

ORDINANCE NO. 104, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED REVENUE IN THE CAPITAL PROJECTS FUND  
AND APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND FOR  
TRANSFER TO THE CAPITAL PROJECTS FUND FOR CONSTRUCTION OF THE FINAL  
FIVE ACRES OF THE GARDENS ON SPRING CREEK PROJECT AND TRANSFERRING  
APPROPRIATIONS TO THE CULTURAL SERVICES AND FACILITIES FUND  
FOR THE ART IN PUBLIC PLACES PROGRAM

WHEREAS, on June 7, 2016 Council adopted Ordinance No. 074, 2016 approving a major amendment for the City property informally known as the Gardens on Spring Creek. This amendment includes construction of five acres of gardens including the Great Lawn, Undaunted Garden, Foothills and Prairie Gardens; and

WHEREAS, throughout the design and development review process, the Friends of the Gardens Board of Directors and Gardens Staff have been raising money for the construction of these new gardens; and

WHEREAS, the total budget for the entire Project is \$2,831,000; and

WHEREAS, \$2,031,000 has been raised from local foundations, businesses and individuals who support the Project; and

WHEREAS, \$250,000 was appropriated in the 2013 Budget for the Great Lawn; and

WHEREAS, \$150,000 was appropriated in the 2013 Budget Adjustment Ordinance for the Undaunted Garden; and

WHEREAS, this ordinance also appropriates an additional \$400,000 from the General Fund for this project; and

WHEREAS, this appropriation of \$2,431,000 in addition to the existing funding of \$400,000 to provide a total of \$2,831,000 towards the Project; and

WHEREAS, construction will not begin on the project until a permit is issued and a permit will not be issued until the Project, as previously approved, is ready to be built or City Council amends its previous approval; 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, \$2,500 for APP was previously appropriated and transferred to the APP program on the \$250,000 portion of the funds, therefore, APP of \$25,810 will be appropriated and transferred to the APP program from the remaining project funds of \$2,581,000 (\$2,031,000 in donations, \$150,000 of prior appropriation and \$400,000 in new City appropriation); 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 that fund during any fiscal year; 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.

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 prior year reserves in the General Fund the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) for transfer to the Capital Projects Fund for the final five acres of The Gardens on Spring Creek Project.


Section 3. That there is hereby appropriated, upon receipt, from unanticipated revenue in the Capital Projects Fund the sum of TWO MILLION THIRTY ONE THOUSAND DOLLARS (\$2,031,000) for the final five acres of The Gardens on Spring Creek Project.

Section 4. That the unexpended appropriated amount of TWENTY THOUSAND ONE HUNDRED AND THIRTY TWO DOLLARS (\$20,132) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Art Project.

Section 5. That the unexpended appropriated amount of FIVE THOUSAND ONE HUNDRED SIXTY TWO DOLLARS (\$5,162) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Operations.

Section 6. That the unexpended appropriated amount of FIVE HUNDRED SIXTEEN DOLLARS (\$516) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance.

Introduced, considered favorably on first reading, and ordered published this 15th day of August, A.D. 2017, and to be presented for final passage on the 19th day of September, A.D. 2017.



Mayor


ATTEST:



Interim City Clerk



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



Mayor

ATTEST:



Interim City Clerk

