

ORDINANCE NO. 039, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATING PRIOR YEAR
RESERVES AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
TIMBERLINE MULBERRY LINCOLN INTERSECTION PROJECT AND
RELATED ART IN PUBLIC PLACES

WHEREAS, the intersection of Timberline Road, Mulberry Street, and Lincoln Avenue experiences significant congestion for northbound Timberline Road traffic turning onto westbound Lincoln Avenue, causing traffic to back up onto westbound Mulberry Street, east of Timberline Road; and

WHEREAS, southbound Timberline Road traffic also experiences congestion at the intersection with Mulberry Street that causes traffic to block the intersection with Lincoln Avenue; and

WHEREAS, the intersection of Timberline Road and Lincoln Avenue is of particular concern as vehicles attempt to cross or turn from eastbound Lincoln Avenue through the congestion of queued vehicles on southbound Timberline Road with limited visibility of oncoming traffic; and

WHEREAS, the proximity of these two intersections creates significant conflicts and safety concerns; and

WHEREAS, the Timberline Mulberry Lincoln Intersection Project (the Project) has been developed to address these safety concerns eliminate most of the conflicts that result in traffic accidents at this intersection; and

WHEREAS, the Project's proposed improvements will reconfigure medians on Timberline Road to create space for double left turn lanes for southbound Timberline Road onto eastbound Mulberry Street, as well as create space for a channelized "T intersection" at Timberline Road and Lincoln Avenue; and

WHEREAS, the Project improvements include installation of an innovative "P-Turn" (also referred to as a "Michigan Left Turn") on the northwest corner of the Timberline Road and Lincoln Avenue intersection to accommodate westbound through traffic and northbound left turns at the Timberline Road and Lincoln Avenue intersection; and

WHEREAS, in 2018 and 2021, the City appropriated Community Capital Improvement Program (CCIP) Arterial Intersection Improvement funds to this Project in the amount of \$50,000 in 2018 and in the amount of \$176,349 in 2021, with a portion of this CCIP funding used to complete a feasibility study and conceptual design for the Project; and

WHEREAS, in 2020, an adjacent development contributed \$23,651 in Capital Projects Fund Reserves to this Project by paying funds in lieu of land dedication pursuant to the development review process; and

WHEREAS, in 2020, the Project was placed on hold during a portion of the pandemic due to staffing issues; and

WHEREAS, in 2020, the City was awarded fiscal year 2023 Highway Safety Improvement Program (HSIP) grant funds totaling \$1,523,915 through the North Front Range Metropolitan Planning Organization (NFRMPO) and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Project; and

WHEREAS, the 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 the City to provide local matching funds of \$169,324; and

WHEREAS, the remaining CCIP Arterial Intersection Improvement funds from the prior appropriations in 2018 and 2021 and the development payment-in-lieu funds will fulfill the City's local matching funds obligation for the HSIP grant award; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the \$1,523,915 in grant funds available, to appropriate those funds, the CCIP funds, and the Capital Projects Fund Reserves for the Project, and to appropriate Capital Projects Fund to satisfy the Art in Public Places program (APP Program) contribution requirement; 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 APP Program; and

WHEREAS, the Project cost of \$226,349 contributed by the Community Capital Improvement Program Fund in prior appropriations has already satisfied the APP Program contribution; and

WHEREAS, the Project cost of \$23,651 in this Ordinance contributed by Capital Projects Fund Reserves is applicable for contribution to the APP Program; and

WHEREAS, a portion of the funds appropriated in this Ordinance for the Timberline Mulberry Lincoln Intersection Project are ineligible for use in the APP Program due to restrictions placed on them by the HSIP grant administered by the Colorado Department of Transportation; and

WHEREAS, the amount to be contributed by this Ordinance will be \$237; 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, 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, 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 such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Capital Projects Fund and will not cause the total amount appropriated in the Capital Projects 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 \$237 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 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; 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; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

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 ONE MILLION FIVE HUNDRED TWENTY-THREE THOUSAND NINE HUNDRED FIFTEEN DOLLARS (\$1,523,915) to be expended in the Capital Projects Fund for the Project.

Section 3. That there is hereby appropriated from prior year reserves in the Capital Projects Fund the sum of TWENTY-THREE THOUSAND SIX HUNDRED FIFTY-ONE DOLLARS (\$23,651) to be expended in the Capital Projects Fund for the Project and appropriated therein.

Section 4. That the unexpended and unencumbered appropriated amount of ONE HUNDRED EIGHTY-FIVE DOLLARS (\$185) 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 FORTY-SEVEN DOLLARS (\$47) 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 6. That the unexpended and unencumbered appropriated amount of FIVE DOLLARS (\$5) 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 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.

Section 8. That the appropriation herein for the 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, and ordered published this 21st day of March, 2023, and to be presented for final passage on the 4th day of April, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 4th day of April, 2023.

Mayor

ATTEST:

City Clerk