



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: **March 14, 2022**

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Jeff Hawkins, Director of Stormwater
SUBJECT: AN ORDINANCE APPROVING A STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF PUEBLO AND PUBLIC SERVICE CO OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ACCEPTING A RELATED EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF DRAINAGE DETENTION AND DRAINAGE UTILITIES

SUMMARY:

This Ordinance approves a Stormwater Facility Maintenance Agreement with the City of Pueblo and Public Service Co of Colorado and accepts an easement granted by Public Service Co of Colorado for the purpose of water quality.

PREVIOUS COUNCIL ACTION:

On September 23, 2019, Council passed Ordinance No. 9560, amending chapter 5 of title VII, chapters 4 and 6 of title XII, and chapter 12 of title XVI of the Pueblo Municipal code relating to needed amendments to meet the minimum requirements of the MS4 permit. .

BACKGROUND:

This parcel of real property located at 615 West Street, Pueblo, CO 81003 is required to have a water quality facility installed per the City of Pueblo's MS4 permit requirements. This easement and Stormwater Facility Maintenance Agreement will provide assurances that the water quality facility continues to function properly.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

Alternatives No. 1 – No action

Under this alternative, the detention facility could still be built but there would be no legal assurance to prevent improvements from being built in the detention facility. Such improvements could hinder or prevent operation of the detention facility thus, potentially causing detrimental stormwater impacts to the properties and citizens downstream. Without the Stormwater Facility Maintenance and easement, the City of Pueblo would be in violation of the MS4 permit requirements regulated by the Colorado Department of Public Health & Environment.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Stormwater Facility Maintenance Agreement
DPW-110 (Easement)

ORDINANCE NO. _____

AN ORDINANCE APPROVING A STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF PUEBLO AND PUBLIC SERVICE CO OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ACCEPTING A RELATED EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF DRAINAGE DETENTION AND DRAINAGE UTILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Stormwater Facility Maintenance Agreement between Public Service Co of Colorado (“Developer”) and the City of Pueblo and (the “Agreement”), a copy of which is attached hereto, having been approved as to form by the City Attorney, is hereby approved. The Mayor is authorized to execute and deliver said Agreement in the name of the City, and the City Clerk is directed to affix the seal of the City thereto and attest same.

SECTION 2.

Consistent with and related to the Agreement, Developer has granted an easement and right-of-way for drainage detention and drainage utilities to the City of Pueblo. The Easement and Right-of-Way granted, a copy of which is attached hereto, having been approved as to form by the City Attorney, is hereby approved and accepted.

SECTION 3.

The City Clerk is directed to cause said Agreement and Easement and Right-of-Way to be both recorded in the office of the Pueblo County Clerk and Recorder forthwith. The recording fees for same to be paid for by the Developer.

SECTION 4.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Agreement which are necessary or desirable to implement the transactions described therein.

SECTION 5.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk