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MEMORANDUM

DT: October 15, 2013

TO: Mayor and City Councilmembers

TH: Darin Atteberry, City Manager 
Wendy Williams, Assistant City Manager 

FR: Marty Heffernan, Community Services Director

RE: Agenda Item #15 (Ordinance NO. 141, 2013) Public Service Company (PSCo or Xcel)

The October 15th Council agenda includes Ordinance NO. 141 which appropriates \$1.25 million of the Xcel pipeline settlement funds. One million is for the Shields Street Trail from Fossil Creek Drive to Trilby Road and \$250,000 is to remove and relocate the Poudre Trail on the Woodward site. The remaining \$750,000 in Xcel funds has already been appropriated for Natural Area acquisitions.

The Mayor raised a question at Leadership about the need for the \$250,000 for the trail relocation considering that Council approved an appropriation for the Woodward project of \$6,547,080 in August of this year.

The \$6,547,080 is designated for ROW improvements (Lincoln/Lemay) in the amount of \$1,750,000; for transmission line relocation (\$1,297,080) and for natural area restoration, including the trail relocation (\$3,500,000). Staff understands that if the ROW improvements or transmission line relocation end up costing more than estimated, the shortfall would be covered by reducing the budget for the natural area restoration. We included the \$250,000 from the Xcel settlement funds to cover this contingency.

We understand concerns are being raised about using the Xcel settlement funds for the Woodward trail relocation project. The City Manager recommends removing the \$250,000 appropriation from Ordinance NO. 141 so only the \$1,000,000 for the Shields Trail to Trilby would be appropriated by the ordinance. If we end up needing additional funding for the Woodward project, the \$250,000 in Xcel funds could be used to address the shortfall at that time, or other funding sources could be utilized.

The Mayor also asked about past Council direction to use Xcel settlement funds for south College improvements. Council, by Resolution 2013-022 directed the \$2,000,000 in Xcel settlement funds to be used for trails or natural areas. There was no mention of south College improvements.

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ORDINANCE NO. 141, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM THE PUBLIC
SERVICE COMPANY INTO THE CAPITAL PROJECTS FUND FOR THE TRAIL
ACQUISITION AND DEVELOPMENT - SPECIAL FUNDS PROJECT

WHEREAS, pursuant to Ordinance Nos. 008, 009, 010, and 011, 2013, as adopted by the City Council in January 2013, the Public Service Company has paid to the City \$2 million in exchange for certain easements across natural areas in the City; and

WHEREAS, Public Service Company sought the easements in order to complete its west main natural gas pipeline project through portions of the Coyote Ridge, Colina Mariposa, Hazaleus, and Kingfisher Natural Areas; and

WHEREAS, these funds are to be used on projects which help mitigate the impacts of the easements on the community; and

WHEREAS, City staff recommends that \$1,000,000 of these funds be used for the construction of a ten-foot wide concrete regional trail on the east side of Shields Street from Fossil Creek Drive to Trilby Road; and

WHEREAS, City Council approved completion of this regional trail in the adopted Parks and Recreation Policy Plan; and

~~WHEREAS, City staff recommends that \$250,000 of these funds be used to remove the section of the Poudre Trail that is on the Woodward Technology Center site and to relocate the trail within the restored natural area; and~~

~~WHEREAS, the remaining \$750,000 of the Public Service Company funds will be used to acquire, restore or otherwise improve natural areas along the Poudre River; and~~

WHEREAS, ~~the~~ \$750,000 for natural areas was previously appropriated in Ordinance No. 90, 2013, leaving \$1,250,000 for ~~the other trail~~ projects including the \$1,000,000 to be appropriated with this ordinance into the Capital Projects Fund Trail Acquisition and Development - Special Funds Project; and

WHEREAS, Article V, Section 9, of the City Charter permits 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 all unanticipated Public Service Company revenue, as described herein, will not result in total appropriations in excess of the current estimate of actual and anticipated revenues for fiscal year 2013.

WHEREAS, Article V, Section 10(b), of the City Charter authorizes the City Council to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund to another fund, provided that the purpose for which the transferred funds are to be expended remains unchanged.

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 Projects Fund the sum of ONE MILLION ~~TWO HUNDRED FIFTY THOUSAND DOLLARS~~ (\$1,250,000 ~~1,000,000~~) for the Trail Acquisition and Development - Special Funds Project.

Section 2. That the unexpended appropriated amount of ~~TWELVE~~TEN THOUSAND FIVE HUNDRED DOLLARS (\$12,500 ~~10,000~~) in the Capital Projects Fund - Trail Acquisition and Development - Special Funds Project is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program.

Introduced, considered favorably on first reading, and ordered published this 15th day of October, A.D. 2013, and to be presented for final passage on the 5th day of November, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of November, A.D. 2013.

Mayor

ATTEST:

City Clerk