

ORDINANCE NO. 058, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND AND THE FORT
COLLINS URBAN RENEWAL AUTHORITY FUND AND AUTHORIZING THE
TRANSFER OF APPROPRIATIONS FROM THE GENERAL FUND AND THE FORT
COLLINS URBAN RENEWAL AUTHORITY FUND INTO THE CAPITAL PROJECT FUND
FOR THE POUDBRE RIVER WHITEWATER PARK PROJECT AND TRANSFERRING
APPROPRIATIONS FROM THE CAPITAL PROJECT FUND TO THE CULTURAL
SERVICES AND FACILITIES FUND FOR THE ART IN PUBLIC PLACES PROGRAM
AND TRANSFERRING APPROPRIATIONS IN THE STORM DRAINAGE FUND FROM
THE BOXELDER CREEK OUTFALL PROJECT AND THE REMINGTON STREET
OUTFALL PROJECT TO THE CAPITAL PROJECT FUND FOR THE POUDBRE RIVER
WHITEWATER PARK PROJECT

WHEREAS, at a regular City election held on April 7, 2015, the voters of the City of Fort Collins approved the extension of the expiring twenty-five hundredths percent (0.25%) capital projects sales and use tax (the "Tax") for a period of ten years; and

WHEREAS, the purpose of the Tax, as outlined in the ballot measure, is the planning, design, real property acquisition, and construction of seventeen capital projects and related operation and maintenance, referred to as the Community Capital Improvement Program ("CCIP"), which includes construction of Downtown Poudre River Enhancements and a Kayak Park (the "Whitewater Park Project" or "Project"); and

WHEREAS, the Whitewater Park Project will include world class whitewater features, park gathering places, river overlooks, fish passage and habitat improvements, stormwater improvements, street and sidewalk improvements, and various other related public improvements; and

WHEREAS, pursuant to Ordinance No. 013, 2015 ("Building on Basics Ordinance"), in which the City Council recognized and adopted the passage of the April 7, 2015, CCIP ballot measure, prior to use of any revenues from the Tax for construction of the Whitewater Park Project (but not before beginning planning, design, and property acquisition) the City Council must have determined, after receiving a report and recommendation from the City Manager, that the City has received at least \$1,500,000 in contributions and pledges of cash and other property from private sources in support of the Whitewater Park Project, and

WHEREAS, pursuant to the Building on Basics Ordinance, no decision regarding the design or cost of the Whitewater Park Project shall substantially change its essential character or eliminate any of its components from that described in Exhibit "A" thereto; and

WHEREAS, the description of the Project set forth on Exhibit "A" to the Building on Basics Ordinance includes a "whitewater kayak park" with "viewing/picnic areas", a "pedestrian bridge over the river", improved "access to the river", enhancement of "the river's habitat and beauty" and lowering of the river channel to improve flood mitigation and prevent flooding of College Avenue; and

WHEREAS, the initial Whitewater Park Project budget of \$9,647,000 was approved in Budget Offer 21.1 (2015), including approximately \$4,200,000 in revenues from the Tax; and

WHEREAS, since such time Park Planning and Stormwater Utility staff have identified the need for additional funding of \$2,032,920 to complete all of the improvements in the description of the Project on Exhibit "A" to the Building on Basics Ordinance, including a pedestrian bridge, south bank wall and plaza enhancements, concrete walks, children's play area, and site lighting and security features to support the Project

WHEREAS, at its work session on February 27, 2018, City Council reviewed the scope of the Enhancements and additional budget elements, including contributions to the Art and Public Places Program and \$240,000 of additional construction costs contingency; and

WHEREAS, on March 6, 2018, the City and the Urban Renewal Authority (the "URA") entered into an intergovernmental agreement by which the URA agreed to pay the City \$300,000 toward the Whitewater Park Project costs, recognizing the value of the Project in furthering the URA's North College Plan; and

WHEREAS, combining funds committed by the URA with funds identified in the Stormwater Utility enterprise and General funds, Park Planning staff recommends the City Council appropriate an additional \$1,526,000 for the Whitewater Park Project, plus \$7,920 to be transferred to the Art and Public Places Program, as set forth herein; and

WHEREAS, during completion of the design and associated regional improvements for the Whitewater Park Project and Enhancements, staff has identified additional benefits Stormwater Utility ratepayers will realize, supporting a proportional increase in the Utility's contribution to project costs; such benefits include additional flood conveyance under the College Avenue Bridge, removal of developable land from the 100-year floodway, and new structures to convey runoff from Vine Drive into a reconfigured water quality pond; and

WHEREAS, the City has not yet received the entire \$1,500,000 in private contributions and pledges required by Ordinance No. 013, 2015, and Council desire to appropriate the funds as set forth herein, subject to the conditions that:

- such funds may not be expended for construction of the Project until the City Manager provides a further report and recommendation indicating the City has received the full \$1,500,000 in private contributions and pledges; and
- the City Council adopts a resolution making a determination that this condition of Ordinance No. 013, 2015, has been fully satisfied; and

WHEREAS, Article XII of the City Charter authorizes City Council to expend net operating revenues of the City's utilities for renewal, replacement, extraordinary repair, extension, improvement, enlargement, and betterment of such utilities, or other specific utility purposes determined by Council to be beneficial to the ratepayers of said utilities; 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, the City Manager has recommended the appropriation described herein and determined that these appropriations are available and previously unappropriated from the General Fund, the Fort Collins Urban Renewal Authority Fund and the Storm Drainage Fund, as applicable, and will not cause the total amount appropriated in the General Fund, the Fort Collins Urban Renewal Authority Fund or the Storm Drainage Fund, as applicable, to exceed the current estimate of actual and anticipated revenues to be received in these funds during the 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; 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.

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 reserves in the General Fund for transfer to the Capital Projects Fund the sum of FOUR HUNDRED NINETY-SIX THOUSAND NINE HUNDRED TWENTY DOLLARS (\$496,920) for the Poudre River Whitewater Project and appropriated therein.

Section 3. That there is hereby appropriated for expenditure from reserves in the Fort Collins Urban Renewal Authority Fund for transfer to the Capital Projects Fund the sum of THREE HUNDRED THREE THOUSAND DOLLARS (\$303,000) for the Poudre River Whitewater Project and appropriated therein.


Section 4. That the unexpended appropriated amount of SIX THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$6,178) in the Capital Projects Fund - Poudre River Whitewater Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for Art in Public Places projects.

Section 5. That the unexpended appropriated amount of ONE THOUSAND SEVEN HUNDRED FORTY-TWO DOLLARS (\$1,742) in the Capital Projects Fund - Poudre River Whitewater Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance and Operations.

Section 6. That there is hereby appropriated for expenditure from the Boxelder Creek Outfall Project and the Remington Street Outfall Project in the Storm Drainage Fund for transfer to the Capital Projects Fund the sum of SEVEN HUNDRED THIRTY-FOUR THOUSAND DOLLARS (\$734,000) for the Poudre River Whitewater Project and appropriated therein.

Section 7. That the expenditure of the funds appropriated herein for construction of the Project is conditioned on the City Manager first providing a report and recommendation to City Council indicating the City has received the full \$1,500,000 of private contributions and pledges in support of the Whitewater Park Project, as required by Ordinance No. 013, 2015, and City Council adoption of a subsequent resolution making the determination that such requirement has been fully satisfied.

Introduced, considered favorably on first reading, and ordered published this 17th day of April, A.D. 2018, and to be presented for final passage on the 1st day of May, A.D. 2018.

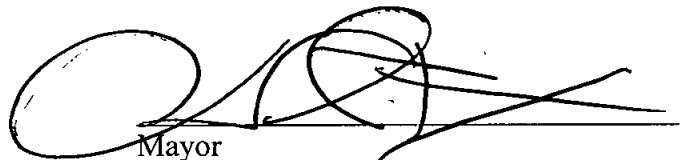

Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 1st day of May, A.D. 2018.


Mayor

ATTEST:


City Clerk

