

ORDINANCE NO. 139, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE SAFE ROUTES
TO SCHOOL ZACH ELEMENTARY SCHOOL CROSSINGS
PROJECT AND RELATED ART IN PUBLIC PLACES

A. Zach Elementary School is located on the south side of Kechter Road, a high-traffic, high-volume arterial street in southeast Fort Collins.

B. Many of the streets and roads in this area either lack sidewalks altogether or have substandard sidewalks, and there is a lack of multi-use trail connectivity in this southeastern area of Fort Collins.

C. Zach Elementary School has high numbers of students who bike, walk, or roll to school. Zach Elementary students who live south of the school experience safer routes to school via low-traffic, low-volume residential streets with sidewalks, and Zach Elementary students who live north of the arterial must cross Kechter Road to get to school, making their journey much more challenging and riskier due to the existing suboptimal crossings at Kechter Road and Jupiter Drive and at Kechter Road and Cinquefoil Lane.

D. Due to the Jupiter/Kechter intersection not being fully signalized, a traffic-control contractor is required to keep students safe when crossing Kechter at both morning arrival time and afternoon dismissal time.

E. There have been four rear-end crashes reported in this location between 2017 and 2022, one of which occurred during school dismissal time and one that involved a pedestrian who suffered serious injuries.

F. The Safe Routes to School Zach Elementary School Crossings Project (the "Project") was developed to address these safety concerns and create space and infrastructure intended to eliminate most of the conflicts that result in crashes presented by both the Jupiter/Kechter and Cinquefoil/Kechter intersections.

G. The Project's proposed improvements at the Jupiter/Kechter intersection include a new fully signalized intersection with pedestrian "walk" signals and a new bike pedestrian crossing.

H. The Project's proposed improvements at the Cinquefoil/Kechter intersection include a median refuge island and flashing signal.

I. In 2023, a Colorado Department of Transportation (CDOT) Safe Routes to School (SRTS) grant was awarded to the City for the design and construction of the Project (intergovernmental agreement with CDOT authorized via Resolution 2023-092).

The SRTS and local match funding was appropriated by City Council in November 2023 (Ordinance No. 144, 2023).

J. The design of the improvements is nearing completion and staff is working to secure a temporary construction easement needed to install the improvements. Construction is planned to begin in early 2025. Staff aims to schedule the bulk of the most disruptive construction during the spring break period.

K. After the grant award during the design phase, additional concrete work was identified and included in the Project. It was also determined that there was temporary easement acquisition needed to complete the Project that was not originally included in the Project budget. With the additional work, easement acquisition, and construction cost escalation, it is determined that the Project would need additional funding to complete construction.

L. A request for a supplemental appropriation was brought to the Council Finance Committee meeting at their August 1, 2024, meeting. The committee supported an off-cycle supplemental appropriation and was in favor of forwarding the appropriation request to City Council.

M. The Bicycle Advisory Committee, Bike Fort Collins, North Front Range Metropolitan Planning Organization, Poudre School District, and Zach Elementary School have reviewed and are in support of the Project.

N. 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 from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

O. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transportation Capital Expansion Fee Fund, the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund, the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

P. 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.

Q. The City Manager has recommended the transfer of \$176,760 from the Transportation Capital Expansion Fee Fund to the Capital Projects Fund and \$277,750 from the Transportation Services Fund to the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

R. 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.

S. The City Council wishes to designate the appropriation herein for Safe Routes to School Zach Elementary School Crossings Project as an appropriation that shall not lapse until the completion of the Project.

T. The City Council wishes to designate the appropriation herein for Safe Routes to School Zach Elementary School Crossings Project.

U. 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 ("APP") program.

V. The additional Project cost of \$450,000 has been used to calculate the contribution to the APP program.

W. The amount to be contributed in this Ordinance will be \$4,500.

X. These appropriations benefit public health, safety and welfare of the people of Fort Collins and serve the public purpose of improving transportation infrastructure within the City and accommodating multimodal transportation and safety.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of ONE HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$176,760) in the Transportation Capital Expansion Fee Fund for Transfer to the Capital Projects Fund and appropriated therein to be expended for the Safe Routes to School Zach Elementary School Crossings Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWO HUNDRED SEVENTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$277,750) in the Transportation

Services Fund for Transfer to the Capital Projects Fund and appropriated therein to be expended for the Safe Routes to School Zach Elementary School Crossings Project.

Section 3. The unexpended and unencumbered appropriated amount of THREE THOUSAND FIVE HUNDRED TEN DOLLARS: (\$3,510) 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. The unexpended and unencumbered appropriated amount of Nine HUNDRED DOLLARS: (\$900) 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 5. The unexpended and unencumbered appropriated amount of NINETY DOLLARS (\$90) 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 6. The appropriation herein for Safe Routes to School Zach Elementary School Crossings 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 on October 1, 2024, and approved on second reading for final passage on October 15, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: October 25, 2024

Approving Attorney: Heather N. Jarvis