



**COUNCIL MEETING DATE:** July 25, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas A. Gradisar, Mayor

VIA: Marisa Stoller, City Clerk

FROM: Daniel C. Kogovsek, City Attorney

SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL AND GREENWAY DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO AND THE FOUNTAIN CREEK WATERSHED WATER ACTIVITY ENTERPRISE RELATING TO THE PUEBLO LEVEE SYSTEM FLOODPLAIN RESTORATION PROJECT

**SUMMARY:**

This Ordinance approves and authorizes the Mayor to sign an Intergovernmental Agreement with the Fountain Creek Watershed, Flood Control and Greenway District (“District”) and the Fountain Creek Watershed Water Activity Enterprise (“Enterprise”) relating to the Pueblo Levee System Floodplain Restoration Project (“PLSFRP”).

**PREVIOUS COUNCIL ACTION:**

Not applicable to this Ordinance.

**BACKGROUND**

Pursuant to C.R.S. § 32-11.5-201, the District was created and established as a political subdivision of the State of Colorado with the stated purpose of providing management, administration and to fund capital improvements necessary in the Fountain Creek watershed to prevent and mitigate flooding, sedimentation, and erosion; improve water quality and otherwise address water quantity issues; improve drainage; fund the acquisition and protection of open space; develop public recreational opportunities, including parks, trails, and open space; and improve wildlife and aquatic habitat and restore, enhance, establish, and preserve wetlands.

The District established the Enterprise to hold, manage and expend funds made available to the District for flood control projects on Fountain Creek in El Paso and Pueblo Counties. The Enterprise is a separate legal entity but is controlled by and works on projects approved by the District.

The District and the Enterprise have approved and authorized the PLSFRP. The Enterprise has engaged Matrix Design Group, Inc. ("Matrix") to provide planning and design services for the construction, administration, implementation and observation of the PLSFRP. The goals of the PLSFRP are (1) to improve flood conveyance capacity by the removal of relic railroad infrastructure; (2) the grading of overbank areas; (3) to encourage natural "flow-through" wetland function; and (4) to remove noxious vegetation and establish native vegetation.

**FINANCIAL IMPLICATIONS**

All costs of the PLSFRP will be paid by the Enterprise.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this ordinance.

**STAKEHOLDER PROCESS:**

Not applicable to this Ordinance.

**ALTERNATIVES:**

A no-action alternative would prevent the PLSFRP from going forward.

**RECOMMENDATION**

Approval of the Ordinance

**Attachments:**

Proposed Ordinance

Proposed Intergovernmental Agreement

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL AND GREENWAY DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO AND THE FOUNTAIN CREEK WATERSHED WATER ACTIVITY ENTERPRISE RELATING TO THE PUEBLO LEVEE SYSTEM FLOODPLAIN RESTORATION PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO that:

SECTION 1.

The Intergovernmental Agreement, dated August 8, 2022, between the City of Pueblo, a Colorado municipal corporation and the Fountain Creek Watershed, Flood Control and Greenway District, a political subdivision of the State of Colorado, and the Fountain Creek Watershed Water Activity Enterprise, a copy of which Agreement is attached hereto, having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

The Mayor is hereby authorized to execute said Intergovernmental Agreement for and on behalf of the City and the City Clerk is authorized to affix the seal of the City thereto and attest same.

SECTION 3.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Intergovernmental Agreement to implement the policies and procedures described herein.

**SECTION 4.**

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