 acres of private, undeveloped acres, as shown in **Table 1**. The undeveloped properties in the enclave are estimated to have the potential to support an additional 3,950 housing units and 2.0 million square feet of non-residential development based on the future land use designations in CityPlan, the City's adopted comprehensive plan.

Table 1 Existing Conditions and Future Growth Estimates

Description	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5	Subarea 6	Total
Demographics							
Existing Conditions							
Housing Units	2	683	90	5	334	0	1,114
Non-Residential Square Feet	1,352,185	46,007	1,223,267	2,184,963	8,232	0	4,814,654
Jobs	1,380	122	1,553	3,410	82	17	6,564
Businesses	72	22	144	256	13	1	508
Persons Served	1,385	1,830	1,778	3,423	917	17	9,349
Forecast New Development							
Housing Units	236	383	136	382	2,036	773	3,946
Non-Residential Square Feet	1,179,065	13,988	219,509	360,723	0	225,031	1,998,316
Jobs	2,935	47	671	791	0	786	5,230
Businesses	227	4	52	61	0	61	405
Persons Served	3,525	1,004	1,012	1,745	5,090	2,719	15,094
Future Conditions Total							
Housing Units	238	1,066	226	387	2,370	773	5,060
Non-Residential Square Feet	2,531,250	59,995	1,442,776	2,545,686	8,232	225,031	6,812,970
Jobs	4,315	169	2,224	4,201	82	803	11,794
Businesses	299	26	196	317	13	62	913
Persons Served	4,910	2,833	2,790	5,168	6,007	2,736	24,443
Streets (centerline miles)							
Existing	5.5	15.1	12.2	13.5	0.0	0.0	46.3
New Roadway Estimate	0	0	0	0	10.2	3.9	14.0
Total	5.5	15.1	12.2	13.5	10.2	3.9	60.3
Acreage							
Developed	135.7	200.5	323.3	281.9	317.4	0.0	1,258.7
Vacant or Redevelopment	<u>381.3</u>	<u>198.5</u>	<u>241.3</u>	<u>283.3</u>	<u>228.0</u>	<u>76.9</u>	<u>1,409.3</u>
Total	517.1	398.9	564.6	565.1	545.4	76.9	2,668.0

Source: Economic & Planning Systems

The existing physical development and demographic conditions were estimated using a variety of data sources to get an accurate representation of current conditions. ESRI Business Analyst was used to determine demographic conditions, business counts, and employment totals. Larimer County assessor data was used to determine inventories of residential and non-residential buildings and existing assessed values of properties.

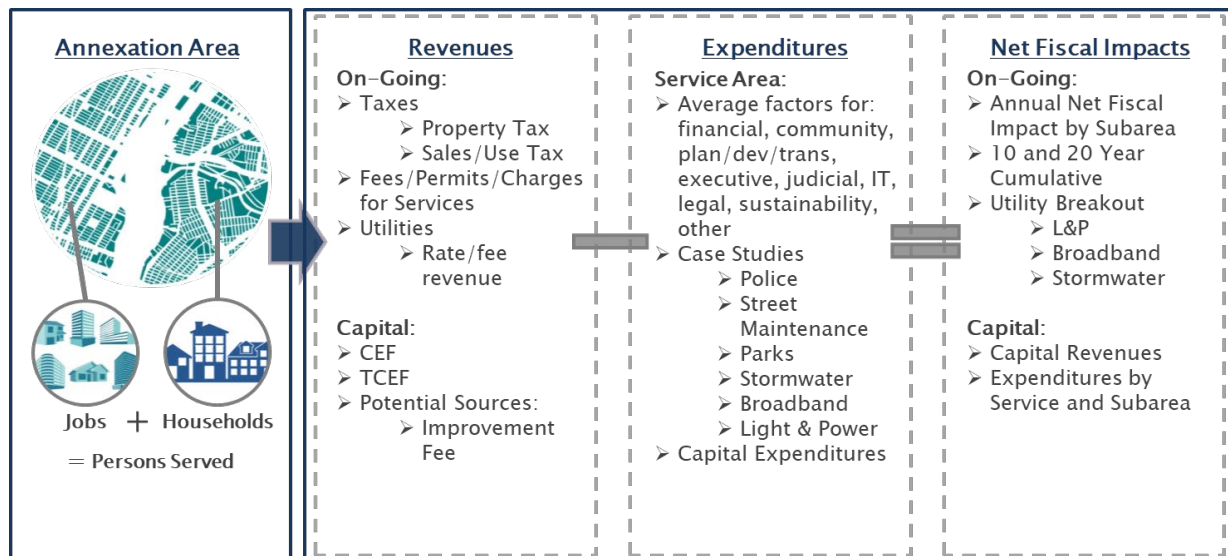
To estimate future development demand and related model inputs, EPS relied on its analysis completed within the City of Fort Collins' CityPlan process to estimate demand for future jobs and households in the community and Study Area. Current market data for the value of new development in Fort Collins using CoStar and other secondary data sources.

Fiscal Model Methodology

Overview

A summary of the fiscal model developed for the effort is provided below in **Figure 2**. The model estimates ongoing and capital expenditure impacts on the City's operating funds and utility services (Light and Power, Broadband, and Stormwater). The existing and estimated future jobs and households in the enclave area are used as the primary inputs to estimate costs and revenues. In the simplest terms, the estimated fiscal revenues generated in the Enclave Area for the City of Fort Collins General Fund and Utilities are compared to the estimated costs of service and capital expansion in the area. The result is an annual, ongoing net fiscal impact on the City and an estimate of total needed capital expenditures.

Figure 2 Mulberry FIA Model Overview



Revenues

Revenues generated by the properties and uses in the enclave area were estimated for the General Fund and Utilities Funds providing service in the area. Ongoing, annual General Fund revenues include property tax, sales and use tax, and fees and charges for services that are directly tied to uses in the Enclave Area. For the utilities that will be provided in the area, the existing user rates and fees will be applied to the existing and estimated future development uses. In addition to the ongoing revenues, the revenues generated for capital improvements were estimated as well. The City of Fort Collins' Community and Transportation Expansion Fees (CEF and TCEF) were estimated based on forecast new development in the area. In addition, the City's utility providers also charge cost recovery fees to new developments that were estimated.

Expenditures

To estimate expenditures, the model organized General Fund expenditures by the City's defined service areas. The City has 11 service areas that organize the services provided by the City under their General and Operating Funds.

The expenditures for service areas that have an indirect connection to the expansion of the city (e.g., one new resident doesn't equate to a proportional increase in cost for the City) were estimated using nexus and variability factors. These services include Financial Services, Community Services, Planning, Development and Transportation, Executive Services, Judicial Services, Legal Services, Information and Employee Services, and Sustainability Services.

Nexus Factors

Nexus factors are factors developed based on existing conditions in the City (e.g., number of residents) to estimate the cost of services from new jobs and residents. The most common nexus factor used to estimate expenditures for these services was Person Served. Persons Served is a summation of the total population and employees in the City and/or Study Area. The persons served factor reduces the number of employees added to the number of residents account for residents that both live and work in the city (and/or Enclave Area of the county) as to not double count. For most services, the current cost of providing the service was divided by the total persons served in the city to derive a per person served cost factor that is applied to new jobs or residents in the annexation area.

Variability Factors

A variability factor was then applied to each nexus factor to account for how directly a new resident of the city impacts the cost of that service. A variability factor of 0 to 100% was applied to each expenditure item in the City budget. Services that are directly impacted by new residents or jobs added to the city have a 100% variability factor, meaning the full cost of the service nexus factor is applied. Services that are indirectly impacted by expansion of the city have a smaller factor applied, in most cases estimated at 25%, which means only 25% of the service cost is applied to a new resident or job.

Case Studies

Some of the service areas the City has require a "Case Study" to be developed to estimate the impacts of annexing a new property to the City. These services are the most impacted by new developments and have the most direct relationship between new jobs/residents and increased cost of service. Case studies were developed for police services, street maintenance, and parks within of the General Fund. Case studies were also conducted for the utilities that will be provided in the annexation area including stormwater, broadband, and light & power. Water and wastewater services are provided by the City of Fort Collins water and wastewater utility and are therefore not estimated as a City cost. Additionally, fire service is currently provided by the Poudre Valley Fire Protection District (PVFPD). The impacts on fire service are primarily related to the revenue generation approach, which is different for properties in the city versus properties in the unincorporated portion of the county. A planning level estimate was used to address the changes in revenue provided to PVFPD. A summary of the methodology used for each case study is provided below.

Fiscal Model Inputs and Assumptions

The fiscal model utilizes several inputs and assumptions to estimate the impacts on the City's future fiscal health. These factors are used to estimate the rate and timing of new development, service providers, and capital expenditures. The inputs also include estimates for the types and value of new development. Lastly, the existing conditions within the city are used to drive model factors. The types of inputs used fit into three general categories: citywide conditions inputs, phasing and development timing assumptions, and development value and density assumptions.

Citywide Conditions Inputs

Several citywide data points are used to derive model factors. A summary of the inputs used in the model and their data sources are shown below in **Table 2**. These inputs are based on actual conditions and would only change to reflect more current conditions, as necessary.

Table 2 Citywide Assumptions and Inputs

Description	Amount	Source	Link/Definition
Demographic Factors			
Population	170,245	City of Fort Collins	
Households	70,831	2019 American Community Survey 1-Year Estimates	
Housing Units	72,603	2019 American Community Survey 1-Year Estimates	
Avg. HH Size: Single-Family	2.44	2019 American Community Survey 1-Year Estimates	
Avg. HH Size: Multifamily	2.09	2019 American Community Survey 1-Year Estimates	
Single-Family Housing Units	40,257	2019 American Community Survey 1-Year Estimates	
Attached Housing Units	12,135	2019 American Community Survey 1-Year Estimates	
Multifamily Housing Units	19,067	2019 American Community Survey 1-Year Estimates	
Employment Factors (Employment w/ Space)			
Total Employment	86,212	ESRI Business Analyst, 2020	
Retail/Restaurant Employment	20,294	ESRI Business Analyst, 2020, EPS Estimate	NAICS Codes 44-45, 722
Office Employment	42,496	ESRI Business Analyst, 2020, EPS Estimate	NAICS Codes 51, 52, 53, 54, 55, 56, 62, 81, 92
Industrial Employment	8,084	ESRI Business Analyst, 2020, EPS Estimate	NAICS Codes 23,31-33, 42, 48-49,
Accommodation/Entertainment	3,635	ESRI Business Analyst, 2020, EPS Estimate	NAICS Codes 71, 721
Education Employment	8,785	ESRI Business Analyst, 2020, EPS Estimate	NAICS Codes 61
Multiple Job Holdings (% of Total)	5.6%	Bureau of Labor Statistics, 2015	https://www.bls.gov/opub/mtr/2017/article/multiple-jobholding-in-states-in-2015.htm
Resident Workforce (% of Total)	44.6%	U.S. Census Bureau LEHD, 2018	http://onlinemap.ces.census.gov/
Property Tax Factors			
Mill Levy: City of Fort Collins	3.184	Note Mill Levy reduced by 67.5% to reflect passthrough to PFA	
Mill Levy: Poudre Valley Fire	10.639		
Res. Assessed Value (% of Total)	7.2%		
Comm. Assessed Value (% of Total)	29.0%		
Rate per \$___ of Assessed Value	\$1.000		
Sales Tax Factors			
General Fund	1.96%	Note Base Rate reduced to reflect Passthrough to PFA	
Pavement Maintenance	0.25%		
Capital Projects	0.25%		
Natural Areas	0.25%		
Keep Fort Collins Great	0.76%	Note Base Rate reduced to reflect Passthrough to PFA	
Total	3.47%		
Other Factors			
Persons Served (PS)	208,526	The total number of peak persons served (See Appendix for calculation)	
Lane Miles	1,976	Lane Miles maintained by the City of Fort Collins	

Source: Economic & Planning Systems

Development and Phasing Timing Assumptions

The fiscal model was built to dynamically model different scenarios for the timing of development in the enclave, the year in which annexation to the city occurs, and timing of when services and capital expenditures are needed in the area. These inputs and assumptions are based on EPS market forecasts and other inputs provided by City staff. These inputs, however, change based on the scenario being modeled and therefore are not documented in this memo. Dynamic model assumptions that can be modified by scenario include:

- Year of annexation,
- Year of construction of capital improvements,
- Adjustments to development fees, and
- Rate of new development (e.g., new units built per year)

Development Value and Density Inputs

The last group of inputs are specific to the estimated value and density of new development that is forecast to occur. These inputs were derived based on research conducted EPS and experience with estimating development capacity based on land use categories. These factors include the estimated value of new homes and non-residential buildings, the likely household size (i.e., people per housing unit) of new homes, the likely number of employees located in a new non-residential development, and lastly the density of new development (e.g., new units per acre or new non-residential development square feet per acre).

Model Case Studies

The fiscal model contains seven case studies that estimate revenues and/or expenditures from annexation in the Enclave Area for specific revenue streams by service area. This section contains a summary of the approach taken to estimate impacts within each case study and findings/considerations regarding the phasing of annexation.

Police Services

Existing and Future Conditions

Mulberry Street in the City of Fort Collins continues east to become State Highway 14 starting at Riverside Avenue. The Colorado State Patrol (CSP) is responsible for safety and call responses related to activity on State Highway 14. The properties along SH 14 within the Enclave Area are provided public safety services by the Larimer County Sheriff's Office (LCSO). The LCSO currently assigns the equivalent of 6 full time officers to the area to address the current incident volume.

The Larimer County Sheriff's Office responded to 7,148 incidents in the Enclave Area in FY 2019-2020 driven by 3,013 calls for service and 4,135 officer-initiated incidents (e.g., pulling over a car for speeding). In addition, the Colorado State Patrol responded to 121 automobile accident collisions in the Enclave Area in 2020.

After annexation, the City of Fort Collins would be responsible for patrol and response to calls for service for the newly annexed areas. This new responsibility will also likely result in response/service needs related to automobile activity along Mulberry Street. The City of Fort Collins does not necessarily need to take control of Mulberry Street (from a street maintenance perspective) and/or to assume public safety services along SH-14 as long as it is still a state highway. However, it is possible the City may want to assume control of both maintenance/operations and public safety.

Modeling Approach

The fiscal model originally operated on the assumption that the City will take over responsibility of the public safety needs in the Enclave Area in concert with annexation. To estimate costs, the current average cost per incident in the City of Fort Collins was used to estimate the annual cost to serve the area based on the current incident levels

along the roadway and the additional incidents generated by new development. The average cost per incident for the City is \$449, which was translated to a cost per new resident of \$319 annually.

Annexation Findings/Considerations

The provision of police services will have a substantial cost impact on the City once annexation occurs. Below are the major considerations identified in the study:

- The level of service the City of Fort Collins (e.g., officers assigned to the area) will likely be higher than what the Larimer County currently provides. Two levels of service were estimated in the model to assess costs at the current level of service and the City's desired future level of service.
- Later in the study process, Fort Collins Police Services provided a detailed estimate of staffing needs related to the annexation area for the effort. To mirror their likely staffing requirements based on annexation of any single subarea, a tiered approach to staffing requirements for officers was developed. The two assumptions used were that subareas with lower calls for service will trigger the need for half the estimated officer staffing requirements if annexed and areas with higher calls for service will trigger the need for the total number of officers forecasted to be needed. The result is that annexation of areas with high calls for services (Subareas 1 and 3) will trigger the need for the total estimate of officers needed to service the area, even without the annexation of the other subareas.
- The resulting demand for new officers and administrative staff is up to 35 new full-time equivalent (FTE) workers. Increasing the number of officers is a time sensitive endeavor. In order to service the area on Day 1 of annexation, the hiring of new officers is needed up to 18 months in advance of deployment to account of training.
- Based on the complexities and estimated costs of public safety provision to the enclave area currently and after annexation, it is likely that the City of Fort Collins will need to develop a phased, partnership approach to assuming responsibility of the area with the Larimer County Sheriff's Office and the Colorado State Patrol.

Street Maintenance

Existing and Future Conditions

The operations and maintenance of roadways in the Enclave Area is complicated with multiple parties involved similar to the Police Services Larimer County is currently responsible for (excluding SH-14 covered by the CSP) There are currently 46.3 lane miles of roadway in the enclave area in addition to State Highway 14. The condition and current maintenance responsibility for roadways in the enclave area varies greatly currently, which impacts the cost of service and the future level of service that can be provided.

Modeling Approach

For the study purposes, four tiers of roadway types were developed based on the future maintenance the City is likely to take after annexation.

- City Level of Service - There are roadways that are currently compliant or near compliant with the City of Fort Collins' street standards. An estimated 18.5 lane miles fit within this category. These roadways are in good enough condition and match street standards, which will allow the City to maintain and operate them like other streets in the city. The annual cost per lane mile for these streets was estimated to be \$31,000.
- County Level of Service - There are an estimated 12 lane miles of roadways that do not match the City's standards and will likely be maintained to the County's current level of service after annexation. The County currently only provides surface maintenance to these roadways. The annual cost per lane miles for these streets was estimated to be \$15,500.
- Special Improvement Districts - An estimated 4.51 lane miles of roadways are part of existing special improvement districts that pay for maintenance of the roadways. The special improvement districts were put in place to generate revenue to maintain roadways beyond what the County is capable of currently. The properties and related roadways in the districts are assessed an additional property tax mill levy to generate funding for ongoing maintenance to a specified level of service. The assumption used is that these districts will remain in place after annexation.
- Not Accepted Roadways - There are 11.33 lane miles of roads in the enclave area that are currently that the City of Fort Collins will not accept responsibility primarily due to the condition and quality of the pavement of the roadways. These roadways are largely within existing county residential subdivisions in the area. These roadways would require the City of Fort Collins to perform complete rebuilds of the roadway in order to be able to maintain them long-term. The result is that these streets will not receive regular maintenance and will continue to deteriorate.

Annexation Findings/Considerations

The following considerations were identified regarding street maintenance:

- The variable conditions of the roadways in the enclave area will result in a tiered approach to street maintenance by the City after annexation. This will mean that certain streets will receive a greater level of service than others in the area from the City, which may create concerns and complaints about equitable service provision, especially in relation to taxation, in the area.
- There are two options to consider for how the City address streets upon annexation, "Existing Conditions" or "Improved Service". The IGA for Larimer County related to the enclave annexation stipulates that the City will take over county roads in the area at their current level of service. There is a mixture of roads that are maintained at a level comparable to the City's standard, roads that are maintained to and designed at County standards, and roads that don't meet County standards and/or not maintained

by the County. The Existing Conditions option assumes the roads will remain at their status. The Improved Service option assumes that improvements will be made by the City in certain areas to bring more roadways to an improved level of service and design. These improvements are not defined yet.

- The other assumption option is specific to roads that are currently in too poor of quality for the City to be able to maintain at the County standard. For these roads there are two approaches to take upon annexation. The City can either pay for improvements or convert these roads to gravel roads and maintain them that way once they are in such a poor condition that this becomes necessary. A second approach would be for the property owners served by these roads to be a part of special improvement district that taxes them to bring the roads to the County or City standard and the maintain them going forward.
- The prospect of not-accepting roadways serving homes and businesses in the city after annexation also presents major equity issues and safety concerns. Creative solutions are needed to address the current condition and ongoing maintenance of these areas. Potential strategies identified in the study to address the issues above include formation of additional special improvement districts for not accepted roadways but would require property owner agreement. The existing SIDs could also be consolidated into a large, single SID that serves a large amount of roadway in the area, which may reduce overall costs for existing properties in SIDs, and any future properties that would need to be added to the single SID.

Parks

Existing and Future Conditions

Currently there are no park facilities operated by the City or County within the study area. The City of Fort Collins Parks Master Plan identifies three future parks that will service residents in the Enclave Area. These parks are not currently fully designed, nor has the land been secured for them, so the location of the parks is yet to be determined and may fall outside of the Enclave Area but still be a part of the cost of serving the area. Therefore, future developments will be required to comply with City park standards for land dedication and/or community facility expansion fees.

Modeling Approach

The three parks planned to serve that area are assumed to be the responsibility of the annexation area to pay for ongoing maintenance and capital costs. Each new park is estimated to cost \$8 million, and that capital cost is associated with the subarea that it is in or closest to. In addition to the capital cost, the ongoing maintenance cost for the parks is estimated as an annual cost within the net general fund fiscal impact. The cost is estimated using a cost per acre maintenance factor (\$20,000 per acre) informed by current City budget for parks and the master plan.

Annexation Findings/Considerations

The following considerations related to parks were identified:

- It is worth considering whether it is fair to assign the capital and/or ongoing maintenance cost fully to the properties in the annexation area for the purposes of the modeling exercise. The reality is that the parks will likely be built in concert with new development projects and will serve other residents not living in the Enclave Area.
- It is also not required that a park be built in conjunction with the annexation of any portion of the Enclave Area. Annexation does not require the City to build any parks and take on additional park-related costs. Also, creative partnerships and grant opportunities may also be used to offset capital costs of construction of the parks, which will reduce the overall capital expenditures needed to be paid for by the City.

Stormwater

Existing and Future Conditions

Annexation will trigger the expansion of services by the City's stormwater utility. There are three main areas in the enclave where stormwater improvements are needed to address flooding risks, 1) the dry creek drainage that runs through Subarea 4, 2) the Cooper Slough/Box Elder drainage that runs through Subarea 1 and 3, and 3) the Poudre River area adjacent to Subarea 2. All three areas have identified capital improvements; however, annexation does not necessarily trigger the requirement to fund the needed capital improvements.

The City of Fort Collins would also assume control and management of existing stormwater improvements in the subarea upon annexation. The condition and unaddressed issues present in the current system are unknown. Upon annexation, the City would need to perform a one-time stormwater system cleanout to assess conditions to determine ongoing maintenance needs and any capital repairs that may be needed. This cleanout will be the first part of a 10-year cycle of cleanouts for the subarea. The cost of this one-time cleanout is estimated at \$1.7 million. The cost per subarea of the cleanout and the ongoing 10-year cycle costs are factored into the model.

Modeling Approach

The fiscal model assumes that upon annexation a property will begin paying the City's stormwater fee that is based on per land square feet and use. The model also accounts for the one-time cleanout costs per subarea. There are 11 separate capital projects identified in the three areas mentioned above. These 11 projects total approximately \$38 million in cost. The fiscal model assumes these improvements will be made upon annexation of each subarea. There is the ability to change assumptions related to the number of years after annexation that the capital improvements in each subarea are built.

Annexation Findings/Considerations

The following considerations were identified for the stormwater system:

- The condition of the existing stormwater systems in the Enclave Area are largely unknown, especially until they can be cleaned out and assessed. It is possible that additional stormwater capital improvement needs would be needed.
- Stormwater capital projects in Subareas 1, 3 and 4 impact the development potential in portions of those subareas. The improvements in Subarea 4 related to the Dry Creek are needed to address existing flooding issues in the AirPark and impact the development areas possible on the former airport land. The improvements in Subareas 1 and 3 related to the Cooper Slough and Box Elder Creek are needed to address flooding issues including flooding caused by State Highway 14. Addressing the stormwater issues can help increase the developable land north of Mulberry Street.
- Annexation of any property in the Enclave Area would not require the construction of stormwater improvements, but ongoing flooding issues may create risks and greater costs for the City if not addressed.

Light and Power

Existing and Future Conditions

There are currently two electrical providers serving the enclave area, Xcel Energy and Poudre Valley Rural Electric Authority. Upon annexation, the City of Fort Collins' utility will begin providing service. The transition of service provision requires the City to purchase and take on responsibility for the existing power infrastructure in the area. In some cases, this infrastructure will need to be upgraded or replaced to meet the City's standards. The Light and Power Utility will issue debt to fund capital improvements needed to take over service areas. The debt will be repaid by increases in user rates (that would apply to all system customers, not just those in the Enclave Area) and through public improvement fee agreements generated by new developments.

The Light and Power Utility estimates that it will cost \$66 million to acquire existing infrastructure from the existing providers and will require additional capital cost of \$26 million to distribute power to the area, totally \$92 million in capital costs.

Modeling Approach

The fiscal model assumes that existing and new residents and businesses will begin paying service rates upon annexation in concert with the take over the system infrastructure. The model assumes that the rate structure in place for ongoing service will generate an annual net positive impact on the utility, meaning the rates charge will cover the cost of service. The City's Light and Power utility provided annual estimates for service revenues and costs to incorporation into the model. The capital costs needed to take over electric service detailed above are assumed to be phased in based on the locations of annexation efforts by subarea.

The fiscal model was built to accommodate multiple approaches to building out the system. During the testing of scenarios, there were three options for provision. The first option was for L&P to develop a “proactive” program for capital expansion of the network to serve the enclave starting in the near term which will ensure all future connections to the system are subject to PIF agreements and is not necessarily tied to annexation phasing. This option may also allow the program to align with efforts to serve areas to the north (i.e., Montava). The second option was development of a capital expansion program that aligns directly with the timing of annexation phasing (with annexation). The last option was entitled “ad-hoc” where the network expansion programs will be developed for each specific subarea as annexation is contemplated.

Annexation Findings/Considerations

The following Light and Power considerations were identified:

- The City of Fort Collins is already anticipating the need to expand infrastructure and service on the city’s northeastern edges. The Montava development north of the Enclave Area will generate the need for substantial expansion of the system. It is assumed improvements to serve this area and other annexations north of the Enclave Area will be made expanding the system from the south along Timberline Road. The most efficient and cost-effective path for Light and Power to expand their system is to move from west/southwest to east/northeast.
- It may be possible to serve new customers in portions of the enclave area without building new infrastructure, specifically the western portion of the enclave.
- Light and Power would prefer for the City to annex larger development areas before they develop to assess public improvement fees that can help repay capital costs.

Broadband

Existing and Future Conditions

The City of Fort Collins’ newly formed broadband utility is assumed to extend service to the enclave area upon annexation.

Modeling Approach

The expansion of Broadband was modeled with two possible assumptions. The first is the assumption that expansion of the network infrastructure is best done in connection with L&P expansion and therefore is tied to the L&P assumptions for timing. The second option is the “proactive” expansion of service to areas as they are annexed, which may or may not align with L&P or other infrastructure projects.

The ongoing revenues from broadband services are based on the expansion to the area to serve both new and future customers. Similar to Light and Power service, it is assumed and modeled that user rates will cover both the cost of system buildout and initial provisioning of service, as well as the ongoing cost of operations and maintenance of the infrastructure. However, the estimates are sensitive to the timing of the capital outlays and the speed at which customers are acquired. Costs and penetration take rates have

been based on updated estimates of the existing Citywide rollout of broadband services. The upfront capital expansion costs to serve the enclave area are estimated at approximately \$10 million.

Annexation Findings/Considerations

The following considerations for the broadband utility were identified:

- The cost capital expansion of broadband has the potential to be offset by proceeds from competitive state and federal grants.
- It is assumed that expansion of the broadband network into the enclave area would be done most efficiently in concert with expansion of the Light and Power infrastructure into the area.

Fiscal Model Phasing Findings

The fiscal model analysis completed to date has generated a number of high-level findings that may impact future annexation decisions and phasing strategies.

- The subareas with the greatest potential for capturing new development, which are Subareas 1 and 5, produce the most benefit/least impact on ongoing City operations. All subareas generate a net negative fiscal impact on the City annually in most, if not all, scenarios. However, these areas have the lowest negative impact because new development in the areas is expected to generate revenues that can offset the costs of expansion of services to existing uses/properties.
- Major development projects that happen in the Enclave Area would likely create a motivation to annex the proposed development parcels and create a motivation to annex surrounding parcels. However, it may be more beneficial for the City to proactively annex potential future development areas in advance to actively encourage their development within the City and in conformance with CityPlan land use recommendations.
- The subareas that are largely built out and where little new development is expected (Subareas 2 and 4) tend to generate the greatest net negative fiscal impact. These areas generally have lower average property values and lower densities, which produce do not offset the operations costs to serve them. Also, the areas will not benefit from the support of capital expansion fee revenues generated by new development.
- It is generally more fiscally prudent and efficient for annexation and expansion of City infrastructure and services to occur in a west to east path. This approach allows for a more contiguous expansion of the city outward from the existing city limits towards the further eastern reaches of the enclave.
- The use of public financing tools (metro districts, public improvement districts, urban renewal) is likely needed to help fund and finance capital improvements in areas to reduce the fiscal burden on the City and its existing residents. These tools can help to

shift the cost of annexation onto the properties that will benefit from annexation reducing the overall increased burden on existing city residents. The use of public financing tools is most needed and appropriate where a substantial amount of development is likely to occur.

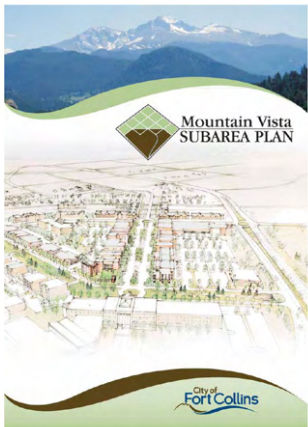
Appendix D:

Role of Subarea Plans

Appendix D: Role of Subarea Plans

In this updated plan, it is not only the hope to find new strategies for this corridor, but also to establish connectivity between the boundary and the existing subareas surrounding East Mulberry.

Below, information about the surrounding subareas is established as well as recommendations which should be considered to provide a cohesive nature between East Mulberry and the surrounding areas. The subareas focused on in this section are Mountain Vista, I-35, Downtown, Northside Neighborhood, and Prospect Streetscape subarea plans.

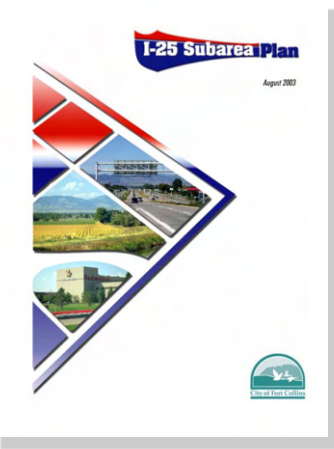


Mountain Vista

Located North side of East Mulberry Boundary. Created September 15th, 2009. This plan reinvisioned the 1999 Mountain Vista plan. It looked to improve the aesthetic of the area and improve connectivity for residents and businesses. Furthermore, this plan looked to support different types of transportation such as, walkways, bicycle lanes, transit, etc. In addition, there was highlighted focus on preserving natural features as it overlooks the mountains and has an aesthetically pleasing layout.

Key Recommendations:

Provide a balance of business and retail with supporting residential. Create a complete transportation system. Enhance natural resources and drainage corridors. Improved Timberline roadway which travels South into the East Mulberry boundary.



I-25 Subarea Plan

Located East side of East Mulberry Boundary. The I-25 Subarea Plan sought to produce a well-planned and mixed-use corridor along I-25. The plan looked to produce a subarea with respect to its open space that supports a commercial area with well-integrated residential housing. For businesses' within this area, the types look to mainly be commercial and employment centers.

Key Recommendations:

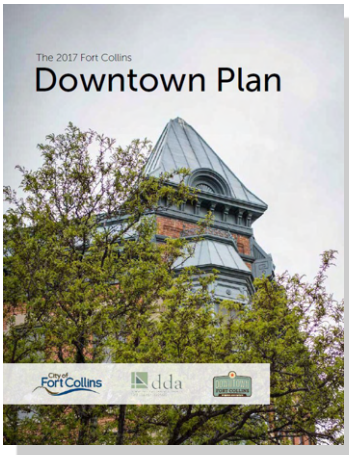
Recommended roadway network. Proposed 6 lane arterial along Mulberry St, Timberline Rd, and 4 lane arterials along Vine Dr and Prospect Rd. Improved bike and transit networks along Mulberry St, Vine Dr, and Timberline Rd.

EXHIBIT A TO ORDINANCE NO. ___, 2023
Downtown Plan

Located West side of East Mulberry Boundary. Created in 2017. The 2017 downtown plan sought to improve a wide range of topics. Particularly urban design, transportation and parking, economy, environment, as well as management and maintenance.

Key Recommendations:

Along Mulberry St and Lemay Ave, low through high potential for infill/ redevelopment. Bicycle lane improvements along Mulberry to give more accessibility to other types of transportation on a car-dominated road. Reduce traffic congestion along busy intersections including Mulberry and college, which could be carried over to other busy intersection in Mulberry (Ex. Mulberry and Timberline).

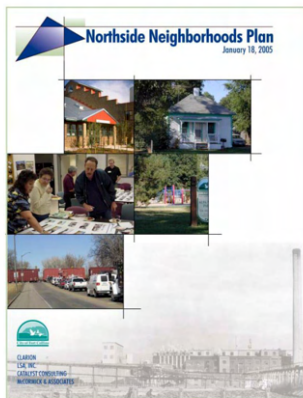


Northside Neighborhood Plans

Located Northwest side outside of East Mulberry boundary. Created January 18th, 2005. Subareas adjacent to this plan were in development, however a plan for this area was made due to significant developments around which served as catalysts for this area's improvements and planning. Improved stormwater management, improved traffic conditions on Vine Dr and Lemay Ave, approved uses for vacant land, provide better public services, protect natural and historical areas here.

Key Recommendations:

Improved traffic and road conditions on Vine Drive and Lemay Avenue which travel along East Mulberry's boundary. Stormwater maintenance and flood control along Poudre River and dry creek in this sub area which travels along and through East Mulberry. Specific improvements like stormwater retention ponds, ditches, etc.

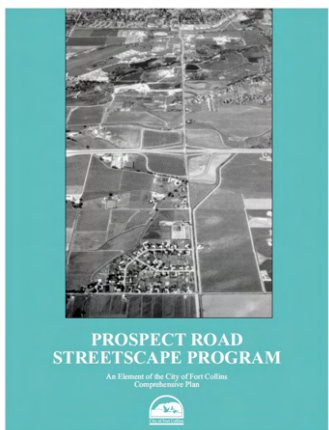


Prospect Road Streetscape Plan

Located on Prospect Road, South of East Mulberry boundary. Created February 1993. This plan aimed to create future guidance for improvements to Prospect Rd. The goals of this plan were to improve road conditions while maintaining respect to the natural scenery along its path.

Key Recommendations:

This plan sought to improve road conditions along Prospect as well as the intersection between the road and Timberline. Since these roads both travel through and along the corridor boundary, aligning with the conditions in the document are important for interconnectivity. In addition, the plan outlines improvements for bicycle and pedestrian ways along Prospect and the intersections along it (Timberline and Riverside).



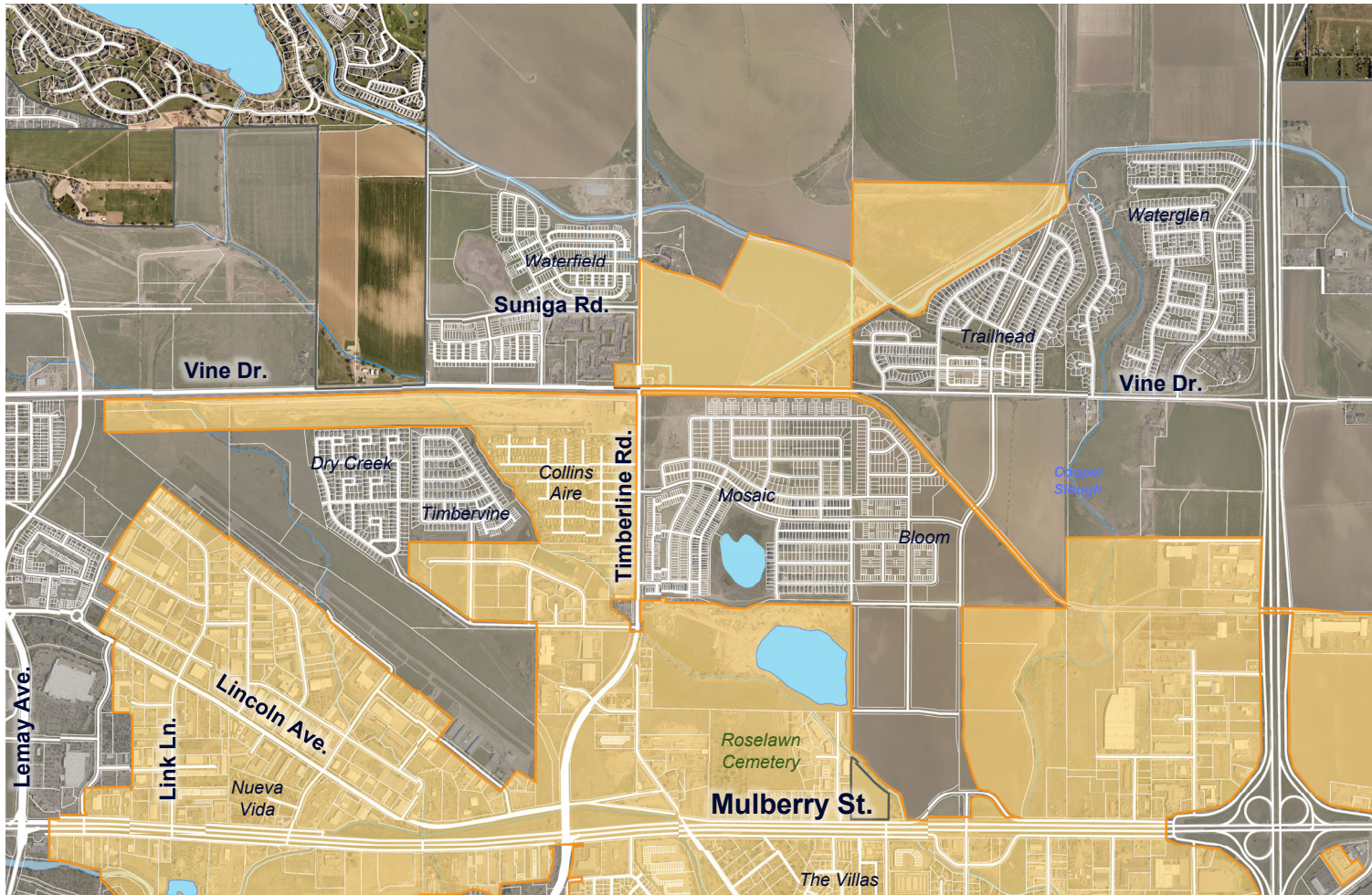




East Mulberry Potential Annexation Threshold Example

Attachment to the Agenda Item Summary for First Reading of the East Mulberry Plan

11-21-2023



- This map depicts the northern extent of the East Mulberry Enclave as it exists now

Legend:

- East Mulberry Enclave
- Fort Collins City Limits





Considerations & Sequencing:

- **Development Activity:**
 - The City has received a Preliminary Design Review submittal for a property near Vine Dr. and Timberline Rd.
 - Development would require annexation

Legend:

- East Mulberry Enclave
- Fort Collins City Limits





Considerations & Sequencing:

- **Potential Threshold met:**
 - Annexation of the parcels near Vine and Timberline create 'islands' of parcels now physically disconnected
- ↓
- Maintaining logical boundaries threshold
- +
- Proactive resource protection/Achievement of Citywide Policy Priority

Legend:

- East Mulberry Enclave
- Fort Collins City Limits





Considerations & Sequencing:

Potential Threshold:

- Proximity of the Collins Aire Mobile Home Park may offer an opportunity to bring this community into City Limits



- Proactive resource protection/Achievement of Citywide Policy Priority

Legend:

- East Mulberry Enclave
- Fort Collins City Limits





Considerations & Sequencing:

- **Potential Threshold met:**
 - The addition of the Collins Aire Mobile Home Park for annexation consideration would create another 'island' along Vine Dr.
- ↓
- Maintaining logical boundaries threshold

Legend:

- East Mulberry Enclave
- Fort Collins City Limits





Considerations & Sequencing:

- In this case, multiple thresholds are combined to establish potential annexation boundaries for further analysis and City Council decision

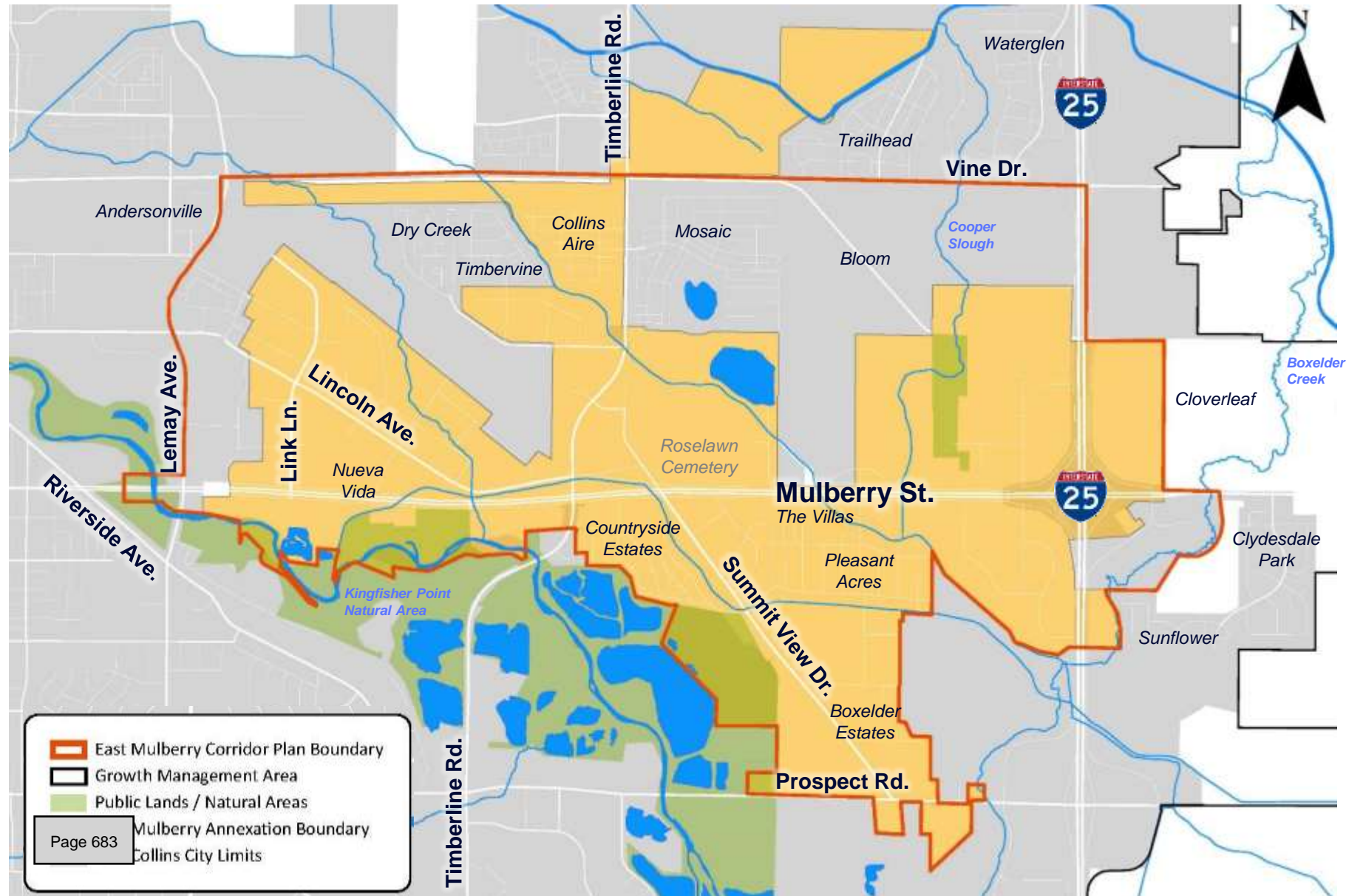
Legend:

- East Mulberry Enclave
- Fort Collins City Limits





East Mulberry Plan Council Presentation

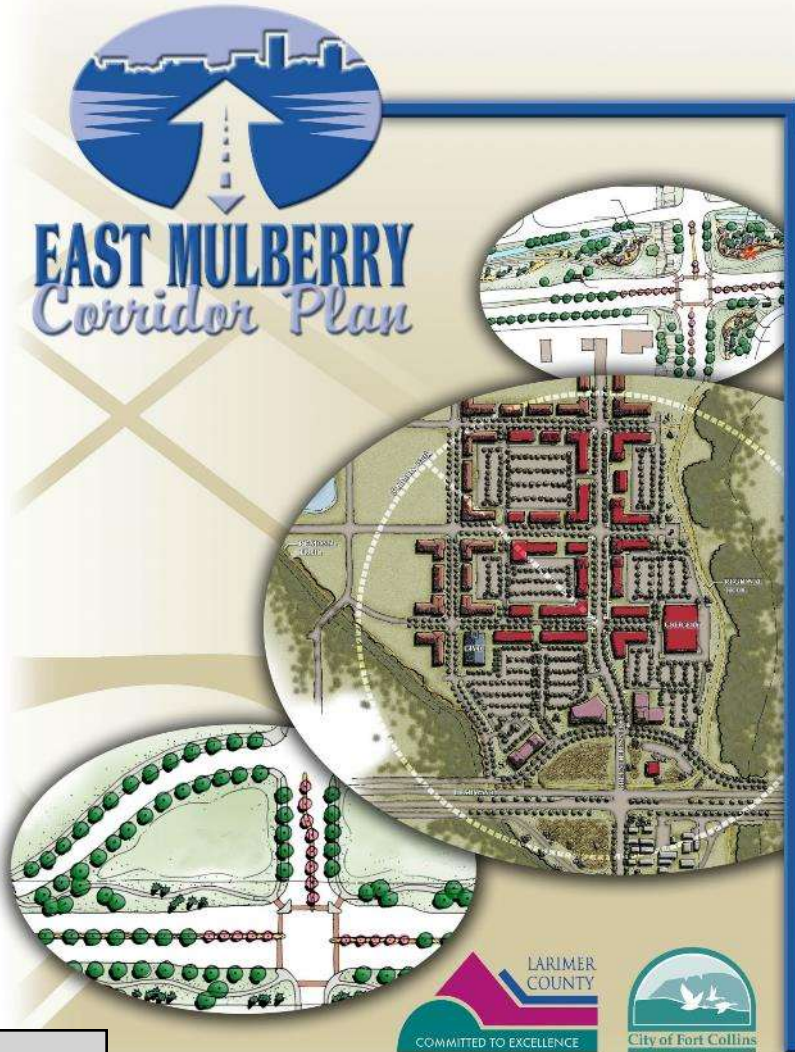


2002 East Mulberry Corridor Plan

- Jointly adopted by Fort Collins and Larimer County
- Primary plan objective was to implement the 1997 City Plan for the East Mulberry Corridor. Plan acknowledges that continued growth and change may impact quality of life in the area

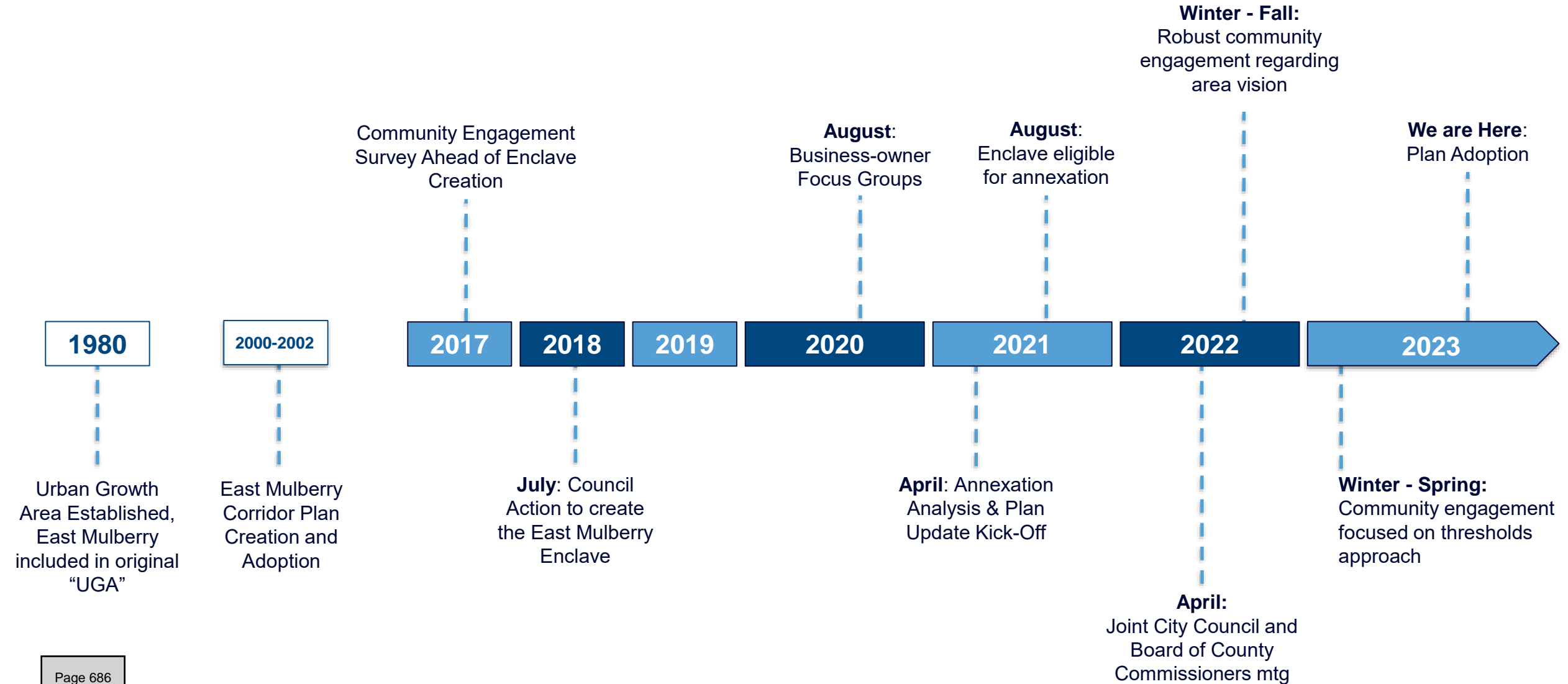
Why Update? Why Now?

- Respond to changed conditions after 20 years
- Creation of the enclave and eligibility for annexation occurred after the 2002 Plan was adopted
- Align with the 2017 City Plan update and other comprehensive plan documents
- Major new and planned developments that may be catalysts for other development in this area (Bloom and Peakview)





East Mulberry Plan – Where We've Been



2022 Council Touchpoints

- March 8 Work Session
- April 13 Joint City Council/County Commissioner Meeting
- April 26 Work Session
- May 10 Council Priority Check-in
- August 1 Council Finance Committee
- October 20 Council Finance Committee
- December 13 Work Session

Direction from Council

- Council wants to move slowly and deliberately
- Lessons learned from Southwest Enclave annexation
- Requests for additional analysis (costs, opportunities, tradeoffs)
- Landed on a strategy around **thresholds** for annexation (aka tipping points)



East Mulberry Draft Plan Content

The Draft East Mulberry Plan has five sections:

1. Introduction

2. Character Areas

3. Goals & Strategies

4. Implementation

5. Annexation Thresholds

1. Introduction

About this Document

An Introduction to East Mulberry

- History of East Mulberry

Planning for East Mulberry

- Updating the 2002 East Mulberry Corridor Plan

Why Update, Why Now?

- Existing & Changed Conditions
- Community Priorities & What We Heard
- East Mulberry Enclave: History of Policy Guidance



Existing & Changed Conditions:

Existing and changed conditions in the plan area since the East Mulberry Corridor Plan in 2002, including infrastructure, growth, and development.



Community Priorities & What We Heard

- Infrastructure & Development
- Gateway & Entry Aesthetic
- Corridor Character & Uses
- Amenities & Services
- Housing & Gentrification



East Mulberry Enclave: History of Policy Guidance

- Enclave & Annexation Background
- Purpose of Annexation
- Introduction to Annexation Thresholds
- What changes during annexation? What doesn't change upon annexation?

2. Character Areas



Frontage



Airpark



I-25 Interchange



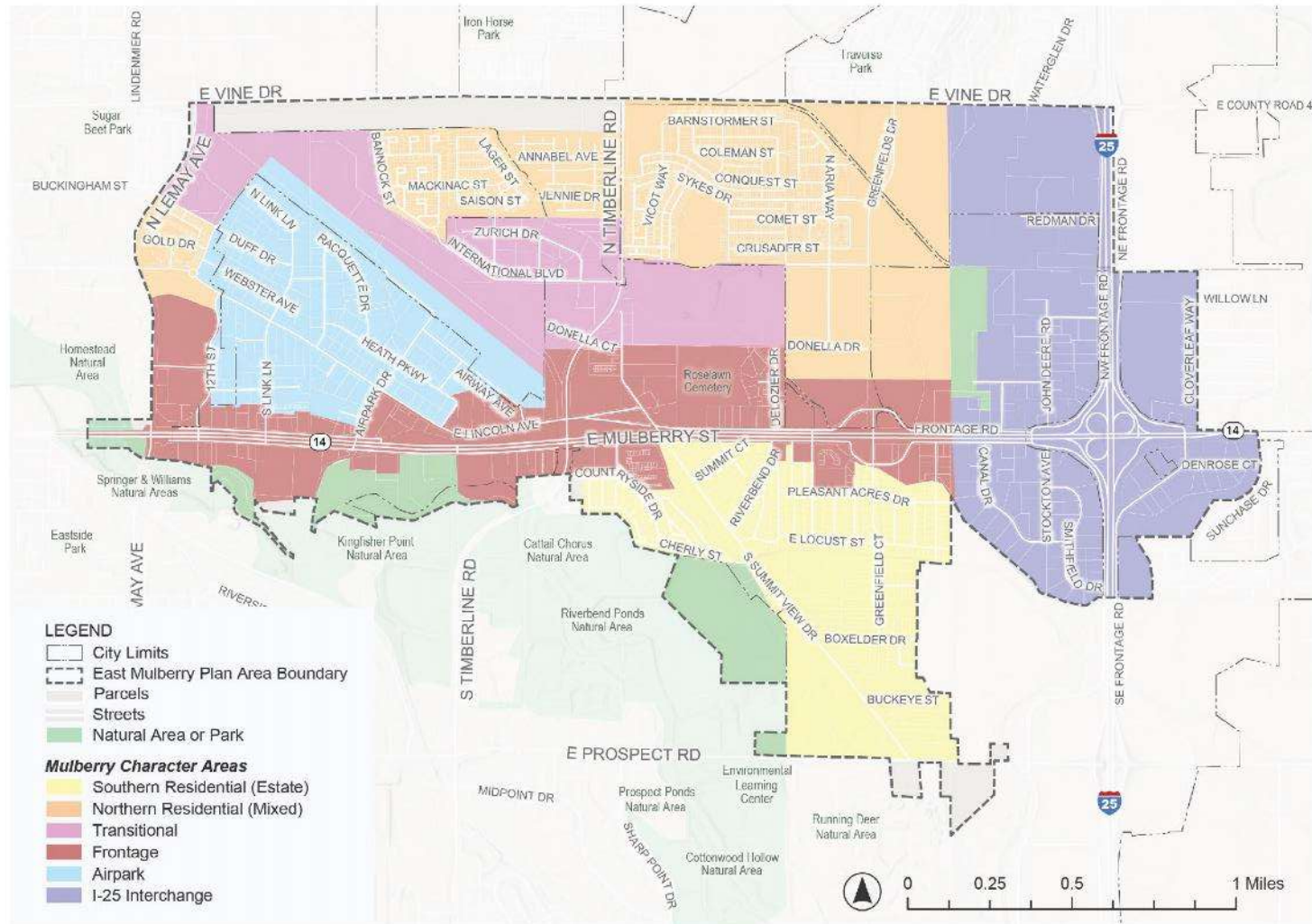
Transitional



Northern Residential (Mixed)



Southern Residential (Estate)



Character Areas

- Character Areas were formulated to:
 - Ensure plan recommendations respect the context of each area
 - Define and strengthen each area's unique qualities

3. Goals & Strategies

 **Goal 1: Commercial & Industrial Hub**

 **Goal 5: Housing**

 **Goal 2: Stormwater**

 **Goal 6: Historic, Cultural, & Natural Features**

 **Goal 3: Transportation**

 **Goal 7: Mulberry Gateway**

 **Goal 4: Community Amenities & Services**

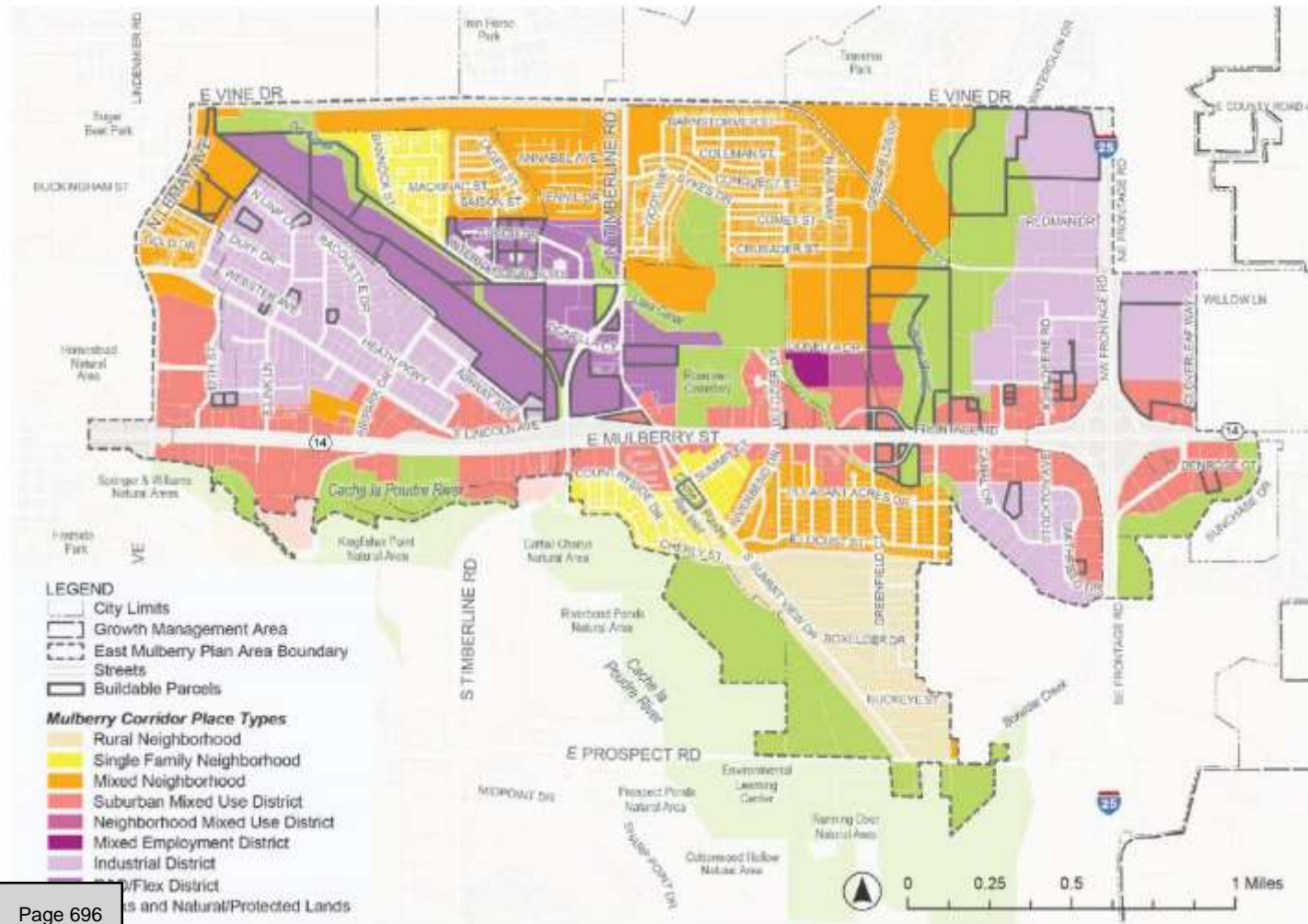
4. Implementation

Place Type Framework Plan

Transportation Framework Plan

Development Review Framework

4. Implementation



Place Type Framework Map

- Place Types match land use guidance in City Plan and can be more flexible than a framework map based on zone districts

Transportation Framework Map

- Depicts connectivity needs, proposed streets for augmentation, and areas for future evaluation and improvement

Development Review Spectrum

- Provides a structured and strategic approach for revitalizing and improving properties over time as they come through the City's development review process

5. Annexation Thresholds

What are Thresholds?

Identification of Thresholds

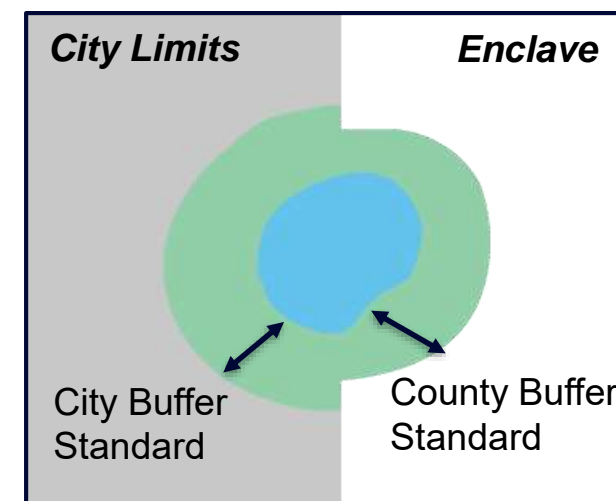
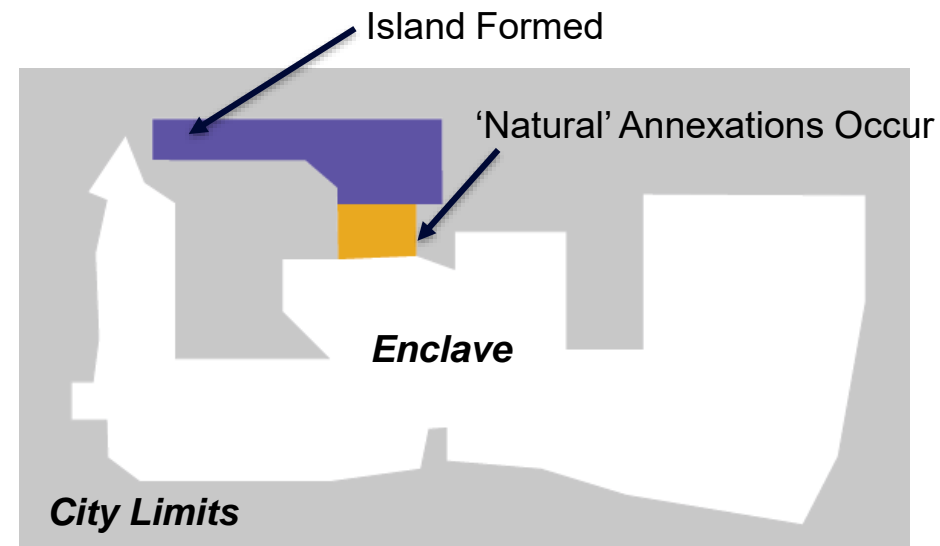
Thresholds Strategy Long-Term Management

What are thresholds?

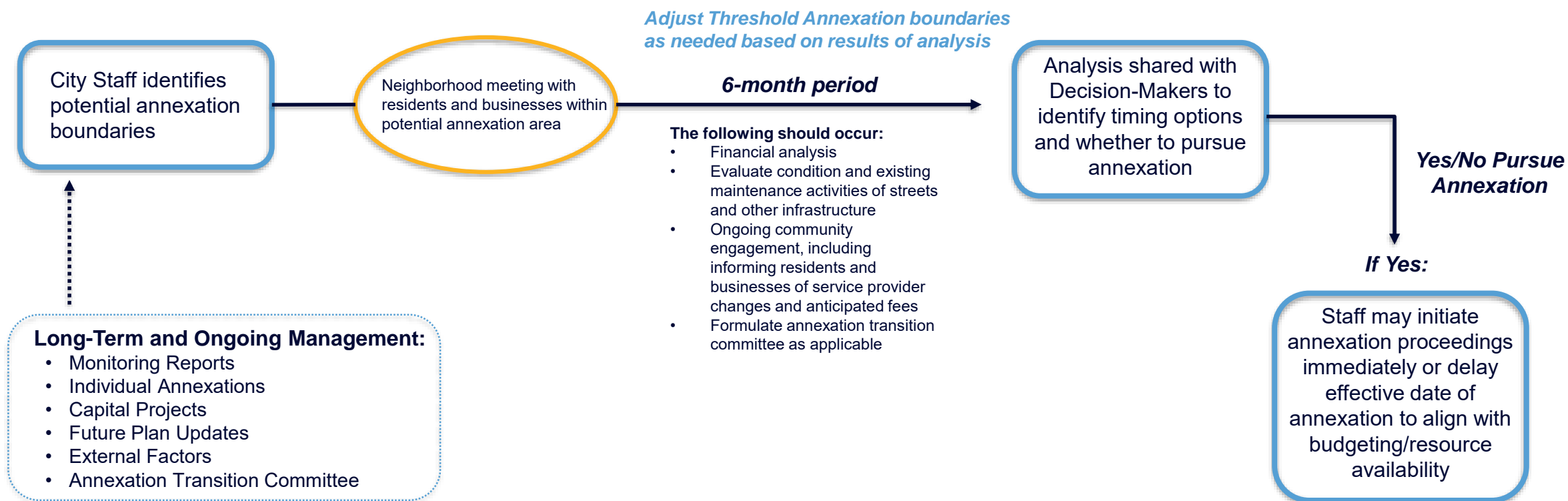
A set of conditions that when reached, may represent an opportune time to consider annexation of portions of the enclave.

Threshold Categories

- Maintenance of Logical Boundaries
- Achievement of Citywide Policy Priorities
 - Proactive Resource Protection
 - Redevelopment Risk
 - Other Proactive/Strategic Goal Alignment
- External Funding and Capital Project Alignment



What happens when a threshold has been identified?



Do Councilmembers wish to adopt Ordinance No. XXX,
2023,for the East Mulberry Plan on First Reading?



November 21, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Kelly DiMartino, City Manager
Carrie Daggett, City Attorney

SUBJECT

Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.

EXECUTIVE SUMMARY

The purpose of this item is to express gratitude and appreciation to John Duval for his contributions to the City and the community as Deputy City Attorney.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

John Duval began his service to the City in 1989, and after leaving to spend 13 years as the Loveland City Attorney, returned in 2014 to serve as Deputy City Attorney in Fort Collins. He retired on November 17, 2023. This Resolution expresses Council's sincere appreciation and gratitude to John Duval for his service and contributions to the City and the community as Deputy City Attorney.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2023-100
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING GRATITUDE AND APPRECIATION TO
DEPUTY CITY ATTORNEY JOHN DUVAL FOR HIS
CONTRIBUTIONS TO THE CITY AND THE COMMUNITY

WHEREAS, John Duval first joined the City Attorney's Office of the City of Fort Collins in 1989, and served the City twelve years, rising to the position of Deputy City Attorney, before being named the City Attorney for the City of Loveland in 2001; and

WHEREAS, after 13 years of service to the City of Loveland as its City Attorney, Duval rejoined the Fort Collins City Attorney's Office in March 2014, and was once again named Deputy City Attorney shortly thereafter; and

WHEREAS, Duval attended Colorado State University and then obtained a law degree from Texas Tech University, after which he began his law career in private practice in Fort Collins; and

WHEREAS, throughout his time working for the City, Duval represented the full range of City service areas and officials, and developed detailed expertise and skill as an advisor to and advocate for the City organization; and

WHEREAS, Duval has handled many significant legal matters for the City and played an important role in the City organization, as steadfast, reliable and attentive legal counsel, navigating intricate and difficult issues thoughtfully, attentively and with the best interests of the community in mind; and

WHEREAS, as one of the City's most dedicated public servants, Duval's encyclopedic knowledge of municipal law, his singular ability to render actionable advice from complex facts and conflicting authorities, and to balance multiple competing perspectives and issues, have embodied the highest standards of his profession; and

WHEREAS, after his many years with the City organization, Duval on November 17, 2023, embarked upon a well-deserved retirement; and

WHEREAS, in light of the foregoing, the Council desires to express its appreciation and admiration for Duval through the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City expresses its sincere appreciation, respect and admiration to Deputy City Attorney Duval for his service and contributions to the community and City organization as Deputy City Attorney, and for the many ways he has served Fort Collins.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

November 21, 2023

AGENDA ITEM SUMMARY

City Council



STAFF

Kelly DiMartino, City Manager
Travis Storin, Chief Financial Officer
Carrie Daggett, City Attorney

SUBJECT

Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport and Authorizing Release of a Related Confidential Legal Memorandum.

EXECUTIVE SUMMARY

The purpose of this item is to designate two Councilmembers to represent Fort Collins as part of a joint committee with the Loveland City Council to discuss, evaluate and make recommendations regarding alternative models of governance at the Northern Colorado Regional Airport.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Throughout the second half of 2023, staff have been working with legal counsel and Councilmembers to identify the full array of options for possible changes to governance at the Northern Colorado Regional Airport ("the Airport"). On October 5, 2023, Council received a confidential and privileged report from Dan Reimer, Special Counsel, identifying and summarizing the most likely alternatives for go-forward governance. Based on that report, staff has recommended that Loveland and Fort Collins establish a committee with Councilmembers from each City to engage in further discussion of Airport governance, to: 1) to refine alternatives; 2) to establish perspectives of each respective city with their elected counterparts; and 3) to develop an understanding of the opposite city and the potential for a mutually agreed direction.

The Committee would then provide follow-up information to their respective Council in writing and/or executive session so that councilmembers can provide input to the governance analysis and negotiating strategy. Based on the status of each respective consensus of councilmembers, it will be determined whether the two cities are ready to begin drafting legal documents for a modified governance model or if additional inter-city dialogue is necessary.

In addition, subject to parallel approval by the Loveland City Council, the Resolution waives the attorney-client privilege and confidentiality of the Reimer legal memo and authorizes its release.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2023-101
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING TWO COUNCILMEMBERS TO A JOINT COMMITTEE
WITH LOVELAND REGARDING AIRPORT GOVERNANCE FOR THE
NORTHERN COLORADO REGIONAL AIRPORT AND AUTHORIZING
RELEASE OF A RELATED CONFIDENTIAL LEGAL MEMORANDUM

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for directing the operation of the Airport, including preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, in recent years questions have arisen as to whether the current structure and governance of the Airport is optimal to achieve the goals of the Cities for the Airport; and

WHEREAS, in light of this, during 2023 staff has been working to identify the full array of possible options for possible changes to governance at the Airport in order to facilitate and support further discussion by the Cities and particularly by the City Councils of the Cities; and

WHEREAS, as part of the review process, staff worked with joint special legal counsel Dan Reimer, an expert in airport matters, who prepared a confidential and privileged legal memorandum in early October identifying and summarizing the alternatives for Airport governance (the "Reimer Memo"); and

WHEREAS, based on the initial review of the most likely alternatives for updated governance for the Airport, staff has recommended that the two Cities form a joint committee comprised of two representatives from each City Council, to meet to discuss and refine alternatives and, if practicable, provide recommendations about Airport governance; and

WHEREAS, in light of this the Council wishes to designate two Councilmembers to represent the City on said Joint Committee, as set for the below; and

WHEREAS, in order to facilitate a fuller discussion of the options and considerations for Airport governance, the Council wishes to waive the attorney-client privilege and release the Reimer Memo to the public.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the Council hereby approves the formation of a Joint Committee With Loveland Regarding Airport Governance for the Northern Colorado Regional Airport.

Section 3. That the Council hereby designates _____ and _____ to said Joint Committee, with such appointments to begin immediately and continue until such time as the Council terminates or modifies such appointments.

Section 4. That, subject to the completion of a similar waiver and release by the City Council of the City of Loveland, the Council hereby waives the attorney-client privilege and confidentiality to which the Reimer Memo is subject, and authorizes and directs the City Attorney and City Manager to release and make available to the public the Reimer Memo.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk