



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: April 25, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Daniel C. Kogovsek, City Attorney
SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND CO CREATE LLC, A COLORADO LIMITED LIABILITY COMPANY TO (1) DEVELOP A PRIVATE/PUBLIC SECTOR INVESTMENT STRATEGY AND AN ACTION PLAN FOR DELIVERY OF BROADBAND SERVICES TO QUALIFIED CENSUS TRACTS IN THE CITY OF PUEBLO AND (2) PRESENT THE MAYOR AND CITY COUNCIL WITH PROJECTS/AGREEMENTS WITH CURRENT OR NEW INTERNET PROVIDERS IN CONNECTION THEREWITH AND FURTHER AUTHORIZING THE PAYMENT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM PROJECT NO. CI-2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

SUMMARY:

The attached ordinance approves and authorizes the Mayor to sign a consulting agreement with Co Create LLC ("Co Create") to (1) prepare a public/private investment strategy and action plan for delivery of broadband services to Qualified Census Tracts ("QCT's") in the City, and (2) present the Mayor and City Council with projects/agreements in connection therewith. The proposed ordinance also authorizes payment of up to \$100,000.00 to Co Create for its professional services from Project No. CI-2113 – American Rescue Plan Act ("ARPA").

PREVIOUS COUNCIL ACTION:

Not applicable to this ordinance.

BACKGROUND:

Broadband services in Pueblo are inadequate at best and in some locations are non-existent – especially in the City's low income neighborhoods. One of the four pillars of ARPA is to provide the necessary financial resources for the delivery of broadband services to unserved and underserved areas. Technical expertise is needed to develop broadband infrastructure in the City's QCT's. Co Create has the necessary expertise to develop and begin implementation of the City's broadband strategy to serve all City neighborhoods.

FINANCIAL IMPLICATIONS:

\$100,000 in ARPA funds are being authorized for payment to Co Create.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this ordinance.

STAKEHOLDER PROCESS:

Not applicable to this ordinance.

ALTERNATIVES:

If City Council does not approve this Ordinance, Co Create will not be retained.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance

Proposed Agreement for Professional Services.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND CO CREATE LLC, A COLORADO LIMITED LIABILITY COMPANY TO (1) DEVELOP A PRIVATE/PUBLIC SECTOR INVESTMENT STRATEGY AND AN ACTION PLAN FOR DELIVERY OF BROADBAND SERVICES TO QUALIFIED CENSUS TRACTS IN THE CITY OF PUEBLO AND (2) PRESENT THE MAYOR AND CITY COUNCIL WITH PROJECTS/AGREEMENTS WITH CURRENT OR NEW INTERNET PROVIDERS IN CONNECTION THEREWITH AND FURTHER AUTHORIZING THE PAYMENT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM PROJECT NO. CI-2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Agreement for Professional Services (“Agreement”) between the City of Pueblo, a Colorado municipal corporation and Co Create LLC, a Colorado limited liability company, dated May 9, 2022, a copy of which is attached hereto, having been approved as to form by the City Attorney, is hereby approved. The Mayor is authorized to execute and deliver said Agreement in the name of the City and the City Clerk is authorized to affix the seal of the City thereto and attest same.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Agreement to implement the policies and procedures described therein.

SECTION 3.

This Ordinance shall become effective immediately upon final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk