

RESOLUTION NO: 2019-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ALLOCATION OF \$67,120.00 FROM THE UNDERGROUNDING FUND AS PROVIDED IN THE FRANCHISE AGREEMENT WITH UNITED POWER, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR SUCH ALLOCATION; AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE COSTS FOR THE DEPOT REHABILITATION PROJECT

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, pursuant to Article 5-80 of Brighton Municipal Code, Ordinance 2031, and the Franchise Agreement between the City and United Power, Inc., 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, City Council has previously identified the Depot Rehabilitation Project ("Project") as a priority, and provided funds for the Project in 2019; and

WHEREAS, the Project site has existing overhead electrical infrastructure that is an impediment to redevelopment of the property; and

WHEREAS, City Council has further determined that funds are available for the Project; and

WHEREAS, as of the beginning of February 2019, the Undergrounding Fund balance is \$3,004,866.00; and

WHEREAS, approximately \$450,000.00 will be allocated to the Undergrounding Fund each year based on historical allocations from United Power, Inc.; and

WHEREAS, the use of the Undergrounding Fund for the Project is appropriate and will contribute to the safety of the Project area and the larger campus and enhance aesthetics for residents.

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 Sixty-Seven Thousand, One Hundred Twenty Dollars (\$67,120.00) is hereby approved for the Depot Rehabilitation Project.

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

RESOLVED this 19th day of March, 2019.

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney