

ORDINANCE NO. 038, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS,
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT AND
RELATED ART IN PUBLIC PLACES

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure.

B. The Laporte Avenue corridor between Fishback Avenue and Sunset Street currently has several gaps in bicycle and pedestrian facilities. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined. The corridor also provides access to Poudre High School and has significant bicycle and pedestrian activity with the proximity of the school and residential neighborhoods.

C. There have been several near misses in recent years involving bicyclists and pedestrians and at least one serious vehicle-pedestrian accident in 2015 in this Laporte Avenue corridor.

D. A precursor project, the Laporte Bridges Project, has begun to address safety issues in this corridor by replacing and widening two previously deficient bridges on Laporte Avenue over the New Mercer Canal, just north of Grandview Cemetery.

E. The Laporte Avenue Multimodal Improvement Project (Laporte Project) has been developed to improve vehicular, bicycle, and pedestrian safety along the Laporte Avenue corridor by addressing deficient sidewalks, adding bicycle lanes, and adding a center reversible turn lane, upgrading the roadway with curb and gutter, improving drainage along the corridor, and installing other traffic improvements.

F. The Laporte Project will install improvements from Fishback Avenue to Sunset Street and will also include improvements to the intersection at Taft Hill and Laporte.

G. Laporte Avenue is identified in the City's 2014 Bicycle Master Plan as part of the City's Low Stress Bicycle Network and is recognized by the North Front Range Metropolitan Planning Organization (NFRMPO) as a high priority for bicycle and pedestrian improvements.

H. In 2020, the City was awarded two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Options Fund (MMOF) grant. The funds were awarded to the City through the NFRMPO and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City was awarded the Revitalizing Mainstreet (RMS) Grant.

These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2021 via Ordinance No. 155, 2021. These funds were used to fund design, right-of-way acquisition, and partial construction.

I. In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program), Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program), and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds.

J. City staff presented this Laporte Project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the TAP local match to fund construction for the Laporte Project.

K. CDOT administers the grant funds for the Laporte Project. In 2022, via Resolution 2022-027, the City Council authorized execution of an intergovernmental agreement (IGA) with CDOT.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue to address the safety concerns and lack of multimodal infrastructure.

M. These appropriations benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

N. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

O. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Capital Projects Fund and will not cause the total amount appropriated in the Capital Projects Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

P. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may

be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

Q. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transportation Capital Expansion Fee Fund, the General Fund, and the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund, the General Fund, or the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

R. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, 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.

S. The City Manager has recommended the transfer of \$122,727 from the CCIP Bike Program in the Capital Projects Fund and \$102,273 from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

T. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project or for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project or until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

U. The City Council wishes to designate the appropriation herein for the TAP grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

V. The City Council wishes to designate the appropriations herein for the Laporte Avenue Multimodal Improvement Project as appropriations that shall not lapse until the completion of the Laporte Project.

W. This Laporte Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program (APP Program).

X. A portion of the funds appropriated in this Ordinance for the Laporte Project are ineligible for use in the APP Program due to restrictions placed on them by the Colorado Department of Transportation, the source of these funds.

Y. A portion of the funds appropriated in this Ordinance for the Laporte Project have already been used for contribution to the APP Program.

Z. The project cost of \$450,000 has been used to calculate the contribution to the APP program.

AA. The amount to be contributed in this Ordinance will be \$4,500.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to be expended in the Capital Projects Fund for the Laporte Avenue Multimodal Improvement Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS (\$122,727) is authorized for transfer from the CCIP Bike Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for the bicycle network.

Section 3. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWO THOUSAND TWO HUNDRED SEVENTY-THREE DOLLARS (\$102,273) is authorized for transfer from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for improvements to the pedestrian facilities.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 5. There is hereby appropriated from prior year reserves in the General Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the General Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 6. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of FOUR HUNDRED NINETY-FIVE DOLLARS (\$495) to be expended in the Transportation Services Fund for transfer to the Capital

Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 7. The unexpended and unencumbered appropriated amount of THREE THOUSAND FIVE HUNDRED TEN DOLLARS (\$3,510) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 8. The unexpended and unencumbered appropriated amount of NINE HUNDRED DOLLARS (\$900) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 9. The unexpended and unencumbered appropriated amount of NINETY DOLLARS (\$90) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 10. The appropriation herein for the Transportation Alternatives Program grant is an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 11. The appropriations herein for the Laporte Avenue Multimodal Improvement Project are appropriations that shall not lapse until the completion of the Laporte Project.

Introduced, considered favorably on first reading on March 5, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024

Approving Attorney: Heather N. Jarvis