

RESOLUTION 2024-097
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF 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 road experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor.

B. The corridor has several gaps in multimodal transportation infrastructure. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined.

C. The Laporte Avenue projects are developed in three phases: 1) the Bridges and roadway work between Taft Hill Road and Frey Avenue (“Bridges”), 2) installation of pedestrian and bicycle side paths between Frey Avenue and Fishback Avenue (“East Project”), and 3) installation of pedestrian and bicycle side paths between Sunset Street and Taft Hill Road (“West Project”). Collectively the East Project and West Project comprise the Laporte Avenue Multimodal Improvement Project (the “Project”).

D. The initial Bridges phase of this work was completed in 2023 and replaced two aging bridges in the corridor. The East Project began earlier in 2024 and is scheduled to be completed later in August. The West Project is scheduled to begin in October once property acquisition is complete. Construction was broken into East and West Projects to accommodate the property acquisition schedule introducing some additional design cost.

E. The project delivery method for the East and West Projects is Construction Manager/General Contractor (“CM/GC”). The chosen contractor held their proposed pricing for the East Project despite a delay in beginning construction due to property acquisition and the Colorado Department of Transportation (“CDOT”) approval. The CM/GC has demonstrated by providing open book pricing and confirmed by an independent cost estimate that price escalation has impacted many of the materials and costs for the West Project. Construction cost inflation is confirmed by the CDOT Colorado Construction Cost Index report showing an annual percentage increase in construction costs of 8.03%.

F. Additionally, the cost to acquire real property for the West Project has been significantly higher than was estimated. Increased acquisition costs result from 1) significant escalation in property values during the process, 2) increased use of settlements to minimize delays in some acquisitions, and 3) increased consulting needs (land appraisal and real estate services) resulting from updated CDOT right-of-way processes.

G. During this design effort, the City applied for and was awarded Fiscal Year 2027 Colorado Department of Transportation Highway Safety Improvement Program (“HSIP”) grant funds to install a Rectangular Rapid Flashing Beacon (“RRFB”) for additional pedestrian and bicycle safety within the West Project limits at Impala Drive.

H. CDOT has agreed to provide the funding early so that the RRFB may be included in the construction and has proposed an amendment to the existing CDOT Intergovernmental Agreement (the “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.

I. Savings from the Bridges (\$517,000) can be reappropriated to the West Project. Including the local match for the HSIP award (\$335,454), it is estimated that an additional \$560,055 (including \$49,500 in CDOT HSIP funds) is needed to complete construction on the West Project.

J. Resolution 2024-025 authorized execution of an amendment to the IGA with CDOT, which administers the grant funds for the Project, and this Resolution seeks to authorize a further amendment of that IGA to enable the City to receive and expend the additional grant funds to continue the Project.

K. 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.

L. 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.

M. 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 amendment amends an IGA that requires the City to provide total matching funds in the amount of \$1,420,500.

N. The City Council has determined that this amendment to the IGA with CDOT is in the best interests of the City and that the Mayor be authorized to execute the amendment to 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, upon the effective date of Ordinance No. 118, 2024, an amendment to the intergovernmental agreement with the Colorado Department of Transportation relating to the Laport Avenue Multimodal Improvement Project, 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 authorizes the City Manager to approve and execute future amendments to the intergovernmental agreement with the Colorado Department of Transportation relating to the Laport Avenue Multimodal Improvement Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Laport Avenue Multimodal Improvement Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the intergovernmental agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in this amendment to the intergovernmental agreement.

Passed and adopted on August 20, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: August 20, 2024
Approving Attorney: Heather N. Jarvis