

RESOLUTION NO: 2019-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ALLOCATION OF AN ADDITIONAL \$89,416.00 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 ADDITIONAL COSTS FOR THE SOUTHERN STREET, TOWER ROAD, AND CARMICHAEL PARK 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, 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, City Council has previously reviewed the use of \$454,038.00 of the Undergrounding Fund allocated by United Power, Inc., as part of the Franchise Agreement for the Southern Street, Tower Road, and Carmichael Park Project (installation of lights on Southern Street between Telluride Street and 45<sup>th</sup> Avenue, and Tower Road between Bromley Lane and Bridge Street, and undergrounding of lights on Southern Street adjacent to Carmichael Park) ("Project") under Resolution No. 2015-64, adopted the 2<sup>nd</sup> day of June, 2015; and

WHEREAS, the Project was completed with an initial estimated cost of \$514,805.00, and an additional amount of \$28,649.00, for a grand total of \$543,454.00, leaving an outstanding balance of \$89,416.00 from the previously-allocated amount; and

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

WHEREAS, the Project has been substantially completed, including closing all permits, and United Power, Inc., has submitted final billing in accordance with the Franchise Agreement in the outstanding amount of \$89,416.00; 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 Undergrounding Fund in the additional amount of Eighty-Nine Thousand, Four Hundred Sixteen Dollars (\$89,416.00) is hereby approved for the Southern Street, Tower Road, and Carmichael Park Project.

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 19<sup>th</sup> day of March, 2019.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney