

ORDINANCE NO. 110, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF
UNANTICIPATED GRANT REVENUE IN THE TRANSIT
SERVICES FUND AND NEW REVENUE FROM THE 2050 TAX
PARKS REC TRANSIT OCF FUND FOR TRANSFORT
CONSULTING WORK RELATED TO THE WEST ELIZABETH
CORRIDOR

A. On October 18, 2016, the City Council adopted the West Elizabeth Enhanced Travel Corridor Plan, which established the vision for Bus Rapid Transit service and other multimodal improvements along the West Elizabeth Corridor.

B. In fiscal year 2022, the Federal Transit Administration (“FTA”) awarded Transfort, as the Project Sponsor, approximately \$8,100,000 in Capital Investment Grant (“CIG”) funding to be used toward planning and design work for the West Elizabeth Corridor.

C. Transfort now seeks to obtain funding under the FTA’s CIG Small Starts Program to support the construction of the West Elizabeth Corridor. Additional consultant work is needed to provide public outreach and support Transfort’s application for this funding. The cost of this additional work is estimated at \$300,000.

D. This Ordinance appropriates \$240,000 of the fiscal year 2022 CIG planning funds for this additional work.

E. Appropriating these funds requires a local match of \$60,000, which this Ordinance appropriates for that purpose from the 2050 Transit Tax Reserves.

F. This appropriation benefits the public health, safety, and welfare of the citizens of Fort Collins and serves the public purpose of enhancing the transportation safety and accessibility of the West Elizabeth Corridor for all residents.

G. 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.

H. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transit Fund and will not cause the total amount appropriated in the Transit 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.

I. 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 the City's expenditure of all funds received from such grant.

J. The City Council wishes to designate the appropriation herein from the Federal Transit Administration Capital Investment Grant as an appropriation that shall not lapse until the expiration of the grants or the City's expenditure of all funds received from such grants.

K. 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").

L. City Code Section 23-304(a) provides, "If any construction project is partially funded from any other source which precludes a work of art as an object of expenditure of such funds, the appropriation for works of art shall be equal to one (1) percent of the portion of the estimated project cost that will be funded from the project funding sources that are not so restricted."

M. 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 Federal Transit Administration, the source of these funds. Therefore, the local match of \$60,000 has been used to calculate the contribution to the APP Program.

N. The amount to be contributed in this Ordinance will be \$600.

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 new revenue or other funds in the Transit Services Fund the sum of TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000) to be expended in the Transit Services Fund for Transfort Consulting Work.

Section 2. There is hereby appropriated from new revenue or other funds in the 2050 Tax Parks Rec Transit OCF Fund the sum of SIXTY THOUSAND DOLLARS (\$60,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for Transfort Consulting Work.

Section 3. The appropriation herein for the Federal Transit Administration Capital Investment Grant Program 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 continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Section 4. The unexpended and unencumbered appropriated amount of FOUR HUNDRED SIXTY-EIGHT DOLLARS (\$468) in the 2050 Tax Parks Rec Transit OCF 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. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWENTY DOLLARS (\$120) in the 2050 Tax Parks Rec Transit OCF 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 6. The unexpended and unencumbered appropriated amount of TWELVE DOLLARS (\$12) in the 2050 Tax Parks Rec Transit OCF 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.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: September 13, 2024
Approving Attorney: Madelene Shehan