

ORDINANCE NO. 119, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM
COLORADO DEPARTMENT OF TRANSPORTATION REVENUE
FOR THE INTERSECTION IMPROVEMENTS ON US-287
(COLLEGE AVENUE) PROJECT

A. The Intersection Improvements on US-287 (College Avenue) Project (the "Project") has been developed to address traffic signal deficiencies at three intersections along US 287.

B. The City was awarded \$876,816 in Fiscal Year 2021 Surface Transportation Block Grant ("STBG") program funds by the North Front Range Metropolitan Planning Organization ("NFRMPO") with local funding in the amount of \$182,268 (total funding of \$1,059,084).

C. The STBG application proposed to address traffic signal deficiencies at three intersections along US 287: Swallow Road, Pitkin Street, and Rutgers Avenue, but during the drafting and execution of the original Intergovernmental Agreement ("IGA") with the Colorado Department of Transportation ("CDOT"), the intersections at Swallow Road and Rutgers Avenue were replaced by Columbia Road and Harvard Street after being identified as higher priorities for CDOT. Pitkin Street remained within the Project scope.

D. The NFRMPO and CDOT allowed the City to remove the work at Harvard Street after Project estimates determined there was not enough funding to complete work at all three intersections. Additionally, the Harvard Street intersection is within the limits of the proposed Midtown Improvements project between Drake Road and Swallow Road (currently at the 30% design milestone). The proposed work at Harvard Street will be included in the Midtown project, reducing the chance for duplicative work.

E. CDOT has agreed to contribute funding (estimated at \$509,617) towards improvements to address Americans with Disabilities Act deficiencies at the remaining two intersections (Columbia Road and Pitkin Street) that were not originally identified in the grant application. The current estimate to complete the proposed improvements at the two intersections is \$1,568,701.

F. On June 26, 2024, as authorized by Resolution 2022-035, the City Manager executed an amendment to the CDOT IGA to increase the total funds from \$1,059,084 by \$509,617 to a new total funds amount of \$1,568,701 and to update the funding provisions exhibit of the IGA.

G. 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.

H. The City Manager has recommended the appropriations described herein and determined that these appropriations are 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.

I. 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 donation or the City's expenditure of all funds received from such grant or donation.

J. All 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 Surface Transportation Block Grant Program and Colorado Department of Transportation Americans With Disabilities Act, the sources of these funds.

K. The City Council wishes to designate the appropriations herein for Colorado Department of Transportation Surface Transportation Block Grant Program funds and Colorado Department of Transportation Americans With Disabilities Act 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.

L. 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 new revenue or other funds in the Capital Projects fund the sum of EIGHT HUNDRED SIXTEEN DOLLARS: (\$816) to be expended in the Capital Projects fund for Intersection Improvements on US-287 (College Avenue).

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of FIVE HUNDRED TEN THOUSAND FOUR HUNDRED THIRTY-THREE DOLLARS: (\$509,617) to be expended in the Capital Projects fund for Intersection Improvements on US-287 (College Avenue).

Section 3. The appropriations herein for Colorado Department of Transportation Surface Transportation Block Grants and the Colorado Department of Transportation Americans with Disabilities Act 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 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