

ORDINANCE NO. 135, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE AND AUTHORIZING
TRANSFERS FOR THE LEMAY AND DRAKE INTERSECTION IMPROVEMENTS
PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, the intersection of Lemay Avenue and Drake Road is a crossroads that experiences almost three more injury crashes per year than would be expected given volumes and geometry and results in an excess crash cost of \$460,000 per year; and

WHEREAS, the Lemay Avenue and Drake Road intersection is in the top five intersections of safety concerns in Fort Collins and registers under Colorado Department of Transportation (CDOT) Level of Service of Safety (LOSS) analysis techniques as an intersection that has a high potential for crash reduction, labeled a “LOSS IV” rating under the CDOT LOSS rating system; and

WHEREAS, the southbound approach is the highest volume approach and is the approach turn with the highest propensity for rear end crashes, particularly during the afternoon peak period; and

WHEREAS, the Lemay and Drake Intersection Improvements Project (the Project) has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection that result in crashes; and

WHEREAS, the Project’s proposed improvements will add a southbound right turn lane and will convert the signals on all four approaches to flashing yellow arrows that can be operated protected only, by time of day such as during the peak hour, where the protected operation provides a green arrow for drivers to have the right-of-way to complete their turns; and

WHEREAS, the Project’s proposed improvements require a rebuild of the signal system with new signal poles and mast arms to replace existing "doghouse" style protected/permissive signals, which signals had a protected phase with a green arrow but also a permissive phase in which the left-turning vehicles must yield to the opposing traffic during the green indication; and

WHEREAS, based on experience at other locations in Fort Collins where treatments such as the proposed Project improvements have been used, the City anticipates about an 80 percent reduction in approach turn crashes; and

WHEREAS, the Project’s conceptual design includes improvements for pedestrian and bicyclist safety as well; and

WHEREAS, the Highway Safety Improvement Program (HSIP) grant funds for the Project are to be administered by CDOT with project delivery oversight pursuant to an Intergovernmental Agreement (IGA) with CDOT that requires a ninety percent to ten percent federal to local funding split; and

WHEREAS, the total amount of funds associated with this Project is \$1,000,080, composed of federal HSIP funds of \$900,072 and City funds of \$100,008; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the available grant funds and to appropriate those funds; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of improving transportation infrastructure within the City; 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, the project cost of \$100,008 in this Ordinance contributed by the Community Capital Improvement Program Fund Reserves is applicable for contribution to the APP Program; and

WHEREAS, the HSIP funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by the HSIP grant administered by CDOT; 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, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Community Capital Improvements Program Fund and will not cause the total amount appropriated in the Community Capital Improvements Program 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 \$100,008 from the Community Capital Improvement Program Fund to the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer of \$1,000 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 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 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 appropriation herein from the HSIP grant as an appropriation that shall not lapse 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 Highway Safety Improvement Program (HSIP) grant in the Capital Projects Fund the sum of NINE HUNDRED THOUSAND SEVENTY-TWO DOLLARS (\$900,072) to be expended in the Capital Projects Fund for the Lemay and Drake Intersection Improvements project.

Section 3. That the unexpended and unencumbered appropriated amount of ONE HUNDRED THOUSAND EIGHT DOLLARS (\$100,008) is authorized for transfer from the Community Capital Improvement Program Fund to the Capital Project Fund and appropriated therein to be expended for the Lemay and Drake Intersection Improvements project.

Section 4. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED EIGHTY DOLLARS (\$780) 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 5. That the unexpended and unencumbered appropriated amount of TWO HUNDRED DOLLARS (\$200) 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 6. That the unexpended and unencumbered appropriated amount of TWENTY DOLLARS (\$20) in the Capital Projects 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 7. That the appropriation herein from the HSIP 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 continue until 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 3rd day of October, 2023, and to be presented for final passage on the 17th day of October, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 17th day of October, 2023.

Mayor

ATTEST:

City Clerk