

ORDINANCE NO. 078, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED REVENUE IN 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 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, 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, on March 6, 2018, the City and the Urban Renewal Authority (the "URA") entered into an intergovernmental agreement by which the URA agreed to provide the City additional funds toward the Whitewater Park Project costs, recognizing the value of the Project in furthering the URA's North College Plan; and

WHEREAS, on May 1, 2018, the City Council adopted Ordinance No. 058, 2018, appropriating additional funds for the Whitewater Park Project, including \$300,000 provided by the URA, subject to the conditions that:

- such additional 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 such condition of Ordinance No. 013, 2015, has been fully satisfied; and

WHEREAS, the City Manager reported and recommended to City Council, pursuant to the conditions in Ordinance No. 058, 2018, that the City has received a total of \$1,921,950 in private fundraising donations toward the Project, \$1,603,852 of which has been appropriated, and \$318,099 still requires appropriation; and

WHEREAS, the City Manager has recommended appropriation of the remaining \$318,099 in private fund donations, as described herein, and determined that these appropriations are available and previously unappropriated from the General Fund and the Capital Project Fund, as applicable, and will not cause the total amount appropriated in such funds, as applicable, to exceed the current estimate of actual and anticipated revenues to be received in these funds during the fiscal year; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of providing recreational resources for the community; 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, 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:

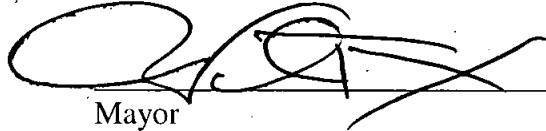
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated for expenditure from unanticipated revenue in the Capital Projects Fund the sum of THREE HUNDRED EIGHTEEN THOUSAND NINETY-NINE DOLLARS (\$318,099) for the Poudre River Whitewater Project and appropriated therein.

Section 3. That the unexpended appropriated amount of TWO THOUSAND FOUR HUNDRED EIGHTY-ONE DOLLARS (\$2,481) 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.

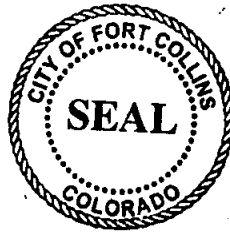
Section 4. That the unexpended appropriated amount SEVEN HUNDRED DOLLARS (\$700) in the Capital Projects Fund - Poudre River Whitewater Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance and Operations.

Introduced, considered favorably on first reading, and ordered published this 19th day of June, A.D. 2018, and to be presented for final passage on the 3rd day of July, A.D. 2018.

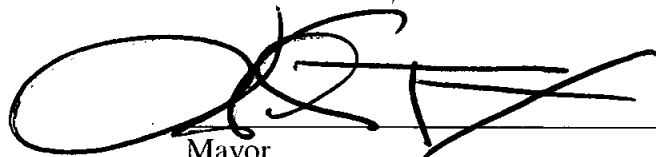
  
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Mayor

ATTEST:

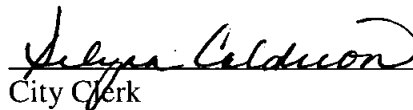
  
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City Clerk



Passed and adopted on final reading on the 3rd day of July, A.D. 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

