

SUBJECT

First Reading of Ordinance No. 005, 2011, Appropriating Unanticipated Revenue in the Capital Projects Fund, Downtown Alley Enhancement Project.

EXECUTIVE SUMMARY

The Downtown Alley Enhancement Project funding for construction of the West Laurel to West Myrtle Alley Project needs to be appropriated to the City. The City will be administering the construction contract for the Downtown Development Authority (DDA). The DDA funds for the Project will remain in the DDA's account, and will be transferred and spent to pay contractor invoices only as they become due and payable.

BACKGROUND / DISCUSSION

The City adopted the Downtown Strategic Plan on February 17, 2004. The Plan supports development of an integrated network consisting of alleyways. On December 11, 2008, the Downtown Development Authority approved the 2011 redevelopment of the West Laurel to West Myrtle alleys.

The Alley Project includes utility upgrades, new decorative pavers and planters, trash receptacle enclosures, and signage and lighting. The Project will be constructed this summer.

FINANCIAL / ECONOMIC IMPACTS

The funding of \$1.2 million for this Project is 100% from the Downtown Development Authority's operating budget, using its bond proceeds. Because the City will be managing the project with oversight from the DDA, a City capital project will be created. Consequently, funding for the Project must be appropriated. This is consistent with prior City projects that have received DDA funding (the Civic Center Parking Garage, Downtown Sidewalks' Improvements, and the 2010 alley project).

This Ordinance appropriates an amount not to exceed \$1.2 million that will be transferred from the DDA Operating Fund to the City's Capital Project Fund. Consistent with the majority of capital projects in the City's Capital Projects' Fund, the actual dollars from the DDA Operating Fund will be transferred monthly to the City account on a reimbursable basis after the expenditure has been paid with City funds.

Upon awarding the bid to successful contractor, the City will freeze any portion of the \$1.2 million appropriation that exceeds the winning bid amount to the contractor. This will free funding for the DDA to utilize for future projects.

The DDA funds for the project will remain in the DDA's account, and will be transferred and spent to pay contractor invoices only as they become due and payable.

ENVIRONMENTAL IMPACTS

The design of the improvements supports the City's sustainability goals with the use of durable materials, low energy lights, and recycling of waste materials.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

The Downtown Alley Enhancement Project for the West Laurel and West Myrtle Alley Project was approved by the Downtown Development Authority on December 11, 2008.

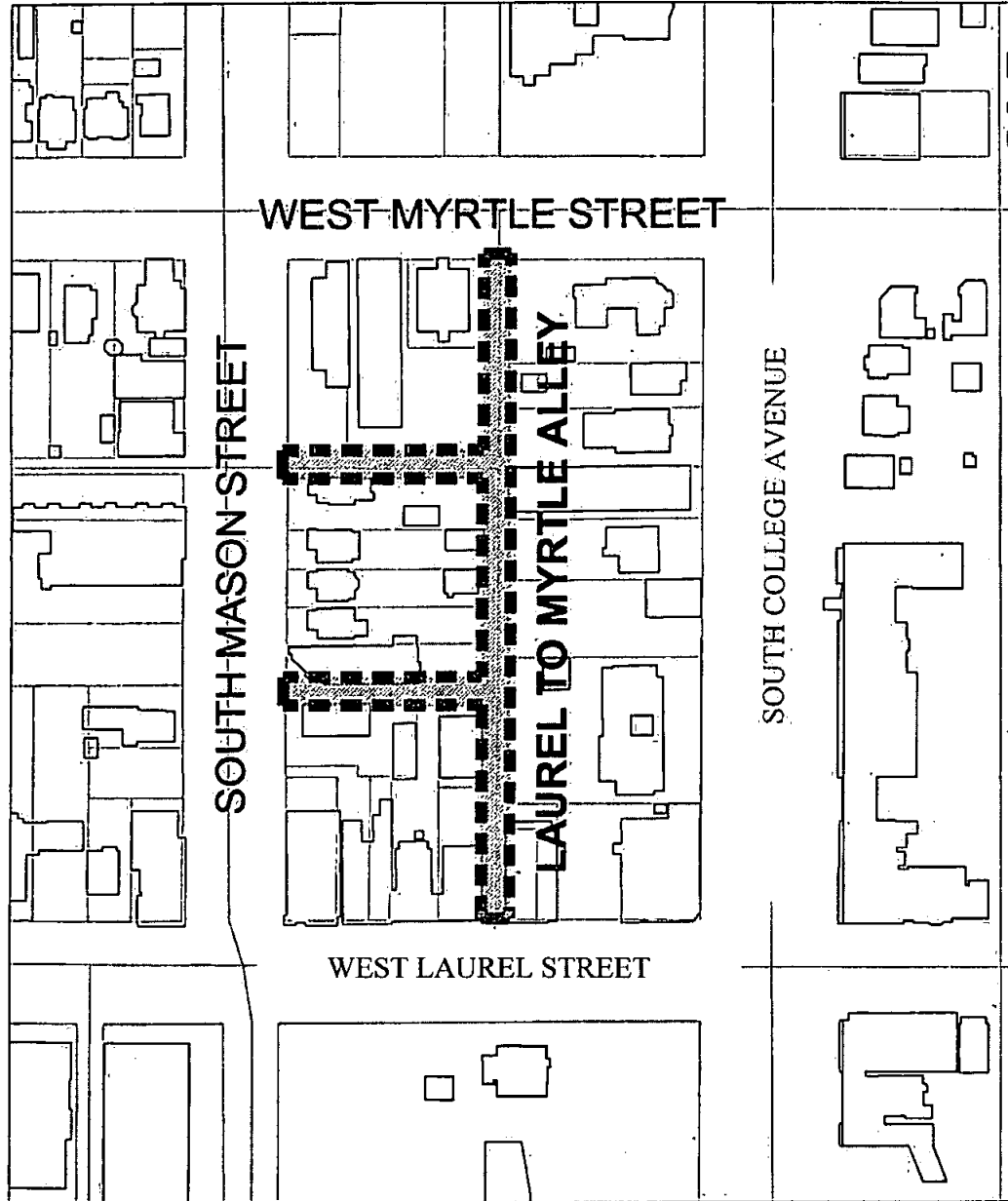
PUBLIC OUTREACH

The Alley Project was a part of the Downtown Strategic Plan in 2004 that included outreach to the public and downtown businesses.

ATTACHMENTS

1. Location map

WEST LAUREL AND WEST MYRTLE ALLEY PROJECT LOCATION MAP



LOCATION MAP



ORDINANCE NO. 005, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE IN THE CAPITAL PROJECTS FUND,
DOWNTOWN ALLEY ENHANCEMENT PROJECT

WHEREAS, the Downtown Strategic Plan (the "Plan"), which was adopted by the City Council by Resolution 2004-028 on February 17, 2004, calls for an enhanced pedestrian environment in the downtown area of the City; and

WHEREAS, the West Laurel to West Myrtle alleys are key areas of downtown in need of substantial renovation and redevelopment to provide aesthetic improvements, facilitate pedestrian movement and support economic growth in the downtown area; and

WHEREAS, on December 11, 2008, the Downtown Development Authority ("DDA") approved the 2011 redevelopment of the West Laurel to West Myrtle alleys (together referred to as the "Alleys"), and has proposed to provide funds for those renovations; and

WHEREAS, the Downtown Alley Enhancement Project, which will be constructed in City rights-of-way during the summer of 2011, includes utility upgrades, new decorative pavers and planters, trash receptacle enclosures, signs and lighting; and

WHEREAS, the project will be carried out pursuant to a City construction contract, which the DDA has agreed to fund in whole; and

WHEREAS, in order for the DDA funds to be spent in support of the City contract, the funds are being appropriated in the Downtown Alley Enhancement Capital Project in an amount not to exceed \$1,200,000; and

WHEREAS, the DDA funds for the Project will remain in the DDA's account, and will be transferred and spent to pay contractor invoices only as they become due and payable; 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 anticipated 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby appropriated for expenditure from unanticipated revenue in the Capital Project Fund the sum of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) from the DDA to be used for the Downtown Alley Enhancement Capital Project.

Section 2. That upon awarding the bid to the successful contractor, the City agrees to freeze any portion of the \$1,200,000 appropriation that exceeds the winning bid amount to the contractor in order to free up the excess funds for the DDA to utilize for future projects.

Section 3. The funds appropriated hereunder will be transferred to the City from the DDA as payments to the successful contractor become due and payable.

Introduced, considered favorably on first reading, and ordered published this 18th day of January, A.D. 2011, and to be presented for final passage on the 1st day of February, A.D. 2011.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 1st day of February, A.D. 2011.

Mayor

ATTEST:

City Clerk