

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 35

DATE: February 18, 2003

FROM: Diane Jones

SUBJECT:

Resolution 2003-027 Placing a City-initiated Measure Proposing a Change in Use of a Portion of the "Building Community Choices" Tax Revenues

RECOMMENDATION:

Staff has no recommendation.

EXECUTIVE SUMMARY:

In 1996, voters approved a package of Building Community Choices capital improvement projects that included funding for improvements to Prospect Road from the Poudre River to Summitview Drive. The project was described as follows:

**Prospect Road Improvements, Poudre River to Summitview Drive
\$4,100,000 (1996 dollars)**

This project will widen Prospect Road from the Poudre River to Summitview Drive providing bicycle lanes, two travel lanes, a left turn lane, and a sidewalk to enhance the safety of bicyclists, pedestrians, and motorists. Presently, the road is not protected from major floods. Portions of the roadway will be raised and a bridge will be constructed to protect the road from the 100-year flood. Planning, design, right-of-way acquisition and other project costs may be included.

Since the ballot language was set in 1996 regarding this project, several circumstances have changed regarding the need for the project as described. Staff is currently undertaking engineering and design work on the Prospect Road project. Some issues which have been encountered include:

- Additional flood plain issues have been noted based on new flood plain studies and detailed engineering work that is being completed. As new hydrology studies and updated mapping are being reviewed, additional issues are expected to be identified.
- Long-term plans must be developed for completion of Prospect Road from the Poudre River to I25, including build-out to a full 4-lane arterial with bike and pedestrian facilities.

Currently staff is actively working to address these questions and develop the long-term plans for Prospect Road. Analysis and planning work is expected to be completed by summer, 2003.

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After the planning process is complete, staff expects a balance of approximately \$4.4 million (2003 dollars) to be available for the construction phase of the project.

The proposal to release the funds earmarked in BCC for the Prospect Road project was raised because of a concern as to whether it is prudent to spend the money allocated to the project in the way envisioned in the ballot language. Changing needs and circumstances may make other projects a higher priority than Prospect Road and concerns have been raised about making these improvement ahead (by several years) of adding additional travel lanes. Staff is concerned that this may no longer be the most cost effective solution to transportation needs in the area.

Changes to projects included in the BCC package can only be made if the City Council find a project to be no longer "legally or financially feasible." Staff believes that the Prospect Road project as described in the ballot language is still "possible," but not necessarily the best course of action. In order to use the BCC funds on some other transportation capital need, voters would be required to release the funds through an explicit action on a municipal or general election ballot.

By asking the voters to release the funds and make them available for other transportation capital projects, higher priority issues can be addressed sooner. The full Prospect Road, River to I25 project could be completed with future funds that the voters are being asked to approve in April through the sales and use tax and construction tax ballot measures.

Staff's analysis of the proposal to place this issue on the April ballot includes the following considerations:

PROS:

- Provides additional flexibility to use available funds for the highest priorities in the Transportation Master Plan.
- Allows the full Prospect Road, River to I25 project to be designed and constructed at the same time in the future.

CONS:

- Voter feedback on the upcoming election has emphasized that accurate, complete and understandable information must be presented to voters in order to make the ballot measures successful. By the April election, many questions regarding the Prospect Road project will remain unanswered, so it will be difficult to provide the type of information that will make the measure successful. Analysis and plans for the project will not be completed until summer 2003, so the details of the City's plans for the area will not be available prior to the election.
- Voters may be confused by placing an additional measure on the ballot that also relates to transportation capital. Confusion may lead people to vote against the proposed tax measures.
- Voters may distrust the City's commitment to build the projects listed in the proposed tax measures if the City is asking to be released from a previous commitment at the same election.
- If release of the funds becomes clearly desirable once analysis and engineering work has been completed, this item could be placed on a future General Election or municipal ballot. There is currently no urgency to having the funds released.

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It may be possible to keep these funds in the BCC project fund until such time as the BCC project can be enhanced to conform to the new design and completed using additional funds from the proposed new taxes for transportation capital improvements. This would alleviate the need to ask voters for a change to the ballot measure. Capital project funds do not lapse, so the money would be available even after the expiration of the BCC tax term in 2005.

RESOLUTION 2003-027
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY
A PROPOSED CHANGE IN THE USE OF THE BUILDING COMMUNITY CHOICES
QUARTER CENT SALES AND USE TAX REVENUES PRESENTLY
DESIGNATED FOR PROSPECT ROAD IMPROVEMENTS

WHEREAS, on April 8, 1997, the registered electors of the City authorized the adoption of Ordinance No. 31, 1997, (the "Ordinance") which extended a quarter-cent sales and use tax for a period of eight years for the purpose of obtaining funds for the construction of certain community enhancement capital projects as described in the "Building Community Choices" capital improvement program; and

WHEREAS, one of the projects to be funded by such tax is the "Prospect Road Improvements, Poudre River to Summitview," (the "Project") which project consists of widening Prospect Road from the Poudre River to Summitview Drive so as to provide bicycle lanes, two travel lanes, a left turn lane and a sidewalk to enhance the safety of bicyclists, pedestrians and motorists, and so as to protect the roadway from major floods; and

WHEREAS, City staff has informed the City Council that the Project, as described to the voters and as described in the Ordinance, is inconsistent with the current transportation needs of the City and, if constructed, would necessitate, in the near future, the removal and reconstruction of certain portions of the Project; and

WHEREAS, for this reason, the City Council believes that the tax revenues presently earmarked for the Project could be better utilized if they were made available for any transportation capital project that may be designated by the Council as being among the highest priorities on the City's Master Street Plan; and

WHEREAS, the Ordinance requires that the Project be undertaken and completed by the City as described in the Ordinance unless the City Council determines that the Project is no longer legally or financially feasible; and

WHEREAS, for the reasons stated above, the City Council believes that the Project has become inadvisable, although the Project remains legally and financially feasible; and

WHEREAS, the City Council wishes to seek approval of the voters to change the purpose for which this portion of the Building Community Choices tax revenues can be utilized; and

WHEREAS, the next regular election of the City is scheduled to be held on April 8, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the following question be submitted to the registered electors of the City at the regular election of the City which is scheduled to be held on April 8, 2003:

A CITY-INITIATED MEASURE PROPOSING A CHANGE IN USE OF A PORTION OF THE "BUILDING COMMUNITY CHOICES" TAX REVENUES

SHALL THAT PORTION OF THE EXISTING SALES AND USE TAX REVENUES FOR THE "BUILDING COMMUNITY CHOICES" CAPITAL IMPROVEMENT PROGRAM IMPOSED BY ORDINANCE NO. 31, 1997, OF THE CITY OF FORT COLLINS, WHICH IS CURRENTLY DESIGNATED FOR IMPROVEMENTS TO PROSPECT ROAD, FROM THE POUDDRE RIVER TO SUMMITVIEW, BE USED INSTEAD TO HELP PAY FOR ANY TRANSPORTATION CAPITAL IMPROVEMENT PROJECT THAT MAY BE DESIGNATED BY THE CITY COUNCIL AS ONE OF THE HIGHEST PRIORITY TRANSPORTATION PROJECTS SHOWN ON A TWENTY (20) YEAR TRANSPORTATION MASTER PLAN?

___ YES

___ NO

Passed and adopted at a regular meeting of the City Council held this 18th day of February, A.D. 2003.

Mayor

ATTEST:

City Clerk