

RESOLUTION 2024-025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN AMENDMENT TO AN EXISTING
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure.

B. The Laporte Avenue corridor between Fishback Avenue and Sunset Street currently has several gaps in bicycle and pedestrian facilities. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined. The corridor also provides access to Poudre High School and has significant bicycle and pedestrian activity with the proximity of the school and residential neighborhoods.

C. There have been several near misses in recent years involving bicyclists and pedestrians and at least one serious vehicle-pedestrian accident in 2015 in this Laporte Avenue corridor.

D. A precursor project, the Laporte Bridges Project, has begun to address safety issues in this corridor by replacing and widening two previously deficient bridges on Laporte Avenue over the New Mercer Canal, just north of Grandview Cemetery.

E. The Laporte Avenue Multimodal Improvement Project (Laporte Project) has been developed to improve vehicular, bicycle, and pedestrian safety along the Laporte Avenue corridor by addressing deficient sidewalks, adding bicycle lanes, and adding a center reversible turn lane, upgrading the roadway with curb and gutter, improving drainage along the corridor, and installing other traffic improvements.

F. The Laporte Project will install improvements from Fishback Avenue to Sunset Street and will also include improvements to the intersection at Taft Hill and Laporte.

G. Laporte Avenue is identified in the City's 2014 Bicycle Master Plan as part of the City's Low Stress Bicycle Network and is recognized by the North Front Range Metropolitan Planning Organization (NFRMPO) as a high priority for bicycle and pedestrian improvements.

H. In 2020, the City was awarded two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Options Fund (MMOF) grant. The funds were awarded to the City through the NFRMPO and the Colorado Department

of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City was awarded the Revitalizing Mainstreet (RMS) Grant. These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2021 via Ordinance No. 155, 2021. These funds were used to fund design, right-of-way acquisition, and partial construction.

I. In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program), Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program), and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds.

J. City staff presented this project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the TAP local match to fund construction for the Laporte Project.

K. CDOT administers the grant funds for the Laporte Project. In 2022, via Resolution 2022-027, the City Council authorized execution of an intergovernmental agreement (IGA) with CDOT.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue to address the safety concerns and lack of multimodal infrastructure.

M. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

N. Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

O. City Code Section 1-22 requires the City Council to approve IGAs that require the City to make a direct, monetary payment over \$50,000, and the proposed IGA requires the City to provide matching funds in the amount of \$675,000.

P. The City Council has determined that the IGA with CDOT is in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT in support thereof.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council authorizes the Mayor to execute, on behalf of the City, an Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with such additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Section 2. The City Council hereby authorizes the City Manager to approve and execute future amendments to the IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Laporte Avenue Multimodal Improvement Project, so long as such amendments do not increase the cost of the Laporte Project, substantially modify the purposes of the IGA, increase the allocation or amount of funding for the Laporte Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the IGA.

Passed and adopted on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 5, 2024

Approving Attorney: Heather N. Jarvis