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A RESOLUTION AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR IRONDALE GULCH AT HIGHWAY 2

Summary & Background

The purpose of this resolution is to authorize the Mayor to execute a Second Amendment to an Intergovernmental Agreement (IGA) by and between the City of Commerce City and the Urban Drainage and Flood Control District (aka Mile High Flood District) regarding final design, right-of-way (ROW) acquisition, and construction of drainage and flood control improvements for Irondale Gulch at Highway 2.

The scope of this project is to design drainage and flood control improvements within the Irondale drainage basin. These improvements include constructing one or more detention/retention facilities to mitigate and control flooding of the Irondale basin. The benefits of these flood control measures include the following:

- Provide flood protection for the neighborhood within the Irondale Gulch watershed. Historically, Irondale Gulch was graded over and there is no longer a stream channel or stormwater infrastructure to handle the flows.
- Reduce peak flows prior to discharging into the E. 88th Ave. Stormwater line, which will be constructed as part of the E. 88th Ave. reconstruction project.

An IGA was approved with the Mile High Flood District (MHFD) for the design, ROW acquisition, and construction of drainage and flood control improvements for the Irondale Gulch drainage basin near Highway 2 (see Project Map) on December 18, 2021. The original IGA was for the engineering design for the flood control improvements and totaled \$200,000 (\$100,000 from MHFD and \$100,000 from the City). Due to funding limitations, the project must be funded in phases so funds are added (banked) to the project scope as they become available through amendments to the original agreement. Subsequently, the First Amendment to the IGA was approved on October 28, 2022 for engineering and a portion of the funding for the ROW acquisition needed for the flood control improvements, which totaled \$600,000 (\$300,000 from MHFD and \$300,000 from the City).

This Second Amendment to the IGA will add additional funding for the ROW acquisition for the project totaling \$600,000 (\$300,000 from MHFD and \$300,000 from the City). There is a Third Amendment planned for 2024 for \$600,000 for the construction of the planned improvements (\$300,000 from MHFD and \$300,000 from the City) and this will close out the funding for the project.

The construction of the improvements will occur once the final design is complete and the ROW parcels are identified and acquired.

Staff Responsible (Department Head): Shawn Poe, PE, CFM, Interim Director of Public Works and City Engineer

Staff Presenting: Shawn Poe, PE, CFM, Interim Director of Public Works and City Engineer

Financial Impact

The second amendment requires the City and MHFD to contribute \$300,000 each towards the cost of the project for a total of \$600,000. Previous funding in the amount of \$800,000 (\$400,000 from the City and \$400,000 from MHFD) was allocated to the project for the design and a portion of the ROW costs. Once this amendment is approved, there will be \$1.4 million for the project. The final phase of funding is planned to occur in 2024 in the amount of \$300,000 each from the City and MHFD for a total of \$600,000 for the actual construction of the detention/retention pond(s). Therefore, there will be \$2.0 million to fund the engineering design, ROW acquisition, and construction of the detention/retention pond(s). A breakdown in the funding is below:

<i>Year</i>	<i>City Contribution</i>	<i>MHFD Contribution</i>	<i>Total</i>	<i>Notes</i>
2021	\$100,000	\$100,000	\$200,000	Approved
2022	\$300,000	\$300,000	\$600,000	Approved
2023	\$300,000	\$300,000	\$600,000	Pending
2024	\$300,000	\$300,000	\$600,000	Proposed
	Grand Total	\$2,000,000		

Funding Sources

Commerce City will utilize funding from the CIP (Account #395-15-750-326) to fund the \$300,000 match for this Second Amendment.

Staff Recommendation:

Approve a Resolution approving a Second Amendment to an Intergovernmental Agreement (IGA) by and between the City of Commerce City and the Urban Drainage and Flood Control District regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for Irondale Gulch at Highway 2.

Suggested Motion:

Motion to approve a Resolution approving a Second Amendment to an Intergovernmental

Agreement (IGA) by and between the City of Commerce City and the Urban Drainage and Flood Control District regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for Irondale Gulch at Highway 2.