



City of Brighton

500 S. 4th Avenue
Brighton, CO 80601

Meeting Agenda

City Council

*MAYOR - RICHARD N MCLEAN
MAYOR PRO-TEM - KEN KREUTZER
COUNCIL MEMBERS:
LYNN BACA, REX BELL, JW EDWARDS
MARK HUMBERT, JOAN KNISS,
MARY ELLEN POLLACK, KIRBY WALLIN*

Tuesday, December 19, 2017

7:00 PM

Council Chambers

1. CALL TO ORDER

A. Pledge of Allegiance to the American Flag.

B. Roll Call.

2. CONSENT AGENDA

- A. [ID-351-17](#) Approval of the November 21, 2017 City Council Minutes
- B. [ID-469-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACKNOWLEDGING THE CERTIFIED ABSTRACT OF VOTES CAST FOR THE NOVEMBER 7, 2017 COORDINATED ELECTION
- Attachments:* [Reso - Certified Abstract of Votes 2017](#)
- C. [ID-486-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACKNOWLEDGING THE CERTIFIED ABSTRACT OF VOTES CAST FOR THE DECEMBER 5, 2017 SPECIAL RUN-OFF MUNICIPAL ELECTION FOR MAYOR, WARD 1 AND WARD 2
- Attachments:* [Election Results - Resolution 2017 runoff](#)

- D. [ID-475-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO ACKNOWLEDGING THE SETTING OF 2018 SEWER PLANT INVESTMENT FEES AND SEWER USER RATES BY THE LOCHBUIE SEWER BOARD TO BE ASSESSED AND REMITTED TO LOCHBUIE BY BRIGHTON CONSISTENT WITH THE REQUIREMENTS OF THE FIRST AMENDED AND RESTATED BEEBE DRAW WASTEWATER SERVICE AGREEMENT ENTERED INTO ON AUGUST 14, 2009 BY AND BETWEEN THE TOWN OF LOCHBUIE, CITY OF BRIGHTON AND SOUTH BEEBE DRAW METROPOLITAN DISTRICT; ACKNOWLEDGING THE EFFECTIVE DATE OF SUCH REVISIONS; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [COB Reso Acknowledging 2018 Lochbuie Rates](#)
[Revised November 30 2017 Lochbuie Sewer Board Rates Revision Resolution '](#)

- E. [ID-499-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AUTHORIZING THE REIMBURSEMENT TO THE BRIGHTON HOUSING AUTHORITY IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS (\$75,000); FINDING THAT THE FUNDS FOR SUCH REIMBURSEMENT ARE IN THE 2017 BUDGET; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [Reso Authortizing Payment of Expenses BHA mrb draft 12 7 17](#)

- F. [ID-478-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES LEGAL SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES LEGAL SERVICES WITH FISCHER, BROWN, BARTLETT, AND GUNN, P.C. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY FIVE DOLLARS (\$285.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - Fischer Brown](#)

- G. [ID-493-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR GROUNDWATER ENGINEERING SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR GROUNDWATER ENGINEERING SERVICES WITH HRS WATER CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIVE DOLLARS (\$205.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - HRS](#)

- H. [ID-495-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR GEOTECHNICAL ENGINEERING SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR GEOTECHNICAL ENGINEERING SERVICES WITH RJH CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS (\$250.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - RJH](#)

- I. [ID-496-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR STORMWATER ENGINEERING SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR STORMWATER ENGINEERING SERVICES WITH ENGINUITY ENGINEERING SOLUTIONS, LLC IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY DOLLARS (\$170.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - Enginuity](#)

- J. [ID-497-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR ELECTRICAL AND CONTROLS ENGINEERING SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR ELECTRICAL AND CONTROLS ENGINEERING SERVICES WITH BROWNS HILL ENGINEERING & CONTROLS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS (\$250.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - Browns Hill](#)

- K. [ID-498-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES ENGINEERING AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES ENGINEERING WITH WHITE SANDS WATER ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TEN DOLLARS (\$210.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2018 Reso - White Sands](#)

- L. [ID-481-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING CHANGE ORDERS NO. 1 AND 2 TO THE CITY CONTRACT WITH J3 ENGINEERING, AS RELATED TO THE NORTH 45TH AVENUE DESIGN FROM BRIDGE STREET TO LONGS PEAK STREET IN THE AMOUNT OF SIXTY THOUSAND FIVE HUNDRED EIGHTY NINE DOLLARS (\$60,589.00) AND ONE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED SIXTY ONE DOLLARS (\$122,661.00), RESPECTIVELY; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CHANGE ORDERS NO. 1 AND 2 ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID CHANGE ORDERS NO. 1 AND 2 ON BEHALF OF THE CITY

Attachments: [Reso for Chg Orders 1 and 2 to J3 mrb rev 12 6 17](#)
[Map - Limits of Design - N 45th - CO #001 & #002 - 2017.12.05](#)

3. APPROVAL OF REGULAR AGENDA

(Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

- A. [ID-44-15](#) Introduction of New Employees by Administrative Services Director Karen Borkowski Surine
- B. [ID-488-17](#) Presentation of the Check from the Turkey Trot to the Senior Advisory Board
- C. [ID-489-17](#) Recognition of Recreation Center Staff for Receiving the Red Cross Award

- D. [ID-490-17](#) Recognition of the Utilities Staff for Receiving the APWA Award for Sustainability
- E. [ID-491-17](#) Recognition of the Special Events Staff for the Festival of Lights

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. PUBLIC HEARINGS

- A. [ID-492-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE FINAL SERVICE PLAN FOR BRIGHTON CROSSING METROPOLITAN DISTRICT NOS. 5-8

Attachments: [Resolution \(Draft\)](#)
[Proposed Service Plan with Exhibits \(Includes IGA\)](#)
[Proposed District Map as provided by applicant](#)
[Resolution of Conditional Approval \(Approved on 9/17/2017\)](#)

- B. [ID-464-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 1, THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 3 AND THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 4; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING INTERGOVERNMENTAL AGREEMENTS IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [Resolution - Lakes Metro District 1, 3 and 4 Final](#)
[EXHIBIT F IGA-The Lakes No. 3 12.11.17](#)
[EXHIBIT F IGA-The Lakes No. 1 12.11.17](#)
[EXHIBIT F IGA-The Lakes No. 4 12.11.17](#)
[First Amended and Restated Service Plan, The Lakes MD No. 1 \[12.7.17\] \(0...](#)
[First Amended and Restated Service Plan, The Lakes MD No. 3 \[12.7.17\] \(0...](#)
[First Amended and Restated Service Plan, The Lakes MD No. 4 \[12.7.17\] \(0...](#)

- C. [ID-465-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 5, AND THE SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 6; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING INTERGOVERNMENTAL AGREEMENTS IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [Resolution - Lakes Metro District 5 and 6 Final](#)
[EXHIBIT F IGA-The Lakes No.5 12.11.17](#)
[EXHIBIT F IGA-The Lakes No.6 12.11.17](#)
[Service Plan, The Lakes MD No. 5 \[12.7.17\] \(00593946x9C7A0\)](#)
[Service Plan, The Lakes MD No. 6 \[12.7.17\] \(00593947x9C7A0\)](#)

- D. [ID-484-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR THE ECO-SITE CELLULAR TOWER AT 12153 MOLINE STREET, A COMMERCIAL MOBILE RADIO SERVICE FACILITY, GENERALLY LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

Attachments: [Draft Resolution with Conditions \(Running with the Land\)](#)
[Aerial Map](#)
[Applicant's Site Plans](#)
[Neighborhood Notification Letter](#)
[300' Property Owner Mailing Radius Map](#)
[300' Property Owner Mailing Addresses](#)

- E. [ID-494-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PRAIRIE CENTER VILLAGE I SUBDIVISION FILING NO. 1 FINAL PLAT AND DEVELOPMENT AGREEMENT FOR APPROXIMATELY 141.056 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [City Council Resolution 17.12.19_Prairie Center Village I Final Plat](#)
[Aerial 17.11.15_Prairie Center Village I Final Plat](#)

7. ORDINANCES FOR FINAL CONSIDERATION

- A. [ID-460-17](#) AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE DESIGNATION OF THE DOWNTOWN HISTORIC DISTRICT; SETTING FORTH CERTAIN FINDINGS IN SUPPORT OF SAID DESIGNATION; AUTHORIZING THE INCLUSION OF THE PROPERTY IN THE BRIGHTON REGISTER OF LOCALLY AND DESIGNATED HISTORIC LANDMARKS AND DISTRICTS; INSTRUCTING THE CITY MANAGER OR HIS DESIGNEE TO NOTIFY THE OWNER OF THE PROPERTY OF ITS OBLIGATIONS AND RESTRICTIONS ASSOCIATED WITH THE DESIGNATION; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [CC ordin DT historic district 11.21.17 draft for CC](#)
[Downtown Brighton Colorado Historic District Pamphlet](#)
[Ownership Consent \(Original\)](#)
[Ownership Consent \(Additional Signature\)](#)
[Ownership Consent Property Map](#)
[Property Category List](#)
[Public Feedback Summary](#)
[Draft Design Standards](#)
[HPC Memorandum \(w/out exhibits\)](#)
[HPC Reso Signed 11.9.17](#)

8. RESOLUTIONS

- A. [ID-480-17](#) A RESOLUTION OF THE CITY COUNCIL OF CITY OF BRIGHTON, COLORADO APPROVING AN "INTERGOVERNMENTAL AGREEMENT FOR SHARED SEXUAL ASSAULT TASK FORCE" BETWEEN THE CITY OF BRIGHTON AND THE CITY OF COMMERCE CITY"; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID IGA ON BEHALF OF THE CITY

Attachments: [SATF - Reso to Approve IGA mrb draft 11 21 17](#)
[Final 2018 Sex Assault Task Force IGA Final 120417](#)

- B. [ID-479-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE CITY OF COMMERCE CITY FOR A SHARED VICTIM SERVICES UNIT; AUTHORIZING THE MAYOR TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AND UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE TERMS OF SAID AGREEMENT

Attachments: [Reso Approving Victim Ser IGA mrb draft 12 5 17](#)
[2018 Victim Service IGA 120417](#)

- C. [ID-501-17](#) A RESOLUTION AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND AND CAPITAL IMPROVEMENT FUND; AND APPROPRIATING MONEY FOR EXPENDITURE IN THE AMOUNT OF TWENTY SIX THOUSAND FIVE HUNDRED DOLLARS (\$26,500) AND ONE MILLION SIX HUNDRED EIGHT THOUSAND TWO HUNDRED SIXTY FOUR DOLLARS (\$1,608,264), RESPECTIVELY

Attachments: [BA Reso- 3rd Qtr 2017](#)

- D. [ID-487-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO ACCEPTING THE CONSERVATION EASEMENT FOR THE WILLOW BAY PROPERTY LOCATED NEAR 136TH AVE AND BRIGHTON ROAD IN FAVOR OF THE CITY OF BRIGHTON

Attachments: [Reso approving Willow Bay CE \(clean\)](#)
[Willow Bay CE Approved](#)
[Exhibit A to Willow Bay CE](#)

- E. [ID-483-17](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, DESIGNATING THE AMOUNT OF THE 2016 BRIGHTON RESIDENTS FOOD TAX REVENUE TO BE REDISTRIBUTED FROM THE GENERAL FUND AND CREDITED TO THE CITY OF BRIGHTON FOOD TAX REBATE ACCOUNT PURSUANT TO THE PROVISIONS OF SECTION 3-28-15(d) OF THE BRIGHTON MUNICIPAL CODE BE IN THE AMOUNT OF ZERO DOLLARS (\$0.00); AND SETTING FORTH OTHER DETAILS RELATED THERETO

Attachments: [2017 Resolution Food Sales Tax Rebate](#)

9. UTILITIES BUSINESS ITEMS

Ordinances

- A. [ID-470-17](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 AND TITLE 14 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER, WASTEWATER AND STORM DRAINAGE FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO (FINAL READING)

Attachments: [2018 Rates Fees Ordinance - Final](#)

Resolutions

- A. [ID-477-17](#) 2018 UTILITY FEE RESOLUTION; A RESOLUTION RATIFYING CERTAIN FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON WATER ACTIVITY ENTERPRISE

Attachments: [2018 Rates Fees Reso](#)

10. GENERAL BUSINESS

- A. [ID-500-17](#) Request for direction by the City Council in regards to the appropriateness of a proposed use for The Depot building located at 269 E. Bridge Street. An agreement approved in 1980 specifically noted uses that 'emphasize family patronage'. The applicant is requesting the City Council consider their proposed use, an insurance office, as meeting the use restriction as set forth in the agreement.

Attachments: [Agreement dated September 2, 1980](#)
[Hodges-City Council letter Depot](#)
[Herr-Brighton-letter of justification](#)

11. REPORTS

- A. By the Mayor.
- B. By Department Heads.
- C. By the City Attorney.
- D. By the City Manager.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

14. ADJOURNMENT