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Council Finance Committee Hybrid Meeting
CIC Room / Teams
January 2, 2025
4:00 - 6:00 pm

Council Attendees: Mayor Arndt, Emily Francis, Kelly Ohlson

Staff: Tyler Marr, Gretchen Stanford, Denzel Maxwell, Dianne Criswell, Ginny Sawyer, Terri Runyan, Max Valadez, Drew Brooks, Joe Wimmer, Randy Bailey, Trevor Nash, Monica Martinez, Spencer Smith, Dana Hornkohl, Josh Birks, Victoria Shaw, Joe Wimmer, Zack Mozer, Josh Birks, Carolyn Koontz

Other: Kevin Jones, Chamber of Commerce

Meeting called to order at 4:00 pm

Approval of minutes from the December 5, 2024, Council Finance Committee meeting.
Motion made to approve by Kelly Ohlson and seconded by Emily Francis. Approved via roll call.

A. Bloom Filing One Transportation Capital Expansion Fee Major Reimbursement

Dana Hornkohl, Director, Civil Engineering
Monica Martinez, Planning Development & Transportation Finance Manager
Josh Birks, Deputy Director, Sustainability Services

EXECUTIVE SUMMARY

The Bloom Filing One development ("Bloom") is located on the north side of Mulberry Street, west of Greenfields Drive. Bloom's metro district has funded street improvements to Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road to City standards as part of Bloom's development plans and development agreement for and permitted for construction under Bloom's Development Construction Permit. Per Section 24-112 of the City Code, these improvements are eligible for reimbursement from Transportation Capital Expansion Fee (TCEF) funds for the oversized, non-local portion for construction and right-of-way dedication. Staff is recommending appropriations totaling \$2,069,417 from TCEF funds.

This total appropriation of \$2,069,417 includes the cost of parkway (landscaping and irrigation) of Greenfields Drive and International Boulevard, which has not been fully constructed and is planned to be completed in summer of 2025. This cost was agreed to by Staff to be \$44,249 and this amount would not be reimbursed to the metro district until the construction is completed and Staff has provided acceptance of the same.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

- Do Finance Committee members support an off-cycle appropriation of Transportation Capital Expansion Fee fund reserves to reimburse the Bloom's metro district for its construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road?

BACKGROUND/DISCUSSION

TCEF Program

The TCEF Program (formerly Street Oversizing), instituted by ordinance in 1979, was established to manage the construction of new arterial and collector streets, and is an "Impact Fee" funded program. The TCEF Program determines and collects impact fees from development and redevelopment projects. The collection of these impact fees contributes funding for growth's related share towards City Capital Projects, including the City's Active Modes Plan, and reimburses development for constructing roadway improvements above the local street access standards. Section 24-112 of the City Code allows for reimbursement for the construction of collector and arterial streets.

Bloom Filing One is a development on the north side of Mulberry Street and west of Greenfields Drive, directly east of the East Ridge/Mosaic development. This reimbursement is for the construction above the local street access standards of Greenfields Drive (2-lane arterial), International Boulevard (2-lane arterial), Sykes Drive (collector), Donella Drive (collector), and Delozier Road (collector) as part of Bloom Filing One. As part of Bloom's Filing One development agreement, the developer or its metro district (whichever party pays for the work) is eligible for reimbursement. Both the Bloom developer and Bloom's Metro District agree that the Bloom Metro District as the entity that funded the improvements is entitled to this reimbursement.

Portions of roadway, landscaping, and sidewalk for Greenfields Drive and International Boulevard, and portions of roadway for Sykes Drive, Donella Drive, and Delozier Road are eligible for reimbursement depicted in Attachment 1 "Location of Improvements Constructed" and itemized between City (TCEF) and local responsibility in Attachment 2 "Final Bid Tab of Quantities and Total Cost for Improvements". Also included as part of the eligible reimbursement is the land value for right-of-way dedication beyond the local street access standards.

Staff has reviewed the documentation and agrees that the requested reimbursement meets the requirements under City Code Section 24-112 for appropriation from TCEF funds. There are presently adequate funds in TCEF to reimburse the metro district and Staff recommends reimbursement in the amount of \$2,069,417.

While this reimbursement is considered routine as part of the Code obligations under the TCEF Program, this request is coming before Council Finance Committee because of the large dollar amount outside of the typical 2-year budgeting process. TCEF reimbursements were formerly anticipated and appropriated through the 2-year budgeting process. As part of the process improvements identified first in the 2021 budget, the TCEF Program now categorizes TCEF reimbursements as "Major" and "Minor" reimbursements, with "Major" developer reimbursements brought to Council individually rather than predicting what reimbursements are needed on a 2-year basis.

This proposed reimbursement is the fourth request under this process with Council Finance Committee having reviewed Northfield in 2022, Waterfield in 2023, and Water's Edge in 2024. As part of Council Finance Committee's input for both Northfield and Water's Edge, Council Finance Committee supported TCEF reimbursing these developers instead of their respective metro districts reimbursing them. Both the Northfield and Water's Edge developers provided affidavits from their respective metro districts committing that their

metro districts would not reimburse them, meaning that both Northfield and Water's Edge would not "double dip" and be reimbursed twice for its costs. (Waterfield does not have a metro district.)

Similarly to Northfield and Water's Edge, Bloom has metro districts that were established with City Council approving the consolidated service plan for Mulberry Metropolitan Districts Nos. 1-6 by adoption of Resolution 2019-050 on April 16, 2019. Unlike Northfield and Water's Edge, it is not the developer of Bloom that is seeking reimbursement, it is the metro district seeking reimbursement as the entity that funded the improvements. By reimbursing the metro district directly, there is not a similar concern that existed with both the Northfield and Water's Edge developers being potentially reimbursed from both their metro districts and TCEF.

DISCUSSION / NEXT STEPS;

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

- Do Finance Committee members support an off-cycle appropriation of Transportation Capital Expansion Fee fund reserves to reimburse the Bloom's metro district for its construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road?

\$2,069,417 is the full TCEF appropriation

Emily Francis; what is the timeline for the rest of the bike lanes? only on half – is that normal?

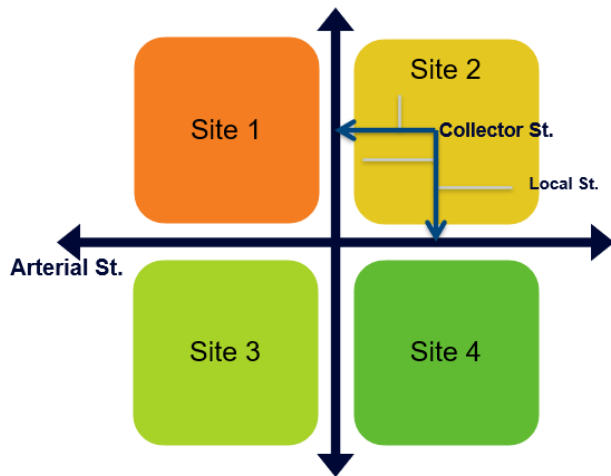
Tyler Marr; it is normal for a developer to do part and then finish later – we have different property owners along the roadway

Kelly Ohlson; regarding the 'double dipping' – seemed to come as a surprise – someone was going to check to see but the players have now changed. Still going to follow up - I don't believe in metro districts for residential developments. (referenced articles from The Denver Post regarding Metro Districts from a few years ago). If I buy in to that development, will I know where my Metro District dollars (almost double property taxes) are going? Who is paying for the collectors and the arterials?

Josh Birks; what extra taxes are paying for – service plan – requires that there be disclosure – the process leading up to buying a home when the Metro District organization documents must be made available for home buyers. They would need to go through that process the same way as for reading their HOA documents. It is fully transparent in those documents as to what things will be paid for. It will require a buyer to do a little work to find that, but it is made available to them as part of the homebuying process. Many metro districts also provide web sites where they try to translate those documents into a more user-friendly format. It is all discoverable.

Kelly Ohlson; is this process cleaner now and not prone to abuse?

Josh Birks; the process of reimbursing the TCEF dollars to the Metro District is cleaner than reimbursing TCEF dollars to the developer. Often, the Metro District is the entity that is providing the funding to build the streets, so it makes sense for them to receive the reimbursement and transfer that on to the developer. This path doesn't allow for the double reimbursement to happen.



- Reimbursement to Developers for constructing improvements beyond “local street”
- Contributions to Capital Projects
 - Complete Streets
 - Transportation Capital Projects Prioritization Study
 - Multimodal Improvements
 - Active Modes Plan
 - Intersections/Signals

Slide #4 - How are TCEF Fees Used? (see above)

Kelly Ohlson; overall and in the future, why doesn't the developer have to at least pay 50% - it looks like the development is creating the need for the collector.

Dana Hornkohl; why the collector split is what it is - some communities do not reimburse for collectors.

Emily Francis; what happens if we say they are NOT eligible?

Dana Hornkohl; the ordinance allows for Council to make the decision to not reimburse.

Tyler Marr; we would probably risk the development builder not building these oversized streets.

Emily Francis; what is the oversizing?

Dana Hornkohl; it is often the bike lane(s), sidewalks to a specific width and the buffering space to accommodate on street parking if needed and the additional width for capacity that TCEF pays for the new street and the city would be responsible. It is looking at the Master Street Plan and the traffic impact – as part of the development review process – to look at those streets now as opposed to the future - it is cheaper to right size those streets now instead of later. Only for the oversizing of the vehicular capacity and the active modes – bike lanes, etc.

Kelly Ohlson; just to be clear – the developer is responsible for a decent size sidewalk and the bike lane. There is no oversizing to those.

Dana Hornkohl; there can be additional sidewalk width and there can be additional buffer depending on what the traffic impact analysis indicates. Most of the additional capacity is for vehicles.

Tyler Marr; I think Kelly Ohlson's question is very interesting around collectors versus arterials.

Kelly Ohlson; more of a fairness question

Mayor Arndt; with a deal like this, what percentage of the TCEF are we reimbursing? They pay TCEF fees and then if they build above and beyond and then we reimburse them.

Dana Hornkohl; I don't know that answer is for Bloom specifically, but I will find out and circle back.

Mayor Arndt; the TCEF fees that were proposed and then we were like, no, stay with inflation. Just curious about how it works. I am fine with this today as this seems to be a pattern and standard procedure. I would be willing to think about how we go forward in this area.

Monica Martinez; it would be a larger percentage now, because construction costs have gone up so much and we haven't been increasing to match those necessarily. This is a really salient point for TCEF specifically, if we don't increase in tandem with what we anticipate actual costs to be, we are more likely to run ourselves in a situation where we will have to ask ourselves will we are able to reimburse.

Mayor Arndt; then in a way we are subsidizing that way.

Kelly Ohlson; if everyone got reimbursed 100% then you don't do the other things as the whole idea is to create this pot of money that goes into some other things like new bike lanes. It would be nice when we review these to know what percentage of the fees someone paid in that they are getting reimbursed. That should be standard.

Tyler Marr; I think we can pull examples of what TCEF paid for in a development and what the development holistically paid for TCEF fees. I do think it is a more of a pay as you go system. The fees we are likely appropriating in this instance were probably paid by previous developments. My hunch is that Bloom has paid very little in TCEF to date.

Kelly Ohlson; it would be great if someone could explain this to us in a one or two pager.

B. West Elizabeth Matching Funds

Spencer Smith, P.E., Engineering – Special Projects Engineer

Monica Martinez, Planning Development & Transportation Finance Manager

SUBJECT FOR DISCUSSION

West Elizabeth Corridor Final Design – Capital Investment Grant (CIG) Project Development Funds and Local Match Appropriation

EXECUTIVE SUMMARY

The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode corridor for improvement in the City and was highlighted in City Plan and the Transit Master Plan.

Additional design/project development funds in the amount of \$5.52M are being requested for advancing design to 100% for the entire corridor, necessary scope additions and design changes such as protected bike/ped infrastructure, BRT routing revisions and Right-of-Way services. The appropriation would follow the same minimum grant/local match ratio of 80/20 that would apply to the Small Starts grant. The local funding source identified for the local match is the “2050 tax”. Details of the amounts requested for grant fund and local match fund appropriation are included in the Background/Discussion section of this AIS.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Is Council Finance Committee supportive of an out of cycle supplemental appropriation of Capital Investment Grant (CIG) Project Development funds and the required local match for completion of 100% design for the West Elizabeth Enhanced Travel Corridor & Right of Way Services?

BACKGROUND/DISCUSSION

Grant Funding Background

The City has been awarded the following grants for design and construction:

- \$1.5M - MMOF (Multi-Modal Options Funding)
 - 30% design (COMPLETED)
- \$2.5M - MMOF (Multi-Modal Options Funding)
 - Final design (ONGOING)
- \$10.7M RAISE (Rebuilding American Infrastructure w/ Sustainability and Equity)
 - Construction of Foothills Transit Station and Roundabout (Overland/Elizabeth)

West Elizabeth Corridor Project Status

With the Foothills Transit Station and Overland/West Elizabeth roundabout construction funded by the RAISE grant, those elements were removed from the City’s most recent Small Starts grant project rating submittal. Removing those elements of the corridor from the Small Starts project scope should improve the project rating scores and the City’s chances of being recommended for Small Starts funding. Those scope items that were removed from the Small Starts application are no longer eligible for CIG funding, which applies only to the Small Starts scope. Several of the items discussed in the following paragraphs are related to the RAISE scope and the funding for those items is being requested as local funds and not CIG grant funds.

- 60% Design – Completed June 2024
- 100% Design of RAISE scope – Fall 2025
- 100% Design of CIG corridor – Fall 2026

Additional Funding Request Details

The amount budgeted for the final design of the W. Elizabeth BRT Corridor was \$2,500,000, which was estimated during 30% design.

During the 60% design phase, several scope additions were identified that were not include in the final design budget initially. Those additional scope items include the Transit Maintenance Facility Expansion, EV charging infrastructure, driver restroom facility and cathodic protection relocation designs at the Foothills Transit Station, street lighting design on CSU’s main campus, transit technology CDOT approval process, CLOMR (Conditional Letter of Map Revision), Laurel and Meldrum intersection improvements and BRT routing optimization. The total estimated cost of these new scope additions is \$1,750,000. There were also requested scope additions

focused on protected infrastructure that were not anticipated during the 30% design, such as a protected roundabout at Overland Trail and W. Elizabeth, protected intersections and raised protected bike lanes. The prioritization of the protected infrastructure came from City and CSU leadership and staff who had attended the ThinkBike Workshop presented by the Dutch Cycling Assembly. As the design progresses to completion, funding will be needed to prepare for Right-of-Way acquisition for the corridor. Right-of-Way services has been estimated at \$2,020,000.

Additional design funding in the amount of \$3,500,000 is being requested to finalize plans and bid documents to 100% for the entire corridor, BRT corridor routing revision (to maximize ridership for Small Starts grant project rating). Right-of-Way services fees are also being requested as part of this appropriation. The following table provides a summary of the scope items and estimated costs.

Item	Amount
EV Charging Design	\$19k
Transit Station Restroom	\$142k
Cathodic Protection Relocate	\$50k
Transit Maintenance Facility Expansion	\$525k
CSU Campus Street lighting	\$15k
CDOT Transit Technology Approvals	\$73k
BRT Routing Revisions	\$926k
Additional Survey	\$15k
CLOMR/Floodplain	\$53k
Laurel/Meldrum Intersection	\$141k
100% Design/Bid Documents	\$1.5M
PM/Coordination/Meetings	\$45k
Right-of-Way	\$2.02M

The requested funding breakdown is as follows:

Funding	Amount
Capital Investment Grant (CIG)	\$4,046,000
2050 Transit Tax	\$1,460,000
Supplemental Appropriation	\$5,520,000

Staff is recommending appropriation of the City’s final design local match for several reasons:

- The project funds are highly leveraged in that CSU has contributed significant funding to the project and the City has been awarded a RAISE grant (\$10.7M) for construction of the Foothills Transit Station and Overland/W. Elizabeth roundabout.
- Having a completed final design and this project at a “shovel ready” status could help secure construction funding.
- In line with guiding themes and principles of the City Strategic Plan:
 - Multimodal Transportation & Public Transit
 - Equity, Inclusion and Diversity
 - Environmental Sustainability

DISCUSSION / NEXT STEPS;

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Is Council Finance Committee supportive of an out of cycle supplemental appropriation of Capital Investment Grant (CIG) Project Development funds and the required local match for completion of 100% design for the West Elizabeth Enhanced Travel Corridor & Right of Way Services?

Mayor Arndt; I think I need to recuse myself from this topic as we just closed on a property on West Elizabeth. I haven't checked with the City Attorney yet but would rather be safe than sorry.

ACTION ITEM

Kelly Ohlson; could we get something in writing of what our best estimates are? The total cost of this project to the best of our ability and as part of that, who has already and how much is left and who is going to pay for that – the federal government, state government or us. I am going to support this.

Spencer Smith; are you talking about the construction piece or the whole thing?

Kelly Ohlson; the whole thing. I went along with Max because it was important to a lot of people. I had questions about the long-term cost and the direct costs. Are we ever planning on doing an analysis of how it has worked?

Tyler Marr; I think we have that in buckets for example, ridership both pre and post pandemic. Then there is the question of did we incentivize what we wanted to through construction alone? I don't think I have seen this in a holistic fashion, but I think we can pull that together.

Kelly Ohlson; I would like to see the final Max cost when that is available. I am supportive of this but wondering why we are paying for lights on the CSU campus.

Tyler Marr; those conversations remain on going with CSU leadership and management around how we want to split both operations and potential local match. I think we are making progress on that.

Emily Francis; I am supportive but have a couple questions; What is a Capital Investment Grant?

Monica Martinez; they have different grant types; Capital Improvement Grant (CIG) is the type of grant we would be eligible for due to our size as an organization. Basically, we have to apply for the CIG funds which is where we would get the largest chunk of our grant funding. The FTA did come back to us about a year and a half ago and said we had \$8M and we know you are still in the application process, but we would like to give this to you. We have a portion of the grant funding before it is approved.

Emily Francis; is the EV charging design for buses only or also for cars?

Spencer Smith; the charging is just for the buses - on route charging

Emily Francis; would the restrooms be public or just for drivers?

Spencer Smith; the restrooms would be just for the drivers.

Kelly Ohlson; the bathroom thing is new?

Spencer Smith; it didn't get captured on the 30% design but was identified as we came to 60% design.

Emily Francis; I took a tour, and the original question was whether it would just be a turnaround for the buses or an actual stop for the drivers.

OTHER BUSINESS;

Gretchen Stanford; just wanted to get some clarity around follow up memos for Council Finance. Would you like to receive those as part of the regular Thursday packet or separately?

Kelly Ohlson; I would prefer a stand-alone memo, but I don't care when we get them.

Meeting adjourned at 4:51 pm

DRAFT