

ORDINANCE NO. 006, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS,
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE WEST
ELIZABETH CORRIDOR FINAL DESIGN AND RELATED ART IN
PUBLIC PLACES

A. The City has identified the West Elizabeth Street travel corridor as the highest priority pedestrian and alternative travel mode area for improvement in the City as highlighted in City Plan and the Transit Master Plan. The corridor functions as a critical three-mile link for students accessing Colorado State University’s Main and Foothills campuses, and as a growing business and multi-family housing district.

B. The West Elizabeth Corridor Final Design Project (the “Project”) established the vision for multimodal improvements along the West Elizabeth Corridor and bus rapid transit (“BRT”) service with an emphasis on connectivity between the Colorado State University (“CSU”) Foothills Campus on the west and CSU’s Main Campus on the east; improving transit (including BRT stations), vehicle lanes and walking and biking pathways; and fostering existing business and future infill and redevelopment to accommodate the growing number of diversity of users in the corridor.

C. In 2020, the City initiated the design process for the West Elizabeth corridor with the Colorado Department of Transportation (Resolution 2020-072; Ordinance No. 097, 2020) and CSU (Resolution 2020-071) using funding from a Multimodal Options Funding (“MMOF”) grant (\$1.5M) from the North Front Range Metropolitan Planning Organization (“NFRMPO”), and designs for the Project were 30% complete in 2022.

D. In 2023 the City proceeded forward with the final 100% design and outreach using additional funding from a MMOF grant (\$2.5M) from the NFRMPO (Ordinance No. 069, 2023, Resolution 2023-041).

E. The City has also been awarded a Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) grant (\$10.7M) for construction of the Foothills Transit Station and Roundabout at Overland and West Elizabeth.

F. With the Foothills Transit Station and Overland/West Elizabeth roundabout construction funded by the RAISE grant, those elements were removed from the City’s most recent Small Starts grant project rating submittal.

G. Those items that were removed from the Small Starts application are no longer eligible for Federal Transit Administration Capital Investment Grant (“CIG”) funding, which funding applies only to the Small Starts scope. Removed items are related to the RAISE scope, and the funding for those items is being requested as local funds and not CIG grant funds. Those items include the 60% design – completed in June of 2024, the 100% design of the transit items in the scope of the RAISE grant – anticipated

for the Fall of 2025, and the 100% Design of the CIG corridor – anticipated for the Fall of 2026.

H. The amount budgeted for the final design of the West Elizabeth BRT Corridor was \$2,500,000, which was estimated during 30% design. During the 60% design phase, several scope additions were identified that were not included in the final design budget initially.

I. The additional identified scope additions include the Transit Maintenance Facility Expansion, electric vehicle charging infrastructure, driver restroom facility and cathodic protection relocation designs at the Foothills Transit Station, street lighting design on CSU's main campus, transit technology Colorado Department of Transportation approval process and the process for Conditional Letter of Map Revision, Laurel and Meldrum intersection improvements and BRT routing optimization. The total estimated cost of these new scope additions is \$1,750,000.

J. Since the 30% design, there have also been scope additions focused on protected infrastructure, such as a protected roundabout at Overland Trail and West Elizabeth, protected intersections, and raised protected bike lanes. The prioritization of the protected infrastructure came from City and CSU leadership and staff who had attended the ThinkBike Workshop presented by the Dutch Cycling Assembly.

K. As the design progresses to 100% completion, funding will also be needed to prepare for right-of-way acquisition for the corridor. Right-of-way services have been estimated at \$2,020,000.

L. Additional design funding in the amount of \$3,500,000 is needed to finalize plans and bid documents to 100% for the entire corridor, including the BRT corridor routing revision to maximize ridership for Small Starts grant project rating. Right-of-way services fees are also needed as part of this appropriation.

M. 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.

N. 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.

O. 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.

P. The City Manager has recommended the appropriation described herein and has determined that this appropriation is available and previously unappropriated from the 2050 Tax Parks Rec Transit Our Climate Future (“OCF”) tax funds and will not cause the total amount appropriated in the 2050 Tax Parks Rec Transit OCF 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.

Q. 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.

R. The City Manager has recommended the transfer of \$1,016,600 from the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund, the transfer of \$441,000 from the 2050 Tax Parks Rec Transit OCF fund to the Transit Services fund and the transfer of \$14,576 from the 2050 Tax Parks Rec Transit OCF fund to the Cultural Services and Facilities fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

S. 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.

T. The City Council wishes to designate the appropriations herein from the Federal Transit Administration CIG for the Project as appropriations that shall not lapse until the expiration of the 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, 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. City Code Section 23-304(a) provides, “If any construction project is partially funded from any source which precludes a work of art as an object of expenditure of such funds, the appropriation for works of art shall be equal to one (1) percent of the portion of

the estimate project cost that will be funded from the project funding sources that are not so restricted.”

W. 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 the Federal Transit Administration, the source of these funds. Therefore, the local match of \$1,457,600 has been used to calculate the contribution to the APP program.

X. The amount to be contributed to the APP program in this Ordinance is \$14,576.

Y. The appropriations in this Ordinance benefit public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving multimodal transportation infrastructure, safety, and accessibility 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 FOUR MILLION SIXTY-SIX THOUSAND FOUR HUNDRED DOLLARS (\$4,066,400) to be expended in the Capital Projects fund for the West Elizabeth Corridor Final Design Project.

Section 2. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF fund the sum of ONE MILLION SIXTEEN THOUSAND SIX HUNDRED DOLLARS (\$1,016,600) to be expended in the 2050 Tax Parks Rec Transit OCF fund for transfer to the Capital Projects fund and appropriated and expended therein for the West Elizabeth Corridor Final Design Project.

Section 3. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF fund the sum of FOUR HUNDRED FORTY-ONE THOUSAND DOLLARS (\$441,000) to be expended in the 2050 Tax Parks Rec Transit OCF fund for transfer to the Transit Services fund and appropriated and expended therein for the West Elizabeth Corridor Final Design Project.

Section 4. The appropriations herein for the Federal Transit Administration Capital Investment Grant Program 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 grant or the City's expenditure of all funds received from such grant.

Section 5. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF fund the sum of ELEVEN THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS (\$11,369) to be expended in the 2050 Tax Parks Rec Transit

OCF fund for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 6. There is hereby appropriated from prior year in the 2050 Tax Parks Rec Transit OCF fund the sum of TWO THOUSAND NINE HUNDRED FIFTEEN DOLLARS (\$2,915) to be expended in the 2050 Tax Parks Rec Transit OCF fund for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 7. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF fund the sum of TWO HUNDRED NINETY-TWO DOLLARS (\$292) to be expended in the 2050 Tax Parks Rec Transit OCF fund for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Introduced, considered favorably on first reading on January 21, 2025, and approved on second reading for final passage on February 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 14, 2025
Approving Attorney: Heather N. Jarvis