

ORDINANCE NO. 092, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXTENDING THE EXISTING TWENTY-FIVE HUNDREDTHS PERCENT (0.25%) "COMMUNITY
ENHANCEMENT" CAPITAL PROJECTS SALES AND USE TAX FOR A PERIOD OF TEN YEARS FOR THE
PURPOSE OF OBTAINING REVENUE FOR CERTAIN "BUILDING ON BASICS" CAPITAL PROJECTS AND
RELATED OPERATION AND MAINTENANCE

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

WHEREAS, the amount of such tax presently imposed by the Code, as contained in Section 25-75(a) thereof, includes a twenty-five hundredths percent (0.25%) tax for the construction of certain capital projects as identified in Ordinance No. 031, 1997 (the "Existing Tax"), and approved by the City Council according to the provisions of said ordinance; and

WHEREAS, the Existing Tax is scheduled to expire at midnight on December 31, 2005; and

WHEREAS, on August 16, 2005, the City Council adopted Resolution 2005-092 identifying various projects that it believes should be funded by the extension of the Existing Tax, and submitting to the registered electors of the City the question of whether an ordinance extending the Existing Tax for a period of ten years should be enacted to obtain additional revenues for the construction and operation and maintenance of certain capital projects as part of the "Building on Basics" Capital Projects Program; and

WHEREAS, at a special City election on November 1, 2005, the voters of the City of Fort Collins approved the extension of the Existing Tax for the foregoing purposes and determined that, upon the expiration of the Existing Tax, it is necessary and desirable that a new twenty-five hundredths percent (0.25%) sales and use tax on all taxable items be imposed, subject to the exceptions contained in Section 25-73(a) and (d) of the City Code, commencing January 1, 2006, for the purpose of obtaining revenues for the construction and operation and maintenance of the aforementioned capital projects.

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

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

Sec. 25-75. Rate of tax.

(a) The amount of tax hereby levied is three (3) percent of the purchase price of tangible personal property or taxable services. Twenty-five one-hundredths (0.25) percent of such amount is a tax which shall expire at midnight on December 31, 2005, and the proceeds of which shall be used for the purpose of the acquisition, construction, enhancement and maintenance of trail systems, wildlife habitat and other natural areas to benefit the citizens of the city and for the construction of certain park projects as described in Ordinance No. 29, 1997. Another twenty-five one-hundredths (0.25) percent is a tax which shall expire at midnight on December 31, 2005, and the proceeds of which shall be used for the purpose of street maintenance and overlay and for the construction of certain transportation projects as identified in Ordinance No. 30, 1997. Another twenty-five one-hundredths (0.25) percent is a tax which shall expire at midnight on December 31, 2015 2005, and the proceeds of which shall be placed in the capital projects fund of the city for the construction and operation and maintenance of certain capital projects as identified in Ordinance No. 092, 2005 31, 1997, and approved by the City Council according to the provisions of said ordinance.

Section 2. That the revenue generated by the twenty-five hundredths percent (0.25%) sales and use tax imposed pursuant to this ordinance (the "Tax") shall be used, to the extent that such revenues are sufficient, for the

construction and operation and maintenance of the capital projects described on Exhibit "A", attached hereto and incorporated herein by this reference, subject to the following terms and conditions:

- (a) The design, scheduling and amount of tax revenue to be set aside for the construction and operation and maintenance of said projects shall be determined by the City Council; provided, however, that no decision regarding the design or cost of any such project shall fund less than seven (7) years of operation and maintenance for each such project or substantially change the essential character, or eliminate any of the components, of said projects as described on Exhibit "A", except as expressly permitted under subsection 2(b) below. This provision shall not be construed as prohibiting the City Council from:
 - (i) enhancing the scope or design of any project, or increasing the cost thereof, unless such enhancement or increase in cost would substantially impair the City's ability to fully fund the construction of any of the projects described on Exhibit "A" or the operation and maintenance of such projects for a minimum period of seven (7) years from the date of completion of their construction, excepting only those projects, if any, which have been eliminated by the City Council pursuant to the provisions of subsection (b) below; or
 - (ii) using any other revenues lawfully available to the City to enhance the scope or design of any such project, or to fund, in whole or in part, the construction, operation and/or maintenance of such project.

- (b) With the exception of the Fort Collins Museum and Discovery Science Center Joint Facility Project (the "Museum Project"), the construction of all of the projects described on Exhibit "A" shall be undertaken and completed by the city unless the City Council determines by resolution, after receiving a recommendation from the City Manager and the City's Financial Officer, that it is no longer legally or financially feasible to undertake and complete any such project without substantially altering the essential character of the same as described on Exhibit "A". Notwithstanding the foregoing, the construction of the Museum Project shall be expressly contingent upon the City's receipt of documentation satisfactory in form to the City Manager, prior to the use of any revenues generated by the Tax for the design or construction of the Museum Project, evidencing the financial ability of the Discovery Science Center to fund, through cash pledges or in-kind contributions, no less than \$3.6 million of the cost of constructing the Museum Project. The determination whether to proceed with the Museum Project shall be made by the City Council after receiving a report and recommendation from the City Manager and the City's Financial Officer.

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

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

Section 5. That the amendment of Section 25-75(a) of the City Code as set forth herein shall take effect at 12:01 a.m. on January 1, 2006.

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

Exhibit A

<p align="center">Project Descriptions Building on Basics 2005</p>	<p align="center">Estimated Capital Cost (2005 dollars)</p>	<p align="center">Estimated Annual Operations and Maintenance Cost (2005 dollars)</p>
<p>Intersection Improvements and Traffic Signals</p> <p>This project will improve the traffic flow, safety and capacity at existing arterial intersections throughout the community (including the intersection of College Avenue and Harmony Road). Intersection improvements may include traffic signals, turn lanes, and pedestrian and bicycle improvements.</p>	<p>\$11,000,000</p>	<p>\$5,000</p>
<p>Timberline Road – Drake Road to Prospect Road</p> <p>This project will expand Timberline Road to 4-lane arterial street standards including travel lanes, sidewalks, bike lanes, landscaped medians, and other necessary improvements. The project will include improvement of the Timberline/Prospect intersection and its approaches to add additional through and turn lanes.</p>	<p>\$4,856,000</p>	<p>\$16,000</p>
<p>Harmony Road – Seneca Street to College Avenue</p> <p>This project will widen 1.7 miles of West Harmony Road between Seneca and College Avenue to 4-lane arterial street standards including bike lanes, sidewalks and a reconstruction of the Harmony/Shields intersection.</p>	<p>\$3,969,000</p>	<p>\$19,000</p>
<p>Lincoln Center Renovation and Cultural Facilities Plan</p> <p>The Lincoln Center, which has been the center of Fort Collins’ cultural life for 27 years, is in need of improvement and renovation. This project will provide new lighting, carpeting, rest rooms, upgraded acoustics, modern conference facilities and an elevator to the balcony. It will also provide funds for a cultural facilities plan to guide the development of future cultural facilities, such as a new performing arts center or Downtown amphitheater.</p>	<p>\$5,000,000</p>	<p>\$24,000</p>
<p>Park Upgrades and Enhancements</p> <p>The City has four older community parks (City Park, built in 1911; Edora Park, built in 1971; Lee Martinez Park, built in 1976; Rolland Moore Park, built in 1984) and over 30 neighborhood parks. This project will add improvements, such as new playground equipment, picnic shelters, restrooms, landscaping and sidewalks needed to keep our parks useful, enjoyable and attractive.</p> <p>Roselawn Cemetery does not have a restroom or office suitable for use by customers. The manual irrigation system at the cemetery is expensive to operate and wastes water. This project will provide a restroom and office at Roselawn as well as an efficient, automatic irrigation system.</p>	<p>\$1,525,000</p>	<p>\$45,000</p>
<p>Fort Collins Senior Center Improvements</p> <p>This project will provide exercise and fitness facilities at the Senior Center. A fitness annex will be built on 2.5 acres of land owned by the City next to the Senior Center. Parking for the new fitness facility and additional parking for the Senior Center will also be included.</p>	<p>\$4,000,000</p>	<p>\$45,000</p>
<p>Fort Collins Museum/Discovery Science Center Joint Facility</p> <p>This project will construct a new facility in the Downtown area of Fort Collins for the City’s Museum and for the Discovery Science Center. Construction of the project will be contingent upon the Discovery Science Center raising \$3.6 million for the project. The Museum/Science Center partnership will create a facility and programming that is better than the individual institutions can independently offer.</p>	<p>\$6,000,000</p>	<p>\$200,000</p>
<p>Fort Collins Bicycle Program Implementation</p> <p>This project will construct elements of the adopted Fort Collins Bicycle Program Plan. The plan includes bike lanes and trails for safe and convenient bicycle travel.</p>	<p>\$1,000,000</p>	<p>\$0</p>
<p>Pedestrian Plan and Disability Access Improvements</p> <p>This project is the continuation of pedestrian improvements citywide to eliminate hazards and remove obstacles. Improvements will include constructing missing or incomplete sidewalks, pedestrian bridges, and sidewalk ramps that comply with the Americans with Disabilities Act (ADA).</p>	<p>\$3,000,000</p>	<p>\$50,000</p>
<p>North College Avenue Improvements Phase 2 – Vine Drive to Conifer</p>	<p>\$4,000,000</p>	<p>\$6,000</p>

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<p>Street This project will provide for the re-design of North College Avenue to bring the road to current arterial standards from Vine Drive to Conifer Street and for the acquisition of right-of-way needed for construction along North College Avenue. Construction will include curb, gutter and minor street patching; redefinition and consolidation of driveways; bike lanes and sidewalks, new streetscaping and other necessary improvements.</p>		
<p>Transit Fleet Vehicle Replacement This project will replace transit vehicles at the end of their useful lives to assure reliable service. This will include mini-buses, full size coaches, and service vehicles. It is anticipated that these funds will be used in conjunction with Federal matching dollars.</p>	<p>\$923,000</p>	<p>\$0</p>
<p>Library Technology This project will provide computers, software, databases and technology maintenance for our libraries. Library technology provides access to books, media, and subscription databases, to the internet and to personal library accounts. Library technology reduces staffing costs and enables the City to provide high-quality library services to a growing population.</p>	<p>\$5,950,000</p>	<p>\$0</p>
<p>Police Computer Aided Dispatch, Records and Jail Management System Replacement Project A new Police Computer Aided Dispatch/Records and Jail Management System (CAD/RMS/JMS) is needed to replace the existing, aging system. This project will provide an updated, enhanced CAD/RMS/JMS system for police and firefighters to continue providing a high level of service to the community.</p>	<p>\$600,000</p>	<p>\$219,000</p>