

RESOLUTION NO. 2020-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ALLOCATION OF TWO HUNDRED SIX THOUSAND SEVEN HUNDRED NINETY THREE DOLLARS AND FORTY-FIVE CENTS FROM THE UNDERGROUNDING FUND AS PROVIDED IN THE FRANCHISE AGREEMENT WITH UNITED POWER, INC. FOR THE 144<sup>TH</sup> AVENUE AND SABLE BLVD TRAFFIC SIGNAL PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR SUCH ALLOCATION; AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE UNDERGROUNDING OF OVERHEAD UTILITIES AT THE INTERSECTION OF 144<sup>TH</sup> AVENUE AND SABLE BLVD

WHEREAS, pursuant to Section 3-8-90 of Brighton Municipal Code, all bids and proposals in excess of \$50,000.00 shall be awarded through formal written procedures by the City Council; and

WHEREAS, Article 5-80 of Brighton Municipal Code, Ordinance 2031, and the Franchise Agreement between the City and United Power, Inc., indicate that United Power, Inc., must allocate one and one-half percent of the preceding year's gross revenues obtained from electric utility operations within the City for the purpose of undergrounding its overhead distribution facilities in the City (the "Undergrounding Fund"), at the expense of United Power, Inc.; and

WHEREAS, the Undergrounding Fund balance as of the beginning of September 2020 is approximately \$3,000,000.00; and

WHEREAS, the undergrounding is a necessary improvement to facilitate the construction of the traffic signal at 144<sup>th</sup> Avenue and Sable Blvd; and

WHEREAS, the City Council of the City of Brighton awarded the project for the construction of the traffic signal on October 6, 2020; and

WHEREAS, the City Council finds that the use of the Undergrounding Fund for the Project continues to be appropriate and will contribute to the safety of the roadways and enhance aesthetics for citizens.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

Section 1. Allocation from the United Power, Inc., Undergrounding Fund in the additional amount of Two Hundred and Six Thousand, Seven Hundred Ninety Three Dollars and Forty Five Cents (\$206,793.45) is hereby approved for utility undergrounding for the 144<sup>th</sup> Avenue and Sable Blvd Traffic Signal Project; and

Section 2. The City Manager is hereby authorized to execute the necessary documents to move forward with the Project, as provided in the Franchise Agreement, on behalf of the City, and the City Clerk to attest thereto.

RESOLVED this 1<sup>st</sup> day of December, 2020.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney