

# AGENDA ITEM SUMMARY

June 4, 2019

City Council

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## STAFF

Timothy Kemp, Civil Engineer III  
Chad Crager, Director of Infrastructure Services  
Chris Van Hall, Legal

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## SUBJECT

Second Reading of Ordinance No. 074, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Lemay and Vine Intersection Improvements Project and Related Art in Public Places.

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 21, 2019, appropriates \$9.1M of Transportation Capital Expansion Fee (TCEF) and Transportation Reserve Funds into the Capital Project Fund for the Lemay and Vine Intersection Improvements Project. In addition, this item will authorize the transfer of \$91,000, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places.

The overall project cost, including design, property acquisition, and construction, is estimated at \$23.3M. The City has previously appropriated \$3.7M, and this appropriation would add \$9.1M to the project. The remaining funding needed for the project is \$10.5M in 2019 dollars.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## ATTACHMENTS

1. First Reading Agenda Item Summary, May 21, 2019 (w/o attachments) (PDF)
2. Ordinance No. 074, 2019 (PDF)

## AGENDA ITEM SUMMARY

May 21, 2019

City Council

### STAFF

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Timothy Kemp, Civil Engineer III  
Chad Crager, Director of Infrastructure Services  
Chris Van Hall, Legal

### SUBJECT

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First Reading of Ordinance No. 074, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Lemay and Vine Intersection Improvements Project and Related Art in Public Places.

### EXECUTIVE SUMMARY

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The purpose of this item is to appropriate \$9.1M of Transportation Capital Expansion Fee (TCEF) and Transportation Reserve Funds into the Capital Project Fund for the Lemay and Vine Intersection Improvements Project. In addition, this item will authorize the transfer of \$91,000, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places.

The overall project cost, including design, property acquisition, and construction, is estimated at \$23.3M. The City has previously appropriated \$3.7M, and this appropriation would add \$9.1M to the project. The remaining funding needed for the project is \$10.5M in 2019 dollars.

### STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

### BACKGROUND / DISCUSSION

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The Lemay Avenue realignment and intersection improvements have been prioritized as the City's highest priority Transportation Capital Improvement Project. The Lemay Avenue realignment and grade separation has been on the City's Master Street Plan for nearly 30 years and is a critical infrastructure improvement needed to address existing transportation deficiencies, growth related impacts of new development, and neighborhood livability. The existing intersection operations continue to degrade which has led to increased safety, congestion, and access problems for local neighborhoods, railways, emergency services, and the traveling public. Unlike most railroad crossings within Fort Collins, the existing Lemay Avenue and Vine Drive intersection is greatly impacted due to the proximity of the BNSF and Great Western Railroad switching yard along Vine Drive. Additionally, the existing intersection is severely congested with limited options to expand through lanes or turn capacity due to the proximity to houses and driveways.

The Lemay and Vine Intersection Improvements Project will construct a new roadway (realigned Lemay Avenue) from Lincoln Avenue to Conifer Street, and a new intersection slightly northeast of the existing Lemay Avenue and Vine Drive intersection. The project will also contain a roadway bridge over the Burlington Northern Santa Fe (BNSF) Railway and Vine Drive.

The construction of this project will alleviate existing deficiencies and provide a key infrastructure asset for growth related impacts of new development in northeast Fort Collins. More specifically, this project will:

- Improve quality of life, equity, and neighborhood livability for Andersonville, Buckingham, and Alta Vista by removing arterial traffic volumes off Ninth Street
- Reduce accidents and congestion, and improve emergency services coverage by separating travel modes from BNSF Railway switching operations
- Improve air quality by reducing the emissions from idling vehicles, whereby aligning with the goals of the Climate Action Plan
- Provide multi-modal connectivity to the new Sugar Beet Park at the southwest corner of Vine and Lemay

The overall project cost, including design, property acquisition, and construction is estimated at \$23.3M. The project is being designed and constructed in phases, enabling the project to move forward as project funding becomes available. Phase One advanced the project's engineering design to 50%, placed fill dirt for the future bridge, installed a box culvert to convey stormwater, and completed a majority of the property acquisitions necessary to construct the improvements. This total cost to complete this work was \$3.7M.

As this project will be adding growth-related vehicular and multimodal capacity to the transportation network, the project is eligible to be partially funded using Transportation Capital Expansion Fee (TCEF) funds. This project will be replacing an existing two-lane roadway with a new four-lane roadway; resulting in a net gain of two travel lanes. These new travel lanes will address growth-related impacts by providing additional capacity and are eligible to be funded by TCEF funds. Reconstruction of the existing two travel lanes is considered correction of an existing deficiency and must be funded by other sources. To ensure funding proportionality, staff developed a funding contribution model to assign funding responsibilities for TCEF, developer obligations, and other City funding sources. Staff calculated the total TCEF contribution available for the project as \$10.7M of which \$1.8M (2019 Dollars) will be reimbursed by future proximate development.

Approximately \$1.6M of TCEF funds have been previously appropriated to the project as part of Phase One. Appropriating an additional \$9.1M in TCEF funds for Phase two enables the following:

- Right-of-way purchases for realigned Lemay Avenue, south of Vine Drive; and the Buckingham Street extension from Ninth Street to realigned Lemay
- Complete the final design and begin construction
- Complete dirt placement and install utilities along realigned Lemay Avenue
- Obtain Public Utilities Commission (PUC) approval for the roadway bridge and complete a Construction and Maintenance Agreement with BNSF

Staff anticipates the efficiencies gained through initiating the above items in 2019 will reduce the overall project duration by one year. Reducing the project's overall time frame will also result in cost savings for the project.

Per City Code Section 24-304, all appropriations for construction projects estimated to cost over \$250,000 shall include an amount equal to one percent of the estimated cost for works of art. The total Art in Public Places funds to be appropriated is \$91,000. This item will transfer \$70,980 of the TCEF appropriations to the Art in Public Places Program. Staff has identified the Transportation Reserves as a means to provide the additional \$20,020 needed to provide long-term maintenance for the art.

### **CITY FINANCIAL IMPACTS**

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This action will appropriate \$9.1M into the Capital Project Fund for the Lemay and Vine Intersection Improvements Project and transfer \$91,000 from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The following is a summary of funds to be appropriated with this action:

<b>Prior Appropriated Funds</b>	
2015 / 2016 BFO Process (Keep Fort Collins Great)	\$1,050,000
2017 / 2018 BFO Process (General Fund Reserves)	\$1,000,000
Transportation Capital Expansion Fee Funds	\$1,644,723
<b>Total Prior Appropriations (Phase I)</b>	<b>\$3,694,723</b>
<b>Funds to be Appropriated with this Action (Phase II)</b>	
Transportation Capital Expansion Fee Funds Reserves	\$9,079,980
Transportation Reserves	\$20,020
<b>Total Funds to be Appropriated with this Action</b>	<b>\$9,100,000</b>
<b>Total Current Project Budget</b>	<b>\$12,794,723</b>
<b>Transfer to Art in Public Places</b>	<b>\$91,000</b>

The overall project cost, including design, property acquisition, and construction, is estimated at \$23.3M, leaving an overall shortage of \$10.5M in 2019 dollars.

**BOARD / COMMISSION RECOMMENDATION**

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Staff has presented to various Boards and Commissions over the course of the project, including presentations to the Transportation Board, the Futures Committee, the Council Finance Committee, and at Council Work Sessions. At the April 15, 2019 Council Finance Committee (CFC) meeting, unanimous support was given for bringing this appropriation to the full Council. Draft CFC meeting minutes specific to this item are attached.

**PUBLIC OUTREACH**

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Staff has given many formal presentations and provided project information at City sponsored events. Staff designed the outreach to encourage public participation and collect feedback. Staff is actively addressing community questions and working with nearby residents, business owners, landowners, and proposed development projects.

Summary of Public Engagement to Date:

- February 2016 - Public Open House (Streets Facility) 122 people signed in for the event
- August 2016 - Lincoln Neighborhood Ice Cream Social
- November 2016 - Presentation to Alta Vista residents
- September 2017 - Open House event for Alta Vista, Andersonville, and Buckingham residents at the Legacy Church (Ninth Street and San Cristo Street)
- December 2017 and March 2018 - Fort Collins Area Chamber of Commerce
- February 2018 - Fort Collins Sertoma Club
- March 2018 and February 2019 - North Fort Collins Business Association

Staff will continue public outreach and engagement efforts with stakeholders throughout the duration of the project.

In addition, staff maintains an active project website available at: <http://www.fcgov.com/engineering/vine-lemay.php>

**ATTACHMENTS**

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1. Location Map (PDF)
2. Council Finance Committee minutes, April 15, 2019 (draft) (PDF)
3. Powerpoint presentation (PDF)

ORDINANCE NO. 074, 2019  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPROPRIATIONS AND AUTHORIZING TRANSFERS OF  
APPROPRIATIONS FOR THE LEMAY AND VINE INTERSECTION  
IMPROVEMENTS PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, the Lemay Avenue realignment and intersection improvements have been prioritized as the City's highest priority Transportation Capital Improvement Project and has been on the City's Master Street Plan for nearly 30 years; and

WHEREAS, the Lemay and Vine Intersection Improvements Project will construct a new realigned Lemay Avenue from Lincoln Avenue to Conifer Street, and a new intersection slightly northeast of the existing Lemay Avenue and Vine Drive intersection (the "Project"); and

WHEREAS, the Project will alleviate existing deficiencies and provide a key infrastructure asset for northeast Fort Collins while also adding vehicular and multimodal capacity to the existing transportation network within the Project area; and

WHEREAS, the Project cost is currently estimated at \$23.3 million and will be replacing an existing two-lane roadway with a new four-lane roadway, which results in a net gain of two travel lanes; and

WHEREAS, because these new travel lanes will address growth-related impacts by providing additional capacity to the existing transportation network, the Project is eligible to be partially funded through Transportation Capital Expansion Fee ("TCEF") funds; and

WHEREAS, staff developed a funding contribution model and calculated the total TCEF contribution available for the Project as \$10.7 million, of which \$1.8 million (in 2019 dollars) will be reimbursed by future development of land adjacent to the Project; and

WHEREAS, this Ordinance appropriates \$9.1 million in TCEF funds to the Project; and

WHEREAS, this appropriation will also address Art in Public Places obligations associated with this appropriation of \$9.1 million for the Project; and

WHEREAS, this appropriation benefits the public and residents of the City of Fort Collins because it enhances existing roadway and infrastructure within the City; 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 this appropriation is available and previously unappropriated from the

Transportation Capital Expansion Fee Fund and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Fund and will not cause the total amount appropriated in the Transportation 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; 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 prior year reserves in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund the sum of NINE MILLION SEVENTY-NINE THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$9,079,980) for the Lemay and Vine Intersection Improvements Project and appropriated therein.

Section 3. That there is hereby appropriated for expenditure from prior year reserves in the Transportation Fund for transfer to the Capital Projects Fund the sum of TWENTY THOUSAND TWENTY DOLLARS (\$20,020) for the Lemay and Vine Intersection Improvements Project and appropriated therein.

Section 4. That the unexpended appropriated amount of SEVENTY THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$70,980) 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 EIGHTEEN THOUSAND

TWO HUNDRED DOLLARS (\$18,200) 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 ONE THOUSAND EIGHT HUNDRED TWENTY DOLLARS (\$1,820) 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 21st day of May, A.D. 2019, and to be presented for final passage on the 4th day of June, A.D. 2019.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 4th day of June, A.D. 2019.

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Mayor Pro Tem

ATTEST:

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City Clerk