

ORDINANCE NO. 118, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM GRANT
REVENUE AND PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT AND
RELATED ART IN PUBLIC PLACES

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The road experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor.

B. The corridor has several gaps in multimodal transportation infrastructure. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined.

C. The Laporte Avenue projects are developed in three phases: 1) the Bridges and roadway work between Taft Hill Road and Frey Avenue (“Bridges”), 2) installation of pedestrian and bicycle side paths between Frey Avenue and Fishback Avenue (“East Project”), and 3) installation of pedestrian and bicycle side paths between Sunset Street and Taft Hill Road (“West Project”). Collectively the East Project and West Project comprise the Laporte Avenue Multimodal Improvement Project (the “Project”).

D. The initial Bridges phase of this work was completed in 2023 and replaced two aging bridges in the corridor. The East Project began earlier in 2024 and is scheduled to be completed later in August. The West Project is scheduled to begin in October once property acquisition is complete. Construction was broken into East and West Projects to accommodate the property acquisition schedule introducing some additional design cost.

E. The project delivery method for the East and West Projects is Construction Manager/General Contractor (“CM/GC”). The chosen contractor held their proposed pricing for the East Project despite a delay in beginning construction due to property acquisition and the Colorado Department of Transportation (“CDOT”) approval. The CM/GC has demonstrated by providing open book pricing and confirmed by an independent cost estimate that price escalation has impacted many of the materials and costs for the West Project. Construction cost inflation is confirmed by the CDOT Colorado Construction Cost Index report showing an annual percentage increase in construction costs of 8.03%.

F. Additionally, the cost to acquire real property for the West Project has been significantly higher than was estimated. Increased acquisition costs result from 1) significant escalation in property values during the process, 2) increased use of settlements to minimize delays in some acquisitions, and 3) increased consulting needs (land appraisal and real estate services) resulting from updated CDOT right-of-way processes.

G. During this design effort, the City applied for and was awarded Fiscal Year 2027 Colorado Department of Transportation Highway Safety Improvement Program (“HSIP”) grant funds to install a Rectangular Rapid Flashing Beacon (“RRFB”) for additional pedestrian and bicycle safety within the West Project limits at Impala Drive.

H. CDOT has agreed to provide the funding early so that the RRFB may be included in the construction and has proposed an amendment to the existing CDOT Intergovernmental Agreement (the “IGA”) to increase the total funds from \$1,059,084 by \$509,617 to a new total funds amount of \$1,568,701 and to update the funding provisions exhibit of the IGA.

I. Savings from the Bridges (\$517,000) can be reappropriated to the West Project. Including the local match for the HSIP award (\$335,454), it is estimated that an additional \$560,055 (including \$49,500 in CDOT HSIP funds) is needed to complete construction on the West Project.

J. 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.

K. 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.

L. 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, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund or the Transportation Services fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

M. 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.

N. The City Manager has recommended the transfer of \$517,000 from the Bridges project in the Capital Project fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

P. The City Council wishes to designate the appropriation herein for 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.

Q. The City Council wishes to designate the appropriation herein for the Laporte Avenue Multimodal Improvement Project as an appropriation that shall not lapse until the completion of the Project.

R. 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.

S. 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 Colorado Department of Transportation, and the Transfer from the Bridges Project Budget as previously appropriated with APP the source of these funds.

T. A portion of the funds appropriated in this Ordinance for the Project have already been used for contribution to the APP program.

U. The project cost of \$505,500 has been used to calculate the contribution to the APP program.

V. The amount to be contributed in this Ordinance will be \$5,055.

W. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving transportation infrastructure within the City.

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 Capital Projects fund the sum of FORTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$49,500) to be expended in the Capital Projects fund for the Laporte Ave Multimodal Project.

Section 2. The unexpended and unencumbered appropriated amount of FIVE HUNDRED SEVENTEEN THOUSAND DOLLARS (\$517,000) is authorized for transfer from the Bridges Project in the Capital Projects fund to the Laporte Ave Multimodal Project in the Capital Projects fund and appropriated therein to be expended for Laporte Ave Multimodal Project.

Section 3. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of THREE HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS (\$335,454) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund and appropriated therein for the Laporte Ave Multimodal Project.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND ONE HUNDRED ONE DOLLARS (\$175,101) to be expended in the Transportation Services fund for transfer to the Capital Projects fund and appropriated therein for the Laporte Ave Multimodal Project.

Section 5. The unexpended and unencumbered appropriated amount of THREE THOUSAND NINE HUNDRED FORTY-THREE DOLLARS (\$3,943) 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 6. The unexpended and unencumbered appropriated amount of ONE THOUSAND ELEVEN DOLLARS (\$1,011) 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 7. The unexpended and unencumbered appropriated amount of ONE HUNDRED ONE DOLLARS (\$101) 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 8. The appropriation herein for the HISP grant is 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.

Section 9. The appropriation herein for the Laporte Avenue Multimodal Improvement Project is an appropriation that shall not lapse until the completion of the Project.

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: Heather N. Jarvis