

ORDINANCE NO. 092, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM THE  
COLORADO DEPARTMENT OF TRANSPORTATION, AND APPROPRIATING  
UNANTICIPATED REVENUE FROM LARIMER COUNTY IN THE CAPITAL  
PROJECTS FUND FOR THE NORTH COLLEGE IMPROVEMENTS PROJECT-  
CANAL TO STATE HIGHWAY 1 PROJECT AND FOR TRANSFER FROM THE CAPITAL  
PROJECTS FUND TO THE CULTURAL SERVICES AND FACILITIES FUND FOR THE  
ART IN PUBLIC PLACES PROGRAM, AND APPROPRIATING RESERVES FROM THE  
CAPITAL EXPANSION FUND FOR TRANSFER TO THE CAPITAL PROJECTS FUND  
FOR THE NORTH COLLEGE IMPROVEMENTS PROJECT-CANAL TO STATE  
HIGHWAY 1 PROJECT AND FOR TRANSFER TO THE CULTURAL SERVICES AND  
FACILITIES FUND FOR THE ART IN PUBLIC PLACES PROGRAM

WHEREAS, in 2012, the City was awarded federal Congestion Mitigation and Air Quality (“CMAQ”) funds by the North Front Range Metropolitan Planning Organization (“NFRMPO”) to initiate a project addressing the lack of pedestrian facilities along US Highway 287 between the City limits and State Highway 1 also known as the North College Improvements Project Canal to State Highway 1 Project (the “Project”); and

WHEREAS, Resolution 2015-007 and Ordinance No. 009, 2015, approved the execution of an Intergovernmental Agreement between the City and CDOT and appropriation of \$908,323 in federal and local matching funds for the Project; and

WHEREAS, it was later determined that \$908,323 was not adequate funding; and

WHEREAS, Larimer County was subsequently approved for a federally funded category Transportation Alternatives Program (“TAP”) grant through CDOT, in the amount of \$648,000 for improvements in the areas within the Project; and

WHEREAS, Larimer County must provide matching funds for the TAP grant in the amount of \$162,000; and

WHEREAS, the City, the County and CDOT all agree that the City is best positioned to incorporate the TAP Grant into the Project by entering into an Intergovernmental Agreement (the “IGA”) with the County where the County will transfer the \$162,000 local matching funds for the TAP Grant to the City and then the City will amend the existing Project IGA between the City and CDOT to incorporate the TAP Grant into the Project; and

WHEREAS, pursuant to the above, the City Council has adopted Resolution 2017-063 and Resolution 2017-064 authorizing the City to enter into the necessary IGAs with CDOT and Larimer Country respectively, for the Project; and

WHEREAS, City funding from the Transportation Capital Expansion Fee reserves are proposed to contribute \$400,000 to the Project; and

WHEREAS, the purpose of this Ordinance is to appropriate unanticipated grant revenue and reserves of \$1,210,000 for the design, property acquisition, and construction of the Project; and

WHEREAS, Article V, Section 9, of the City Charter permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of the revenue as described herein will not cause the total amount appropriated in the Capital Projects Fund to exceed the current estimate of actual and anticipated revenues to be received in those fund during any fiscal year; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate 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, City staff have determined that the appropriations as described herein are available and previously unappropriated in the Capital Expansion Fund; and

WHEREAS, Article V, Section 10, of the City Charter authorizes the City Council 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, this project involves construction estimated to cost more than \$250,000, as such, Section 23-304 of the City Code requires one percent of these qualified appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (APP) program; and

WHEREAS, \$648,000 of the project funds being appropriated in this Ordinance are ineligible for public art purposes, as Section 23-304 of the City Code otherwise requires, due to grant restrictions on the use of the funds; however, \$562,000 of the project funds being appropriated are eligible for the APP program.

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 for expenditure from unanticipated grant revenue from CDOT in the Capital Projects Fund the sum of SIX HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$648,000) for the Project.

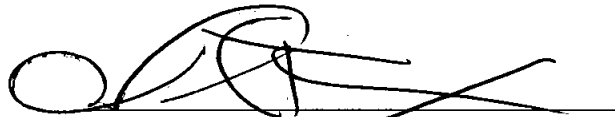
Section 3. That there is hereby appropriated for expenditure from unanticipated grant revenue from Larimer County in the Capital Projects Fund the sum of ONE HUNDRED SIXTY-TWO THOUSAND DOLLARS (\$162,000) for the Project.

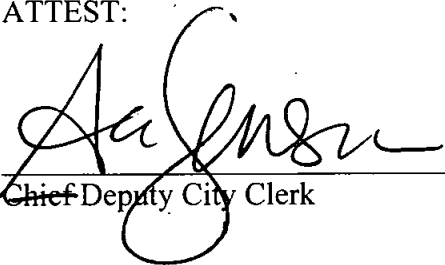
Section 4. That there is hereby appropriated for expenditure from reserves in the Capital Expansion Fund for transfer to the Capital Projects Fund the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) for the Project and appropriated therein.

Section 5. That the unexpended appropriated amount of ONE THOUSAND TWO HUNDRED SIXTY FOUR DOLLARS (\$1,264) in the Capital Projects Fund – North College Improvements Project Canal to State Highway 1 Project and the unexpended appropriated amount of THREE THOUSAND ONE HUNDRED TWENTY DOLLARS (\$3,120) in the Capital Expansion Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for Art in Public Places projects.

Section 6. That the unexpended appropriated amount of THREE HUNDRED FIFTY SIX DOLLARS (\$356) in the Capital Projects Fund – North College Improvements Project Canal to State Highway 1 Project and the unexpended appropriated amount of EIGHT HUNDRED EIGHTY (\$880) in the Capital Expansion Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance and Operations.

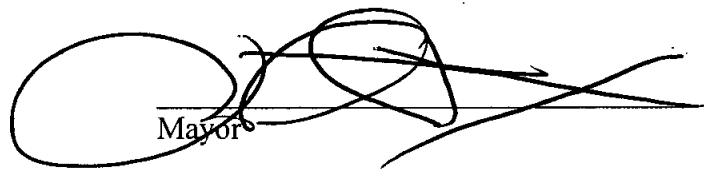
Introduced, considered favorably on first reading, and ordered published this 5th day of September, A.D. 2017, and to be presented for final passage on the 19th day of September, A.D. 2017.

  
Mayor

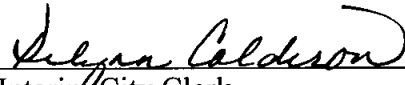
ATTEST:  
  
Chief Deputy City Clerk



Passed and adopted on final reading on the 19th day of September, A.D. 2017.

  
Mayor

ATTEST:

  
Interim City Clerk

