

ORDINANCE NO. 005, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE 215 NORTH MASON MUNICIPAL COURT 15-YEAR
BUILDOUT DESIGN AND RELATED ART IN PUBLIC PLACES

WHEREAS, the Municipal Court moved into its current location on the first floor of the City's office building at 215 North Mason Street in 2007 when the leased space the Court formerly occupied in the Justice Center at 201 Laporte Avenue was needed for use by the Colorado Judicial Department; and

WHEREAS, since 2007 minimal changes have been made to the Court space to address some safety and security needs, but little has been done to address growth needs while caseloads have continued to grow, the Court has expanded its programming, and the Court and the City Attorney's Office have hired more staff to handle these caseloads; and

WHEREAS, on November 16, 2021, the City Council adopted Resolution 2021-105, approving the November 10, 2021, Civic Center Master Plan as part of the Downtown Plan and as the capital improvements plan for purposes of Section 7.5-31 of the City Code, regarding use of general government capital expansion fees; and

WHEREAS, on November 16, 2021, the City Council adopted Resolution 2021-105, approving the November 10, 2021, Civic Center Master Plan as part of the Downtown Plan and as the capital improvements plan for purposes of Section 7.5-31 of the City Code, regarding use of general government capital expansion fees; and

WHEREAS, the adopted Civic Center Master Plan calls for Municipal Court and related uses in 215 North Mason, including phased renovation and future expansion; and

WHEREAS, as part of the Stage 1 Space Planning analysis for the Civic Center dated September 12, 2022, the City's consultant, Clark & Enersen, recommends expanding the Municipal Court's footprint on the first floor of 215 North Mason Street so that the Court may remain in that building for the next fifteen years; and

WHEREAS, on June 21, 2022, the City Council adopted Ordinance No. 066, 2022, appropriating \$700,000 in funds for improvements to the Court space to address immediate needs while final plans for a full expansion and renovation of the Court space to meet its needs for the next 15 years (the "Project") are completed; and

WHEREAS, on December 1, 2022, staff presented to the Council Finance Committee the space plan and cost estimates for the Project, and the Committee supported funding the design portion of the Project using Capital Expansion Fees; and

WHEREAS, the amount requested for the design phase of the project is \$1,507,500; and

WHEREAS, this appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of providing adequate space and security for City employees and public users of the Municipal Court space; 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, based on the total Project cost of \$1,507,500, the amount to be contributed to the APP Program through this Ordinance will be \$15,075; 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 Capital Expansion Fund and will not cause the total amount appropriated in the Capital Expansion 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 \$15,075 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 capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project; and

WHEREAS, the City Council wishes to designate the appropriation herein for the 215 North Mason Municipal Court 15-year buildout design as an appropriation that shall not lapse until the completion of the project.

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 Capital Expansion Fund the sum of ONE MILLION FIVE HUNDRED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$1,507,500) to be expended in the Capital Expansion Fund for transfer to the Capital Projects Fund and appropriated therein for expenditure for the 215 North Mason Municipal Court 15-year buildout design project.

Section 3. That the unexpended and unencumbered appropriated amount of ELEVEN THOUSAND SEVEN HUNDRED FIFTY-NINE DOLLARS (\$11,759) 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 4. That the unexpended and unencumbered appropriated amount of THREE THOUSAND FIFTEEN DOLLARS (\$3,015) 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 5. That the unexpended and unencumbered appropriated amount of THREE HUNDRED ONE DOLLARS (\$301) 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 6. That the appropriation herein for the 215 North Mason Municipal Court 15-year buildout design 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 completion of the project.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, 2023, and to be presented for final passage on the 7th day of February, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of February, 2023.

Mayor

ATTEST:

City Clerk