

ORDINANCE NO. 113, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM PRIOR
YEAR RESERVES AND DEVELOPER CONTRIBUTIONS AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
COLLEGE AVENUE-TRILBY ROAD INTERSECTION
IMPROVEMENTS PROJECT AND RELATED ART IN PUBLIC
PLACES

A. This Ordinance appropriates supplemental funding for the College Avenue-Trilby Road Intersection Improvements Project (the “Project”).

B. In 2020, the City’s Arterial Intersection Prioritization Study identified improvement of the intersection of Trilby Road and South College Avenue (also known as State Highway 287) as a high priority due to traffic safety and congestion issues, and due to a lack of active modes infrastructure. The Colorado Department of Transportation (CDOT) has also identified improvement of this intersection as a high priority to address serious injury crashes.

C. Engineering, Traffic Operations and FC Moves staff further identified safety and operational concerns with the current intersection, including high frequencies of approach turn crashes and rear-end crashes; a lack of bicycle and pedestrian accessibility and infrastructure; high volumes of motorists on the north-south legs of South College Avenue; and increasing volumes of traffic on the east-west approach legs of Trilby Road.

D. In 2020, design of the Project began, aimed at addressing the issues identified, reconstructing the intersection, improving safety for current and future traffic levels as growth continues in the region, and creating a safer intersection for all users. The new 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. Pedestrians and bicycles will benefit from shared use paths on South College Avenue (ten-foot wide detached) and Trilby Road (eight-foot wide attached). Transit users will benefit from new bus stops on the south side of the intersection on South College Avenue.

E. In 2022 after CDOT approval, the real property acquisition phase began (right-of-way, permanent utility easements, and temporary construction easements) and has involved over twenty-four different land parcels. Local funding is used for acquisition costs directly related to real property, relocation costs, and property transfer fees. Acquisition costs to develop right-of-way plans, real estate consulting services, and outside legal representation are eligible grant expenses. This is standard practice on CDOT local agency projects.

F. Acquisition has taken longer than anticipated and has been significantly more expensive (approximately \$4.5M) than originally estimated (approximately \$3.0M),

because of significant escalation in property values during the process, increased use of settlements to minimize delays in some acquisitions, increased consulting needs (land appraisal and real estate services) resulting from updated CDOT right-of-way processes, and increased costs due to the need for eminent domain proceedings.

G. In early 2023, the City engaged a regional Construction Manager/General Contractor (CM/GC) to assist in the final design to improve efficiency in constructability and identify potential construction cost savings. Due to the lengthy acquisition phase, the construction phase was divided into packages to commence early work in areas where right-of-way had been secured while remaining right-of-way was obtained.

H. Construction package one (earthwork and walls) is currently underway and nearing completion. The City is currently negotiating construction packages two and three with the CM/GC. Staff anticipates starting package two later in August 2024. The overall Project is anticipated to be completed in 2025.

I. Funds that were appropriated to the Project before this action were used primarily for design, acquisition, and construction package one. Additional appropriations totaling \$1,520,900 are sought to cover the unanticipated additional cost of real property acquisition. A development payment-in-lieu (PIL) contribution toward constructing the local street portion to the City (\$11,900) is included in this appropriation. The PIL was required by redevelopment occurring on a small parcel with frontage included in the Project area limits. The other appropriation amounts included in this Ordinance include Transportation Capital Expansion Fee funds, Transportation Services fund reserves, and Community Capital Improvement Program Arterial Intersection Improvements funds.

J. 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.

K. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transportation Improvement fund, Transportation Capital Expansion Fee fund, the Transportation Services fund, as applicable, and will not cause the total amount appropriated in the Transportation Improvement fund, Transportation Capital Expansion Fee fund, 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.

L. 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.

M. The City Manager has recommended the transfer of \$600,000 from the Community Capital Improvement Project fund to the College Avenue-Trilby Road Intersection Improvements Project in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

N. 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 or contribution, 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 contribution or the City's expenditure of all funds received from such contribution.

O. The City Council wishes to designate the appropriation herein for the College Avenue-Trilby Road Intersection Improvements Project as an appropriation that shall not lapse until the completion of the project.

P. This Project involves construction estimated to cost more than \$250,000 and, under City Code Section 23-304 is required to transfer one percent of these appropriations to the Cultural Services and Facilities fund for a contribution to the Art in Public Places ("APP") program.

Q. A portion of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP program due to being applied to the Community Capital Improvement Program Arterial Intersections Improvements Budget in 2023-2024 Budgeting for Outcomes as previously appropriated with APP the source of these funds.

R. The project cost of \$911,900 has been used to calculate the contribution to the APP program.

S. The amount to be contributed in this Ordinance will be \$9,119.

T. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving transportation infrastructure within the City.

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 prior year reserves in the Transportation Improvement fund the sum of ELEVEN THOUSAND NINE HUNDRED DOLLARS (\$11,900) to be expended in the Transportation Improvement fund for transfer

to the Capital Projects fund and appropriated therein for the College Avenue-Trilby Road Intersection Improvements Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of NINE HUNDRED EIGHT THOUSAND EIGHT HUNDRED TWENTY DOLLARS (\$908,820) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund and appropriated therein for the College Avenue-Trilby Road Intersection Improvements Project.

Section 3. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of ONE HUNDRED EIGHTY DOLLARS (\$180) to be expended in the Transportation Services fund for transfer to the Capital Projects fund and appropriated therein for the College Avenue-Trilby Road Intersection Improvements Project.

Section 4. The unexpended and unencumbered appropriated amount of SIX HUNDRED THOUSAND DOLLARS (\$600,000) in Community Capital Improvement Project Arterial Intersection Improvement budget in the Capital Project fund to the College Avenue-Trilby Road Intersection Improvements Project in the Capital Projects fund and appropriated and expended therein for the College Avenue-Trilby Road Intersection Improvements Project.

Section 5. The unexpended and unencumbered appropriated amount of SEVEN THOUSAND ONE HUNDRED THIRTEEN DOLLARS (\$7,113) 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 6. The unexpended and unencumbered appropriated amount of ONE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS (\$1,824) 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 7. The unexpended and unencumbered appropriated amount of ONE HUNDRED EIGHTY-TWO DOLLARS (\$182) 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 8. The appropriations herein for the College Avenue-Trilby Road Intersection Improvements Project are designated as appropriations that shall not lapse until the completion of the Project.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: September 13, 2024

Approving Attorney: Heather N. Jarvis