

ORDINANCE NO. 144, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM A CDOT SAFE ROUTES TO
SCHOOL GRANT AND AUTHORIZING TRANSFERS FOR THE ZACK ELEMENTARY
SCHOOL CROSSINGS PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, Zach Elementary School is located on the south side of Kechter Road, a high-volume arterial street in southeast Fort Collins; and

WHEREAS, 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; and

WHEREAS, Zach Elementary School has high numbers of students who bike, walk, or roll to school; and

WHEREAS, Zach Elementary students who live south of the school experience safer routes to school via low-traffic, low-volume residential streets with sidewalks; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the Zach Elementary School Crossings Project (the “Project”) has been developed to address these safety concerns and eliminate most of the conflicts that result in crashes presented by both the Jupiter/Kechter and Cinquefoil/Kechter intersections; and

WHEREAS, the Project’s proposed improvements at the Jupiter/Kechter intersection will include a new fully signalized intersection with pedestrian “walk” signals and a new bike-pedestrian crossing; and

WHEREAS, the Project’s proposed improvements at the Cinquefoil/Kechter intersection will include a median refuge island and flashing signal; and

WHEREAS, the City was awarded a Colorado Department of Transportation (“CDOT”) Safe Routes to School (“SRTS”) grant for the design and construction of the Project, and the SRTS funding became available to the City in the State fiscal year 2024, which began July 2023; and

WHEREAS, the SRTS grant funds for the Project are to be administered by CDOT with project delivery oversight pursuant to an intergovernmental agreement (the “IGA”) with CDOT that outlines the terms and conditions of the use of the SRTS grant funds, which funds require an eighty percent to twenty percent (“80%/20%”) federal to local funding split; and

WHEREAS, the 80%/20% funding split for this award is \$745,587 in federal funds and \$187,397 in local funds; and

WHEREAS, the City’s local match is being transferred from the SRTS School Transportation Safety Studies business unit in the Transportation Services Fund in the amount of \$101,000 and from the Community Capital Improvement Program Fund Bicycle Community Capital Improvement Program (“Bicycle CCIP”) business unit in the amount of \$46,397 and Pedestrian Community Capital Improvement Program (“Pedestrian CCIP”) business unit in the amount of \$40,000; and

WHEREAS, the City anticipates receiving a \$25,000 contribution for the Project from the Poudre School District pursuant to an IGA, which will reimburse portions of the appropriated Bicycle CCIP and Pedestrian CCIP funds; 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 people of Fort Collins and serves the public purpose of improving transportation infrastructure within the City and accommodating multimodal transportation and safety; 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 \$101,000 in this Ordinance contributed by the Transportation Services Fund of prior appropriated monies from the SRTS School Transportation Safety Studies business unit is applicable for contribution to the APP Program; and

WHEREAS, the Bicycle CCIP and Pedestrian CCIP funds APP Program contribution was previously appropriated; and

WHEREAS, the CDOT SRTS grant funds appropriated in this Ordinance for the Zack Elementary School Crossings Project are ineligible for use in the APP Program due to restrictions placed on them by the SRTS 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 Transportation Services Fund and the Community Capital Improvement Program Fund and will not cause the total amount appropriated in the Transportation Services Fund and Community Capital Improvement 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 \$86,397 from the Community Capital Improvement Program Fund to the Capital Projects Fund for the Project 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 \$101,000 from the Transportation Services Fund to the Capital Projects Fund for the Project 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 \$1,010 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 SRTS 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 Safe Routes to School (SRTS) grant in the Capital Projects Fund the sum of SEVEN HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$745,587) to be expended in the Capital Projects Fund for the Zack Elementary School Crossings project.

Section 3. That the unexpended and unencumbered appropriated amount of ONE HUNDRED ONE THOUSAND DOLLARS (\$101,000) is authorized for transfer from the Transportation Services Fund to the Capital Project Fund and appropriated therein to be expended for the Zack Elementary School Crossings project.

Section 4. That the unexpended and unencumbered appropriated amount of EIGHTY-SIX THOUSAND THREE HUNDRED NINETY-SEVEN DOLLARS (\$86,397) is authorized for transfer from the Community Capital Improvement Program Fund to the Capital Project Fund and appropriated therein to be expended for the Zack Elementary School Crossings project.

Section 5. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED EIGHTY-EIGHT DOLLARS (\$788) 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. That the unexpended and unencumbered appropriated amount of TWO HUNDRED TWO DOLLARS (\$202) 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 7. That the unexpended and unencumbered appropriated amount of TWENTY DOLLARS (\$20) in the Capital Project 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 8. That the appropriation herein from the SRTS 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 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk