

ORDINANCE NO. 064, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF PRIOR YEAR
RESERVES AND GRANT REVENUE FROM THE COLORADO
DEPARTMENT OF TRANSPORTATION AND AUTHORIZING
TRANSFERS FOR THE COLLEGE AVENUE-TRILBY ROAD
INTERSECTION IMPROVEMENTS PROJECT

A. Beginning in 2020, Fort Collins Engineering Department Traffic Operations and FC Moves staff, guided by the Arterial Intersection Prioritization Study, identified traffic safety and congestion issues, as well as a lack of active modes infrastructure, at the intersection of Trilby Road and South College Avenue (also known as State Highway 287).

B. Safety concerns with the current intersection include high frequencies of approach turn crashes and rear-end crashes.

C. Operational concerns include high volumes of motorists on the north-south legs of South College Avenue and increasing volumes on the east-west approach legs of Trilby Road.

D. Bicycle and pedestrian safety and accessibility are also concerns at the intersection, because very little infrastructure is established for either mode of travel.

E. The College Avenue-Trilby Road Intersection Improvements Project (the "Project") has been developed to reconstruct the intersection to improve vehicular, bicycle, and pedestrian safety in and around the intersection.

F. The Project, with the assistance of design professionals, will improve safety for current and future traffic levels as growth continues in the region and will create a safer intersection for all users. After construction, the intersection will feature dual left turn lanes from South College Avenue to Trilby Road, right turn lanes for each direction of travel, and a widened Trilby Road approach to South College Avenue.

G. In 2020, via Resolution 2020-046, the City Council authorized execution of an intergovernmental agreement ("IGA") with the Colorado Department of Transportation ("CDOT"), which administers the grant funds for the Project. Initial funds were appropriated via Ordinance No. 071, 2020. Design and right-of-way acquisition has progressed since the initial authorization and appropriations.

H. In early 2023 the Project Team, with CDOT approval, engaged a regional general contractor to assist in the final design to improve efficiency in constructability. Due to a longer than anticipated rights of way acquisition phase, that has involved over twenty-four different land parcels, the project team divided the project into packages to commence early work in areas where rights of way have been secured while remaining rights of way were continued to be secured.

I. Construction is currently underway with package one, and the schedule anticipates starting package two at the beginning of the third quarter of 2024.

J. The overall Project is anticipated to be completed sometime in early 2025.

K. Funds that were appropriated to the Project before this action were used primarily for design and acquisition. To secure the remaining funds needed to construct the Project, staff actively explored and applied for multiple opportunities in 2022 and 2023. CDOT has also made significant additional commitments to the Project in this timeframe.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue the Project.

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, do 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 appropriations 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 appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Services Fund and will not cause the total amount appropriated in the Transportation Services 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.

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 \$1,300 from the Transportation Capital Expansion Fee Fund to the Capital Project Fund and \$48 from the Transportation Services Fund to the Capital Project 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 federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue 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. This 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").

V. The total project cost of \$16,148 has been used to calculate the contribution to the APP program.

W. The amount to be contributed in this Ordinance will be \$161.

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

Y. The City Council wishes to designate the appropriations herein for the Colorado Department of Transportation Congestion Mitigation and Air Quality (CMAQ) grant and the Highway Improvement Program (HIP) grant and the Surface Transportation Block Grant (STBG) and the Funding Advancement Surface Transportation and Economic Recovery (FASTER) grant funds as appropriations that shall not lapse until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

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 (CMAQ) or other funds in the Capital Projects Fund the sum of THREE HUNDRED SIXTY-ONE THOUSAND THREE HUNDRED SIXTY-ONE DOLLARS (\$361,361) to be expended in the Capital Projects Fund for the College and Trilby Intersection Improvement Project.

Section 2. There is hereby appropriated from new revenue (HIP) or other funds in the Capital Projects Fund the sum of ONE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$1,870,000) to be expended in the Capital Projects Fund for the College and Trilby Intersection Improvement Project.

Section 3. There is hereby appropriated from new revenue (STBG) or other funds in the Capital Projects Fund the sum of FIVE MILLION TWO HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED SIXTY DOLLARS (\$5,272,260) to be expended in the Capital Projects Fund for the College and Trilby Intersection Improvement Project.

Section 4. There is hereby appropriated from new revenue (FASTER) or other funds in the Capital Projects Fund the sum of TWO MILLION DOLLARS (\$2,000,000) to be expended in the Capital Projects Fund for the College and Trilby Intersection Improvement Project.

Section 5. There is hereby appropriated from new revenue or other funds (PILOT) in the Capital Projects Fund the sum of FOURTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$14,800) to be expended in the Capital Projects Fund for the College and Trilby Intersection Improvement Project.

Section 6. The unexpended and unencumbered appropriated amount of ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300) is authorized for transfer from the Transportation Capital Expansion Fee Fund to the Capital Project Fund and appropriated therein to be expended for College and Trilby Intersection Improvement Project.

Section 7. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWENTY-SIX DOLLARS (\$126) in the Capital Project 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 THIRTY-TWO DOLLARS (\$32) in the Capital Project 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 THREE DOLLARS (\$3) in the Capital Project 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 appropriations herein for the Colorado Department of Transportation Congestion Mitigation and Air Quality (CMAQ) grant and the Highway Improvement Program (HIP) grant and the Surface Transportation Block Grant (STBG) and the Funding Advancement Surface Transportation and Economic Recovery (FASTER) grant funds are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but

continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on May 7, 2024, and approved on second reading for final passage on May 21, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: May 31, 2024

Approving Attorney: Heather N. Jarvis