

AGENDA ITEM SUMMARY

City Council

November 19, 2013

STAFF

Mark Kempton, Civil Engineer III

SUBJECT

Second Reading of Ordinance No. 156, 2013, Appropriating Unanticipated Revenue in the Stormwater Fund from Larimer County for Construction of Certain Stormwater Improvements in the West Vine Basin.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on November 5, 2013 by a vote of 5-0 (Campana recused; Weitkunat absent) appropriates funds for the construction of the West Vine Basin Stormwater Outfall Channel from Vine Drive north to the Cache la Poudre River.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. : First Reading Agenda Item Summary, November 5, 2013 (without attachments) (PDF)
2. : Ordinance No. 156, 2013 (PDF)

AGENDA ITEM SUMMARY

November 5, 2013

City Council

STAFF

Mark Kempton, Civil Engineer III

SUBJECT

Items Relating to West Vine Basin Stormwater Improvements.

EXECUTIVE SUMMARY

- A. Resolution 2013-088 Authorizing the Execution of a Supplemental Intergovernmental Agreement between the City and Larimer County for the Construction of Certain Stormwater Improvements in the West Vine Basin.
- B. First Reading of Ordinance No. 156, 2013, Appropriating Unanticipated Revenue in the Stormwater Fund from Larimer County for Construction of Certain Stormwater Improvements in the West Vine Basin.

The purpose of this item is to approve an Intergovernmental Agreement (IGA) between the City and Larimer County to share funds for the construction of the West Vine Basin Stormwater Outfall Channel from Vine Drive north to the Cache la Poudre River.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading and the Resolution.

BACKGROUND / DISCUSSION

In 1997, the City of Fort Collins and Larimer County entered into an IGA (**Attachment 1**) addressing stormwater management matters in the West Vine storm drainage basin. The IGA allows for the sharing of costs by the City and County associated with the analysis, design, and construction of storm water improvements needed to relieve flooding and associated property damage in the West Vine Basin.

In 2004, City Council adopted the Stormwater Master Plan Update (Master Plan) for the City of Fort Collins. The Master Plan included stormwater improvements for the West Vine Basin, located in the northwest portion of the city (**Attachment 2**). The existing 100-year floodplain indicates that stormwater flows will inundate numerous properties in the basin and overtop several major roads, including Shields Street north of Vine Drive (**Attachment 3**). The Master Plan identifies a number of proposed improvements to mitigate the boundary limits of the 100-year floodplain. Specifically, the Master Plan calls for a stormwater outfall channel from the Cache la Poudre River south to Vine Drive and west to the Forney Detention Pond near North Taft Hill Road and West Vine Drive.

In October 2011, Larimer County initiated the North Shields Street widening project, which includes the widening of Shields Street from Willox Lane south to the Arthur Ditch, which is situated just north of Vine Drive. The County project includes the widening of Shields Street from approximately 24 feet to 64 feet, and the replacement of the Shields Street Bridge over the Cache la Poudre River. In order to mitigate potential flooding at the Shields Street project, the County approached City staff with a proposal to team with the City to analyze, design, and construct the lower portions of the City's Master Plan Outfall Channel. The existing 100-year West Vine Basin floodplain currently overtops Shields Street just north of

Attachment 12.1: First Reading Agenda Item Summary, November 5, 2013 (without attachments) (SR West Vine Basin Stormwater

the Arthur Ditch, and any future improvements to Shields Street will need to accommodate this 100-year flow of approximately 1,200 cubic feet per second (cfs). Rather than construct a large culvert or bridge system at this overtopping location, the County proposed to team with the City to design and construct the Master Plan stormwater outfall channel from at least Vine Drive north to the Cache la Poudre River. The Outfall Channel, as currently shown in the Master Plan, would convey the 100-year stormwater flows along the west side of Shields Street to the river, thus eliminating the need to build a bridge or culvert system on North Shields Street.

In May 2012, the City and the County signed an amendment to the 1997 IGA to share costs for the analysis and design of the Outfall Channel with the understanding that a future IGA amendment would be implemented for the construction of the designed stormwater improvements (**Attachment 4**). During 2012 and 2013, city staff and the project team have finalized a selected alternative, negotiated the necessary land acquisition, and have prepared a 60% level design for the project. A construction cost estimate has been prepared for the project, with the intention of starting project construction in December 2013. It is anticipated that 100% design level plans will be completed in the next two months. Prior to construction, the City and Larimer County both need to approve and execute the IGA to allow for the sharing of respective construction funds for the West Vine Outfall Channel project.

FINANCIAL / ECONOMIC IMPACT

The estimated construction cost associated with the project is \$2,301,000. The City has agreed to fund up to \$1,201,000 of the project costs, with Larimer County paying the remaining \$1,100,000 of the construction costs. These costs are based upon a 50% level design for the project and may be subject to change as the project design progresses.

A 2013-14 BFO offer to include the City's portion of the future construction costs for the Outfall Channel was submitted in May 2012. Upon execution of the IGA, the County shall transfer to the City no less than \$612,500. Per the April 2012 IGA Amendment, the City is crediting the County for one-half (1/2) the cost of the previous completed Design Phase with this transfer. A summary of the total estimated costs for the current project phase is shown in **Attachment 5**.

Through the financial partnership with Larimer County, the City's financial contribution toward the completion of the project will be approximately half of that originally estimated and identified in the Master Plan. The project will also eliminate the need for a costly bridge/culvert system under North Shields Street; a system which could eventually become unnecessary as a result of continued future upstream construction of the Outfall Channel. The Outfall Channel will fully contain the 100-year floodplain, eliminating potentially life-threatening road overtopping situations and flood damages for several homes and properties in the basin.

The IGA amendment terms include an approximately 50%-50% cost share between the City and the County, respectively, up to a maximum of the funds currently available from each entity. The specific language describing the supplement to the 1997 IGA is included in the new IGA, and is an Exhibit to the Resolution. The IGA amendment also includes a funding arrangement that allows for future cost sharing between the City and the County to be based on a mutually agreeable cost breakdown, rather than the current sharing arrangement, which dictates that costs are shared based on the amount of fees collected by each entity from within the basin.

ENVIRONMENTAL IMPACTS

The construction of the Outfall Channel will allow for the reconnection of the historic Soldier Canyon Creek to the Cache la Poudre River. The Creek has been lost to development through the years, and only isolated portions remain today. The Outfall Channel has been designed in such a manner to improve the wildlife habitat and connectivity along the length of the channel, west through the basin from the Cache la Poudre River to Vine Drive and further west to the foothills in future phases. The Outfall Channel includes stormwater quality treatment facilities that will improve the quality of the stormwater

runoff prior to reaching the Cache la Poudre River. Wetlands will also be planted in the bottom of the channel to mitigate any wetlands impacted by the project.

BOARD / COMMISSION RECOMMENDATION

The Master Plan improvements for the West Vine Basin, including the Outfall Channel, were presented to and adopted by various City boards and commissions as part of the Master Drainage Plan adoption process in the early 2000s. A memorandum describing the project was sent to City Council in January 2013 (**Attachment 6**). The project has also been included in the Capital Projects section of the City Managers Update over the last 6 months.

PUBLIC OUTREACH

Several public open houses were held in the early 2000s to present the results of the West Vine Basin Master Drainage Plan to the residents of the area. The Outfall Channel was included in the Master Drainage Plan at the time. City and County staff have met with affected landowners along Shields Street in 2011 and 2012 to discuss both the Shields Street widening project and the Outfall Channel project. Alternative alignments for the Outfall Channel were presented to the landowners, along with potential impacts to their properties as a result of the widening of Shields Street. Several meetings have taken place with the affected landowners as well as an open house in August 2012 at Lincoln Junior High School to present the findings of the alternative analysis phase of both projects to the residents of the basin. The project was also presented to the public at the Poudre River Open House at the Lincoln center on June 26, 2013. A project website is located on the Fort Collins Utilities web page. It is the City's intent to continue to combine the public outreach efforts for the West Vine Outfall Channel and the North Shields Street projects to maximize the combined resources of the City and the County and to be concise and consistent in the public outreach phase of both projects.

ATTACHMENTS

1. 1997 IGA
2. West Vine Basin Location Map
3. Existing 100-year floodplain for the West Vine Basin
4. 2012 IGA for West Vine Outfall
5. West Vine City-County Financial Contributions
6. West Vine Outfall Project Update Jan 2013
7. West Vine Outfall Channel Conceptual Design

ORDINANCE NO. 156, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE IN THE STORMWATER FUND
FROM LARIMER COUNTY FOR CONSTRUCTION OF CERTAIN
STORMWATER IMPROVEMENTS IN THE WEST VINE BASIN

WHEREAS, in 1997, the City and Larimer County entered into an intergovernmental agreement for stormwater cooperation (the “IGA”), assigning responsibilities to each entity related to certain stormwater improvements in the West Vine Basin; and

WHEREAS, in 2004, the City Council approved the West Vine Basin Master Drainage Plan, including areas located in the northwest portion and in Larimer County; and

WHEREAS, the West Vine Basin Master Drainage Plan includes the future reduction of the existing 100-year floodplain that crosses Shields Street; and

WHEREAS, City staff and Larimer County representatives have determined that certain stormwater improvements are needed in the West Vine Basin in light of existing circumstances; and

WHEREAS, in 2011, Larimer County initiated its North Shields Street widening project, which affects a portion of the West Vine Basin north of the Shields Street bridge; and

WHEREAS, in conjunction with the County project, City staff identified stormwater improvements that needed analysis and design under the City and County plans, including construction of an outfall channel and a regional detention pond; and

WHEREAS, in 2012, the City and the County entered into an amendment to the IGA to share the analysis and design costs for the outfall channel, with the understanding that a further amendment would occur prior to construction; and

WHEREAS, a new IGA amendment has been prepared now that initial design of the outfall channel is complete, and final construction plans are anticipated in December, 2013; and

WHEREAS, estimated construction costs for the outfall channel are \$2,301,000, of which the City will fund up to \$1,201,000, with Larimer County paying the remainder; and

WHEREAS, upon execution of the IGA amendment, the County will pay the City \$612,500 toward its portion of the construction costs, which funds will be deposited into the City’s Stormwater Fund; and

WHEREAS, upon receipt of the County’s payment, the City will record a credit in favor of the County toward its funding obligations under the IGA amendment, in recognition of extra design costs previously advanced by the County under the 2012 IGA amendment; and

WHEREAS, the funds required for the City’s portion of the construction costs were included in the 2013-14 Budget; and

WHEREAS, Article V, Section 9, of the City Charter authorizes 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 the fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff have determined that the appropriation of revenue as described herein will not cause the total amount appropriated in the Stormwater 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from unanticipated revenue in the Stormwater Fund the sum of ONE MILLION TWO HUNDRED ONE THOUSAND DOLLARS (\$1,201,000) for construction of specific West Vine Basin stormwater improvements.

Introduced, considered favorably on first reading, and ordered published this 5th day of November, A.D. 2013, and to be presented for final passage on the 19th day of November, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 19th day of November, A.D. 2013.

Mayor

ATTEST:

City Clerk