

ORDINANCE NO. 069, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATING PRIOR YEAR
RESERVES, AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE WEST
ELIZABETH CORRIDOR FINAL DESIGN AND RELATED ART IN PUBLIC PLACES

WHEREAS, the City has identified the West Elizabeth Street travel corridor as the highest priority pedestrian and alternative travel mode area for improvement in the City as highlighted in City Plan and the Transit Master Plan; and

WHEREAS, the vision for the West Elizabeth corridor is to be an easily accessible and reliable enhanced multimodal corridor with an emphasis on connectivity between the Colorado State University (“CSU”) Foothills Campus on the west and CSU’s Main Campus on the east; and

WHEREAS, the West Elizabeth corridor is further envisioned to focus on improving transit (including bus rapid transit stations), vehicle lanes, and walking and biking pathways; and

WHEREAS, the West Elizabeth corridor is further envisioned to foster existing business and future infill and redevelopment to accommodate the growing number and diversity of users in the corridor, which include students, families, commuters, and seniors; and

WHEREAS, in 2020, the City initiated the thirty percent design process for the West Elizabeth corridor pursuant to Resolution 2020-072, which authorized the execution of an intergovernmental agreement (the “IGA”) with the Colorado Department of Transportation (“CDOT”) for collaboration on the thirty percent design efforts, Resolution 2020-071, which authorized the execution of an IGA with CSU for collaboration on the thirty percent design efforts, and Ordinance No. 097, 2020, which appropriated the funding for the thirty percent design; and

WHEREAS, the thirty percent design process is complete, and the City seeks to proceed forward with the final 100% design and outreach regarding the improvements along West Elizabeth Street from Mason Street and the CSU campus to Overland Trail that comprise the West Elizabeth Corridor Final Design (the “Project”); and

WHEREAS, the City was awarded a \$1,232,248 Multi-Modal Options Funding (“MMOF”) grant from the North Front Range Metropolitan Planning Organization (“NFRMPO”) for the Project, which grant is managed by CDOT, and CDOT has proposed an IGA with the City to fund the Project and to outline the terms and conditions of the use of the funds; and

WHEREAS, the MMOF grant award requires a local match of \$1,232,248, half of which the City will provide from Transportation Capital Expansion Fee funds and unanticipated revenue from Transfort, and half of which CSU has committed to funding similar to its agreement for the thirty percent design, and for which CSU has appropriated \$616,124 and has proposed an IGA with the City to confirm; and

WHEREAS, the City is adopting the proposed IGAs with CSU and CDOT simultaneously with this Ordinance to confirm the funding; and

WHEREAS, the total design cost estimate for the Project is \$2,500,000; and

WHEREAS, the City will be required to contribute half of the local match funds as well as the local overmatch funds, which are the difference between the grant award plus the local match and the total design cost estimate, making the City's financial commitment to the final design \$616,124 in local match funds plus \$35,504 in local overmatch funds, for a total of \$651,628; and

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

WHEREAS, a portion of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by the CDOT MMOF grant, and the CSU half local match; and

WHEREAS, the Project cost of \$651,628 has been used to calculate the contribution to the APP Program; and

WHEREAS, the amount to be contributed in this Ordinance will be \$6,516; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the \$1,232,248 in grant funds available, to appropriate those funds, the CSU half local match funds, Transportation Capital Expansion Fee funds, and Transit Services ("Transfort") funds for the Project, and to appropriate Capital Projects funds to satisfy the APP Program contribution requirement; and

WHEREAS, this appropriation benefits public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose by improving multimodal transportation infrastructure, safety, and accessibility within the City; 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 herein and determined that these appropriations are available and previously unappropriated from the

Transportation Capital Expansion Fee Fund, the Transit Fund, and the Capital Projects Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund, the Transit Fund, or the Capital Projects Fund, as applicable, 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 \$325,814 from the Transportation Capital Expansion Fee Fund to the Capital Projects Fund and the transfer of \$325,814 from the Transit Fund to the Capital Projects 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 or 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 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, the City Council wishes to designate the appropriations herein for the Project and the MMOF grant as appropriations that shall not lapse until the completion of the Project or 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 MMOF grant in the Capital Projects Fund the sum of ONE MILLION TWO HUNDRED THIRTY-TWO THOUSAND TWO HUNDRED FORTY-EIGHT DOLLARS (\$1,232,248) to be expended in the Capital Projects Fund for the Project.

Section 3. That there is hereby appropriated from new revenue or other funds from the CSU Half Local Match funds in the Capital Projects Fund the sum of SIX HUNDRED SIXTEEN THOUSAND ONE HUNDRED TWENTY-FOUR DOLLARS (\$616,124) to be expended in the Capital Projects Fund for the Project.

Section 4. That there is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of THREE HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED FOURTEEN DOLLARS (\$325,814) and to be expended in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund and appropriated therein to be expended for the Project.

Section 5. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of THREE HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED FOURTEEN DOLLARS (\$325,814) to be expended in the Transit Services Fund for transfer to the Capital Projects Fund and appropriated therein to be expended for the Project.

Section 6. That the unexpended and unencumbered appropriated amount of FIVE THOUSAND EIGHTY-THREE DOLLARS (\$5,083) 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 7. That the unexpended and unencumbered appropriated amount of ONE THOUSAND THREE HUNDRED THREE DOLLARS (\$1,303) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 8. That the unexpended and unencumbered appropriated amount of ONE HUNDRED THIRTY DOLLARS (\$130) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 9. That the appropriations herein for the Project 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 shall continue until the completion of the Project.

Section 10. That the appropriation herein from the MMOF 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 shall continue until the completion of the Project or 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 2nd day of May, 2023, and to be presented for final passage on the 16th day of May, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 16th day of May, 2023.

Mayor

ATTEST:

City Clerk