

RESOLUTION 2025-049
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
GRANT AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND
THE COLORADO DEPARTMENT OF PUBLIC SAFETY FOR THE
NATURE-BASED SOLUTIONS PLAN AND STORMWATER PARK
CONCEPT PLAN PROJECT

A. The purpose of this item is to enable the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (the "Project").

B. The Project seeks to find a predictable solution for developers who wish to overlay natural habitat protection zoning standards, nature based landscape designs and naturalized stormwater facilities in their neighborhood developments in Fort Collins. The purpose of this Project is to create a comprehensive master plan that integrates Nature-Based Solutions ("NbS") to enhance stormwater management at the neighborhood level and protect ecologically significant features identified by the Fort Collins Land Use Code and buffered from development.

C. The intent of the Project is to find an engineering and landscape design solution that enhances neighborhoods in Fort Collins with a harmonious blend of nature, fostering a sense of place, environmental stewardship, and community well-being. Through the integration of nature-based solutions and natural habitat design standards, staff envision increased community benefit from future development scenarios through:

- Alignment of stormwater management design criteria and natural habitat buffer zones ("NHBZs") established by Citywide policy, codes and standards;
- Added value from Utilities infrastructure and enhanced public benefit from developer requirements; and
- NbS and NHBZs provide improved water quality, stormwater runoff, and recharge groundwater resources.

D. The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety ("CDPS"), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project and has proposed an intergovernmental grant agreement with the City.

E. This award is part of the Federal Emergency Management Administration's ("FEMA's") Building Resilient Infrastructure and Communities ("BRIC") 2023 program. The \$398,431 award is federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will use budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

F. The grant funds are anticipated to be appropriated via Ordinance No. 076, 2025, and used for the Project.

G. 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.

H. City Charter Article II, Section 16 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.

I. Municipal Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and funds anticipated to be appropriated pursuant to this grant agreement amount to awarded funds of \$398,431 and staff time from 2025 through October 23, 2027, totaling \$245,641. City staff recommend that the City Council appropriate funds in these amounts by ordinance.

J. The City Council finds and determines that the Project and the CDPS BRIC grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating design and improvement of the City's natural habitats and landscapes and stormwater infrastructure, and that the Mayor be authorized to execute the intergovernmental grant agreement between the City and the CDPS in support thereof.

K. City Council has specifically approved policies, work plan items, Land Use Code updates, stormwater criteria, and priorities that this FEMA BRIC award and the Project are in furtherance of. The Project aligns with the following Council outcome areas and priorities:

- Economic Health: Reliable infrastructure for electricity, water, wastewater and flood protection is critical to ensure community resiliency amidst a changing climate;
- Environmental Health: Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents; and
- Council Priority: Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.

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, the intergovernmental grant agreement with the Colorado Division of Homeland

Security and Emergency Management, through the Colorado Department of Public Safety, in substantially the form attached hereto as Exhibit A, with 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 intergovernmental grant agreement with the Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the 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 the intergovernmental agreement.

Passed and adopted on May 6, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 6, 2025

Approving Attorney: Heather N. Jarvis