

ORDINANCE NO. 021, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT AND
RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (the "Project"). These funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane.

B. The Active Modes Plan that the City adopted in 2022 recommends bicycle and pedestrian improvements at locations where these improvements could reduce vehicular-pedestrian and vehicle-cyclist crashes. The Project has been developed to install a mix of improvements including signal beacons and Americans with Disabilities Act infrastructure to improve pedestrian and bicycle safety. The evaluation, design, and installation of the Project is explained in additional detail in Ordinance No. 132, 2024, and Resolution 2024-111.

C. In 2018, The Standard at Fort Collins, LLC, entered into a development agreement with the City, which described the requirements and conditions for the development of The Standard at Fort Collins property on West Prospect Road. The Development Agreement contemplated construction of a pedestrian signal across Prospect Road near the proposed development and obligated the developer to contribute \$20,000 to the City for the design and construction of this improvement. The contribution was a payment-lieu-of not having constructed the adequate public facilities under Transitional Land Use Regulations Sections 3.6.4(B) and 3.7.3(D)(1)(b).

D. 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.

E. The City Manager has recommended the appropriation described herein and determined that the funds for this appropriation are available and previously unappropriated from the Transportation Capital Expansion Fee fund and that this appropriation will not cause the total amount appropriated in the Transportation Capital Expansion Fee 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.

F. 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.

G. The City Manager has recommended the transfer of \$20,000 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project 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.

I. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

J. This Project involves construction that is 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 ("APP") program.

K. The Project cost of \$20,000 has been used to calculate the contribution to the APP program.

L. The amount to be contributed by this Ordinance will be \$200.

M. 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 prior year reserves in the Transportation Capital Expansion Fee fund the sum of TWENTY THOUSAND DOLLARS: (\$20,000) to be expended in the Transportation Capital Expansion Fee fund for Transfer to the Capital Projects fund for the Pedestrian Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIFTY-SIX DOLLARS: (\$156) 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 3. The unexpended and unencumbered appropriated amount of FORTY DOLLARS: (\$40) 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 4. The unexpended and unencumbered appropriated amount of FOUR DOLLARS: (\$4) 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 5. The appropriation herein for the Pedestrian Intersection Improvements Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the capital project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

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