

**RESOLUTION 2020-071
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH COLORADO STATE
UNIVERSITY FOR FUNDING THE 30% DESIGN OF DESIGN WORK FOR THE WEST
ELIZABETH ENHANCED TRAVEL CORRIDOR PROJECT**

WHEREAS, the City has identified the West Elizabeth Street corridor as the highest priority pedestrian and alternative mode of transportation area in need of improvement within the City (the "Project"); and

WHEREAS, the West Elizabeth Street corridor has historically high bus passenger and bike commuter rates, as it heavily traveled by individuals going to and from Colorado State University, including students, faculty and staff; and

WHEREAS, the West Elizabeth Street corridor contains a growing business district, over 24,000 residents, supports 20,000 jobs and needs increased levels of transit capacity, contiguous sidewalks, and multi-modal infrastructure improvements as contemplated by the Project; and

WHEREAS, the City was awarded a \$750,000 Multimodal Options Fund grant ("MOF Grant") from the North Front Range Metropolitan Planning Organization ("NFRMPO") to complete thirty percent (30%) of the design of the Project; and

WHEREAS, the Colorado Department of Transportation ("CDOT") manages the MOF Grant funding for NFRMPO; and

WHEREAS, the goal of the MOF Grant funded design for the Project is to promote safer travel for all modes of transportation and the option for a bus turnaround on West Elizabeth Street, creating route efficiencies along the West Elizabeth Street corridor; and

WHEREAS, this Resolution comes before City Council to authorize an Intergovernmental Agreement ("IGA") between the City and CSU substantially in the form shown on Exhibit "A" attached hereto and incorporated herein by this reference to share equally the \$750,000 local match requirement of the MOF Grant; and

WHEREAS, the execution of the CSU IGA is a condition precedent to the City entering into the CDOT IGA for MOF Grant; and

WHEREAS, the City Council desires to approve the CSU IGA for CSU's payment of one half of the \$750,000 local match required by the MOF Grant (or \$375,000), finding it in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Mayor is hereby authorized to sign, on behalf of the City, the Intergovernmental Agreement with CSU to provide one half of the \$750,000 required local matching funds for the MOF Grant 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 this Resolution.


Section 3. That during the term of the IGA the City Manager, in consultation with the City Attorney, is also authorized to approve and execute amendments to the IGA consistent with this Resolution so long as the City Manager determines such amendments: (a) are reasonably necessary and appropriate to protect the City's interests or provide a benefit to the City; (b) effectuate the purposes of this Resolution; and (c) limit the City's financial obligation to expenditure of funds already appropriated and approved by Council or are conditioned upon such appropriation.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of August, A.D. 2020.



Mayor

ATTEST:



City Clerk



**INTERGOVERNMENTAL AGREEMENT
FOR WEST ELIZABETH CORRIDOR CONCEPT DESIGN**

THIS AGREEMENT (the “Agreement”) is made and entered into this __ day of _____, 2020, by and between the **CITY OF FORT COLLINS, COLORADO, a Municipal Corporation**, (the “City”) and the **BOARD OF GOVERNORS of the COLORADO STATE UNIVERSITY SYSTEM, acting by and through COLORADO STATE UNIVERSITY** (the “University”).

Recitals

- A. The City and the University are working together on a concept design for the overall development of the section of the West Elizabeth Corridor from the University’s Foothills Campus, adjacent to Overland Trail, to the existing transit center on the University’s Main Campus and the MAX Bus Rapid Transit Corridor. This design has the intent of integrating current and proposed University multi-modal infrastructure into the overall West Elizabeth Corridor. In addition, this design will include improvements to the transit system, enhanced facilities for pedestrians and bicyclists, improved traffic safety, and will be in accordance with all City and University Master Plans.
- B. The West Elizabeth Corridor provides a critical transportation connection for a growing business district; high-density housing area; and transit-dependent residents while serving as a link for students, faculty and staff accessing the CSU Main and Foothills Campuses. The corridor contains over 24,000 residents, supported by 20,000 jobs. The corridor is in need of increased levels of transit capacity, contiguous sidewalks, and multi-modal infrastructure improvements.
- C. The parties desire to enter into this Agreement in order to set forth mutual collaboration concerning the financing and overall process associated with the West Elizabeth Corridor Concept Design (the “Design”).

NOW THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. **General Purpose.** The general purpose of this Agreement is to establish and formalize the basic understanding between the parties regarding their efforts to develop the Design to be used for the benefit of the City and the University. The City and the University agree to collaborate on the development of the Design, including financing, award, and the overall requirements for submitting a Federal Transit Administration (FTA) Small Starts funding

grant (<https://www.transit.dot.gov/funding/grant-programs/capital-investments/about-program>):

- Total project cost is less than \$300 million and total Small Starts funding sought is less than \$100 million
- Project must:
 - Be located in a corridor that is at or over capacity or will be in five years
 - Increase capacity by 10%
 - "Not include project elements designated to maintain a state of good repair"
- New fixed guideway systems (light rail, commuter rail etc.)
- Extension to existing system
- Fixed guideway BRT system
- Corridor-based BRT system
- Substantial corridor-based investment in existing fixed guideway system

The City and University, as part of this agreement, also agree to collaborate on the long-term plans for development of the West Elizabeth Corridor. The goal of this immediate effort is to provide a 30% concept design and get cost estimates for a final design, right of way acquisition, and construction funding. The City and University will then seek this additional funding, through the FTA, to execute the overall West Elizabeth Corridor project.

2. **West Elizabeth Corridor Concept Design Process.**

- a. The City agrees to include University personnel in regular (at least monthly) project meetings throughout the design process. The City will share minutes of these meetings with the University.
- b. The University will provide committee members to support the review, rating, and selection of the consulting firm(s) chosen to deliver goals outlined in the General Purpose above.
- c. Design coordination and reviews. The City and University further agree to work together on detailed review and approval of design plans for the Corridor.
 - i. The City agrees to solicit University input during all design phases. The University agrees to provide input, including design standards and specifications as needed.
 - ii. Design plans will be routed for review by applicable University departments and review committees. This includes, but is not limited to, formal review by the University Facilities Management Department, Physical Development Committee, Design Review Committee, CSURF, CSU Board of Governors, and Executive Committee of the President's Cabinet.
 - iii. The University Primary Contact will be responsible for coordinating design review and approvals.
 - iv. The University will have project representatives involved in community engagement and public outreach efforts throughout the design process.

3. **Finance.** The cost of the concept design will be paid by a combination of funding sources. The overall cost of the concept design is \$1,500,000. Of the total, \$750,000 is being funded by the Colorado Department of Transportation (CDOT) through award of the Multi-Modal Options Fund (MMOF) grant program. That funding is being made available as of July 1, 2020, which required a 50% “local match”. Of the required \$750,000 local match funding for the design, the University has agreed to pay for \$375,000, and the City has agreed to pay for \$375,000. All funding shall be appropriated and made available by the time the design is awarded.
4. **Tabor.** All financial obligations of the City or the University arising under this Agreement that are payable after the current fiscal year are contingent upon funds for that purpose being annually appropriated, budgeted, or otherwise made available by the governing bodies of the City or the University.
5. **Assignment.** Neither party may assign any rights or delegate any duties under this Agreement without the written consent of the other party.
6. **Jurisdiction/Severability.** This agreement shall be governed in all respects by the laws of the State of Colorado. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

CITY OF FORT COLLINS, COLORADO

By: _____

ATTEST:

By: _____
City Clerk

Approved as to form:

By: _____
Asst. City Attorney

**THE BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM,**

**ACTING BY AND THROUGH COLORADO
STATE UNIVERSITY**

Date: _____

By: _____
Joyce McConnell, President

Legal Review:

Date: _____

By: _____
_____, General Counsel
Colorado State University System