



**FORMAL AGENDA ITEM**

**COUNCIL MEETING DATE:** October 27, 2009

**TO:** Honorable Mayor and Members of City Council

**VIA:** *Penelope Culbreth-Graft*  
Penelope Culbreth-Graft, DPA - City Manager

**FROM:** Nancy Johnson, Assistant City Manager  
Champney A. McNair, Jr., PE - City Engineer *CA McNair*

**Subject Title:** **AN ORDINANCE AMENDING ORDINANCE NUMBER 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$34,975 FOR THE GENERAL FUND AND AMENDING ORDINANCE NUMBER 08-213 (2009 REVENUE AND APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$83,566 FOR THE STORMWATER ENTERPRISE FUND.**

**Strategic Goal(s) this item supports:**



**SUMMARY:**

The attached ordinance provides a supplemental appropriation of funds in the Land Escrow Account for construction projects in the General Fund and in the Stormwater Enterprise Fund. City Engineering has obtained funds from seven subdivision projects due to default on the part of the subdividers. The funds are held in the Land Escrow Account and need to be appropriated to project accounts in order for work to be performed to correct the deficiencies that were left by the subdividers.

**PREVIOUS COUNCIL ACTION:**

City Council approved the 2009 Budget. This action will amend the 2009 Budget.

**BACKGROUND:**

The Land Escrow Account is the depository for cash financial assurances posted by land developers and subdividers. It is also the depository for funds obtained when the Subdivision Engineering Review Team makes a demand for payment on a developer's letter of credit or bond due to default. This appropriation ordinance will result in three transfers to the General Fund CIP budget and four transfers to the Stormwater Enterprise Fund CIP budget.

Transfers totaling \$34,975 to the General Fund Subdivision Deficiency Construction Project (001-3100-9310223):

1. \$23,175 (receipt #68555) to correct street deficiencies in Broadmoor Glen South Filing No. 13.
2. \$ 1,200 (receipt #44917) to correct street deficiencies in Fenmoor Subdivision Filing No. 6.
3. \$10,600 (receipt #45498) to correct street deficiencies in Lovedahl Subdivision.

Transfers totaling \$83,566 to the Stormwater Enterprise Fund Emergency Stormwater Drainage Repairs Project (485-7800-9780002):

1. \$29,005 (receipt #92695) to correct erosion control deficiencies in Blackwood Crossing.
2. \$28,465 (receipt #90034) to correct erosion control deficiencies in Palomino Ranch at Stetson Ridge.
3. \$22,638 (receipt #87832) to correct erosion control deficiencies in Courtyards @ Briargate Filing No. 1.
4. \$ 3,458 (receipt #54771) to correct erosion control deficiencies in Bentley Condominiums Filing No. 1.

**FINANCIAL IMPLICATIONS:**

This supplemental appropriation has no adverse effect on the 2009 Budget. Funds are being put in as revenue and expenditure appropriations with a net zero effect. The supplemental appropriation will provide funding to construct improvements and provide maintenance.

**BOARD/COMMISSION RECOMMENDATION:**

N/A

**STAKEHOLDER PROCESS:**

N/A

**RECOMMENDATION:**

Approval of the supplemental appropriation ordinance.

**ALTERNATIVES:**

City Council has the following alternatives related to this issue:

1. City Council could approve the supplemental appropriation;
2. City Council could modify the supplemental appropriation; or
3. City Council could decline to approve the supplemental appropriation. However, staff would appreciate Council's direction on an alternate course of action.

**PROPOSED MOTION:**

Move approval of the supplemental appropriation ordinance.

C: Terry Velasquez, Chief Financial Officer  
Dave Lethbridge, Subdivision Engineering Review Manager  
Ken Sampley, Stormwater Enterprise Manager

**List of attachments for this item:**  
- Appropriation Ordinance

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NUMBER 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$34,975 FOR THE GENERAL FUND; AND,**

**AMENDING ORDINANCE NUMBER 08-213 (2009 REVENUE AND APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$83,566 FOR THE STORMWATER ENTERPRISE FUND.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

**Section 1:** Ordinance No. 09-33 (2009 Amended Appropriation Ordinance) is hereby amended by increasing the revenue and expenditure appropriations in the General Fund CIP Budget in the amount of \$34,975. The source of these funds is the Land Escrow Account.

**Section 2:** Ordinance No. 08-213 (2009 Revenue and Appropriation Ordinance) is hereby amended by increasing the revenue and expenditure appropriations in the Stormwater Enterprise Fund CIP Budget in the amount of \$83,566. The source of these funds is the Land Escrow Account.

**Section 3:** This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

**Section 4:** City Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk