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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, March 7, 2017

7:00 PM

Council Chambers

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

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:01 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Edwards led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Present: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

2. CONSENT AGENDA

A. Approval of the February 7, 2017 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ADAM KNISS AS A MEMBER OF THE DISTRICT PLAN COMMISSION WITH A TERM TO 2020

Resolution No: 2017-22

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING WAYNE SCOTT AS A MEMBER OF THE DISTRICT PLAN COMMISSION WITH A TERM TO 2020

Resolution No: 2017-23

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,

COLORADO, APPOINTING JACQUELINE PERKINS AS A LODGING PROVIDER MEMBER OF THE LODGING TAX ADVISORY COMMITTEE FOR A THREE YEAR TERM TO DECEMBER, 2020

Resolution No: 2017-24

Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Pollack, and Councilmember Wallin

Abstain: 1 - Councilmember Kniss

3. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

4. CEREMONIES

A. Recognition of Bob Younger for 22 Years of Coaching

Streets and Fleet Director Kimberly Dall recognized Bob Younger for his accomplishments while coaching basketball for the past 22 years.

B. Recognition of Police Officers for Life Saving Efforts

Chief of Police Paul Southard recognized Officer Michael Erickson and Officer Michael Gonzales for their life saving efforts at a recent incident.

Carl Craigle with Platte Valley Ambulance gave a detailed account of the events that took place and the extraordinary efforts taken by the officers to save the life of the injured individual.

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

Matt Johnston, 4787 Longs Peak Street. Mr. Johnston expressed his concern regarding issues in Ward 1 including safety and infrastructure and asked City Council to begin looking at these issues and finding a way to solve these problems.

Jack Pajka, 9577 East 112th Place, Henderson. Mr. Pajka expressed concern regarding the change in policy to have water tap fees due at the time the permit is issued instead of being deferred to the time of certificate of occupancy. Mr. Pajka budgeted to pay these fees at the end and asked for an exception since he has been working on this project since October, 2016.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,

COLORADO REPEALING IN ITS ENTIRETY ARTICLE 17-60, RESIDENTIAL GROWTH PACING SYSTEM, OF THE BRIGHTON MUNICIPAL CODE; SETTING FORTH THE JUSTIFICATIONS FOR SAID REPEAL; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Mayor McLean read the title of the Ordinance into the record.

Mayor McLean opened the public hearing at 7:23 p.m. and City Clerk Natalie Hoel verified the required postings and publications (February 15, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Assistant City Manager of Development Marv Falconburg introduced Long Range and Historic Preservation Planner Aja Tibbs.

Long Range and Historic Preservation Planner Aja Tibbs presented the proposed repeal of the Residential Growth Pacing System. The Residential Growth Pacing System is an Ordinance in the Land Use and Development Code which gives the City the authority on an annual basis to slow residential growth with the number of residential permits on an annual basis. The Code has a long process for dividing allocations and providing those allocations each year. This Code is reviewed annually to look at what type of development is foreseen and whether it is necessary to enact the Pacing Ordinance.

This pacing system was originally adopted in 2000 when the City was in a different market and the City was a different size. By the end of 2004 City Council suspended the Ordinance, and has suspended the Ordinance each year since that time. There have been several different growth cycles, some years with high growth and the recession with very little growth. In November, City Council discussed the necessity for the Pacing Ordinance since it has been suspended for the past thirteen (13) years including 2017. City Council directed staff to proceed with the repeal of the Pacing Ordinance.

Pacing was established at a time when the City had limited staff and very high growth. There was a need to create some control and to help staff manage future growth. Pacing did help with those situations for several years. During this time staff was able to organize, grow, and change processes as development changed. The purpose of the repeal is not because the City does not want to control growth. Staff will still manage growth and maintain services with different tools to manage these situations differently. Community Development gets input from other departments regarding pacing each year. Finance noted that if pacing is enacted to slow growth, the permit fees collected will be impacted. Permit fees help to build infrastructure and add to the General Fund. Any new development that comes into the City is coordinated with different departments through a development agreement which outlines the infrastructure improvements, water dedications and park construction. These are all brought before City Council for approval. Reducing development does reduce the collection of impact fees which go toward the construction of streets, utility lines and parks. At times the City does rely on development to provide services and infrastructure connections. During the recession, there was a lot of infrastructure that was not completed because growth was stopped, pacing would do the same thing. Schools are an issue when dealing with growth and they have been overcrowded due to recent growth. The Citizens have passed a bond which will help to build new schools, so this will help with overcrowding. Additionally, the City supports the Capital Facility Fee Foundation which allows the builder to give money to schools as permits are issued.

Another issue with pacing is the number of lots that are exempt from pacing. There can be subdivision exemptions that are done in a development agreement or an annexation agreement. This means that there is no control through the Pacing Ordinance for that growth. There is also an infill exemption that helps with infill development. When looking at the different exemptions, it does not leave many units applicable to pacing. When looking at inequitable regulation, would it be fair to enact pacing when there are so many subdivisions that do not have to meet the pacing restrictions.

Exemptions from the pacing will only allow minimal control over the future growth of the City. A lot of fees are collected and a lot of infrastructure is built based on that growth. Restricting the growth would counter some of the needs in the community. While pacing did serve a purpose in the past, things have changed with staff and the abilities they have to coordinate between needs and services. There is no longer a need to keep pacing and unnecessarily restrict development. The Planning Commission recommends approval of this Ordinance.

Mayor McLean asked if anyone in the audience had questions for the applicant, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request, there was none.

Mayor McLean asked if any correspondence had been received, there was none.

Mayor McLean asked if there were questions from City Council.

Councilmember Baca asked for clarification that if the City continued to enact pacing it would only affect less than 20% of the lots and the others could continue to build. Planner Tibbs stated that is correct, there will never be a majority of units subject to pacing. Councilmember Baca asked that staff continue to bring back to City Council annually the growth trends taking place in the City. Councilmember Baca asked that City Council take a look at priorities like infrastructure replacement, parks and trails through the budget process.

Mayor Pro Tem Kreutzer asked why so many properties are exempt from pacing. Planner Tibbs explained that staff goes through a development agreement process and negotiates the terms. Bromley Park is a large development and in order to negotiate the maximum amount of infrastructure improvements it would build it made sense to counter that with the pacing exemption. Large subdivisions can become exempt from pacing because they are providing above and beyond what a typical subdivision will provide. City Council is a party to determining what exemptions are given. There are some that were approved before pacing was adopted, so they are exempt. Mayor Pro Tem Kreutzer asked if a developer would not agree to additional infrastructure if they were not granted an exemption. Planner Tibbs explained that is the process of negotiating the terms of the development agreement. Mayor Pro Tem Kreutzer asked that staff bring this information back annually to be sure that as subdivisions are built, they are completed so there are not situations of infrastructure not being constructed.

Mayor McLean directed staff to bring this issue back annually.

Assistant City Manager of Development Marv Falconburg reported that this will be brought back annually along with population studies. The top five (5) exemptions are for Bromley Park and that was done when they were annexed in 1986 before pacing was ever established. The next large exemption is Prairie Center and that was based on 100 million dollars in infrastructure that they installed. There is a councilmember that is going to the HOA's and speaking about these issues. This may be something that other councilmembers can do to find out about certain issues in other neighborhoods.

Councilmember Wallin reported that he has been meeting with members of the community regarding these issues. Councilmember Wallin continues to speak about the problems getting across Bridge Street in his neighborhood. Councilmember Wallin asked the residents in Ward 1 to speak to him about the issues in the area and expressed his frustration that none of these issues has been addressed in five (5) years and there is not a lot of support for what is happening in Ward 1.

Councilmember Pollack agreed with Councilmember Wallin and feels it is unacceptable to leave projects undone in the City.

Mayor McLean closed the public hearing at 7:49 p.m.

Motion by Councilmember Kniss, seconded by Councilmember Baca, to approve the Ordinance repealing in its entirety Article 17-60, Residential Growth Pacing System, of the Brighton Municipal Code; setting forth the justifications for said repeal; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

No: 1 - Councilmember Pollack

7. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE FIRST OF TWO LODGING TAX MINI GRANTS AWARD CYCLES FROM THE LODGING TAX FUND IN THE AMOUNT OF SIXTEEN THOUSAND THREE HUNDRED DOLLARS (\$16,300) FOR CALENDAR YEAR 2017; DESIGNATING THE RECIPIENTS AND AMOUNTS OF SAID GRANTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS WITH THE RECIPIENTS OF THE 2017 ALLOCATION ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Todd Brummond, Chairman of the Lodging Tax Advisory Committee.

Todd Brummond, Chairman of the Lodging Tax Advisory Committee stated that the Resolution has been amended. Item A will read "Brighton Cultural Arts Commission" and the adoption date should be March, 2017. Mr. Brummond presented the recommended mini-grants as follows:

A. Brighton Cultural Arts Commission	\$1,300.00
<i>"Excellence in Arts Awards Ceremony"</i>	
B. Adams County Fair	\$5,000.00
<i>"Adams County Fair Entertainment Lodging Grant"</i>	
C. Platte Valley Player (PVP)	\$5,000.00
<i>"Summer Musical - A Funny Thing Happened on the way to the Forum"</i>	
D. City of Brighton Special Events	\$5,000.00
<i>"Summerfest"</i>	
Total Allocation	\$16,300.00

Mr. Brummond answered questions from Council regarding:

- Adams County needing funds from the City.*

Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve Resolution 2017-25 to award the grants to the Brighton Cultural Arts Commission for \$1,300.00, the Adams County Fair for \$5,000.00, the Platte Valley Players for \$5,000.00, and the City of Brighton Special Events for \$5,000.00 as amended. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF W.L. CONTRACTORS, INC., AND AWARDING THE CONTRACT FOR THE TRAFFIC SIGNAL AT 27TH AND SOUTHERN PROJECT #99920, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY EIGHT THOUSAND THREE HUNDRED FORTY EIGHT DOLLARS AND FIFTY CENTS (\$358,348.50), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Streets and Fleet Director Kimberly Dall.

Streets and Fleet Director Kimberly Dall requested approval of a contract to W.L. Contractors in the amount of \$358,348.50 to construct a traffic signal and associated improvements at 27th Avenue and Southern Street. That intersection is currently a 4-way stop. There are many schools along that road and there have been concerns about the safety of that intersection. Staff monitored this intersection closely and installed the 4-way stop when the intersection met the signal warrants. The signal has been under design and will have the same lane layout with pedestrian push buttons on all four (4) corners. The pedestrian ramps on all corners will also be upgraded. Three (3) proposals were received and W.L. Contractors had the low bid. They are also working on the signal at 136th Avenue and Sable Boulevard and have a good reputation in the City. Director Dall answered questions from Council regarding:

- The different requirements to warrant the installation of a stoplight.
- The traffic study for this intersection.
- This company submitting the low bid.

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Edwards, to approve Resolution 2017-26 accepting the bid of W.L. Contractors, Inc., and awarding the contract for the traffic signal at 27th and Southern Project #99920, in an amount not to exceed \$358,348.50. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING GOOD CAUSE TO WAIVE THE FORMAL BID PROCESS FOR THE BRIDGE AND 1-76 IMPROVEMENTS; FINDING THAT THERE IS SUFFICIENT JUSTIFICATION TO DESIGNATE ATKINS NORTH AMERICA, INC. AS A SINGLE SOURCE SUPPLIER FOR THE BROMLEY LANE ROUNDABOUT DESIGN SERVICES PROJECT #90750; ACCEPTING THE FAIR AND REASONABLE PROPOSAL OF ATKINS NORTH AMERICA, INC.; AND AWARDING THE CONTRACT FOR THE BRIDGE AND 1-76 IMPROVEMENTS TO BROMLEY LANE ROUNDABOUT DESIGN SERVICES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY THOUSAND FORTY THREE DOLLARS AND SEVENTY FIVE CENTS (\$140,043.75), TO ATKINS NORTH AMERICA, INC.; AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Streets and Fleet Director Kimberly Dall.

Streets and Fleet Director Kimberly Dall explained that this item is for the improvements at the I-76 and Bridge Street Interchange and also the Bromley Lane roundabout. In 2013 a competitive bid process was held to begin the process for an interchange at Bridge Street and I-76. Atkins was selected at that time through that process which also involved CDOT and FHWA. The levels of service at the Bromley Lane roundabout was rated between a C and a D in 2013. The study area for the interchange goes past Baseline Road and beyond Bromley Lane so the Bromley Lane roundabout is included in the study area. The Bromley Lane/I-76 roundabout is in poor condition from a level of service perspective, so Atkins put together a proposal. This request is to [designate Atkins as a single source supplier] and approve funding for Atkins to design a continuous lane so two (2) lanes will go through the roundabout and onto I-76. There will still be a turn onto the frontage road, but it will not be automatic. Staff expects to see a level of service increase of two (2) with this improvement. Atkins has looked at the necessary CDOT, FHWA, and environmental requirements.

In 2015 Atkins completed the Interstate Access Request, the Environmental Assessment, and the 1601 System Level Study for the project area. This process took almost two (2) years and \$850,000.00. Atkins has an institutional knowledge of this project that no other firm has. They have the expertise and capability to get the City through the process and a high familiarity with this location. This project needs to happen from a level of service perspective as there are over 10,000 cars that travel through this intersection per day. Staff feels that Atkins is the best from a time and money standpoint and this project could be under construction this year. This project is in the 2017 Budget, so there is no supplemental funding needed for this project. Streets and Fleet is working with the Economic Development Corporation to do a study to examine the impact of the interchange at I-76 and Bridge Street. Director Dall answered questions from Council regarding:

- The roundabout remaining open during construction.
- Concerns about not going out to bid for this project.
- The reason there will only be one (1) lane going west and two (2) lanes going east.

Motion by Councilmember Edwards, seconded by Councilmember Humbert, to approve Resolution 2017-27 finding good cause to waive the formal bid process for the Bridge and I-76 Improvements; finding that there is sufficient justification to designate Atkins North America, Inc. as a single source supplier for the Bromley Lane Roundabout Design Services Project #90750; accepting the fair and reasonable proposal of Atkins North America, Inc.; and awarding the contract for the Bridge and I-76 Improvements to Bromley Lane Roundabout Design Services, in an amount not to exceed \$140,043.75 to Atkins North America, Inc. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

No: 1 - Councilmember Pollack

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO SETTING FORTH THE CITY OF BRIGHTON, COLORADO, INVESTMENT POLICIES; DESIGNATING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE, AS THE CITY OFFICIAL WITH INVESTMENT AUTHORITY AND OVERSIGHT SUBJECT TO THE AUTHORITY OF THE CITY COUNCIL; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Finance Director Dan Frelund.

Finance Director Dan Frelund presented a revision to the City's Investment Policy which was last updated in December, 2014. This revision will align the City's policy with state law. This revised policy primarily deals with the diversification of investments and it standardizes some items. The Investment Policy is the tool used by the City's investment advisor and their programs in making investments for the City's funds. The only changes being recommended are in the appendix classified as the Authorized Investment Summary. In the US Agencies, it moves the maximum to 100% and makes those consistent at 35% and makes the minimum rating requirements of an AA- or better. These recommendations are from the City's financial advisor PFM.

Motion by Councilmember Bell, seconded by Councilmember Wallin, to approve Resolution 2017-28 setting forth the City of Brighton, Colorado, Investment Policies; designating the City Manager or the City Manager's designee, as the City Official with investment authority and oversight subject to the authority of the City Council. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING GOOD CAUSE TO WAIVE THE FORMAL BID PROCESS

FOR THE BRIGHTON SPORTS COMPLEX LIGHTING IMPROVEMENTS; FINDING THAT THERE IS SUFFICIENT JUSTIFICATION TO DESIGNATE MUSCO SPORTS LIGHTING, LLC. AS A SINGLE SOURCE SUPPLIER FOR THE BRIGHTON SPORTS COMPLEX LIGHTING IMPROVEMENTS PROJECT #91316 AND 91214; ACCEPTING THE FAIR AND REASONABLE PROPOSAL OF MUSCO SPORTS LIGHTING, LLC.; AND AWARDING THE CONTRACT FOR THE BRIGHTON SPORTS COMPLEX LIGHTING IMPROVEMENTS TO MUCSO SPORTS LIGHTING, LLC. IN AN AMOUNT NOT TO EXCEED SIXTY ONE THOUSAND NINE HUNDRED THIRTY DOLLARS (\$61,930.00), TO MUSCO SPORTS LIGHTING, LLC.; AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Assistant Parks and Recreation Director Mark Heidt.

Assistant Parks and Recreation Director Mark Heidt requested the award of a single source contract for the Brighton Sports Complex Lighting Improvement Project to Musco Sports Lighting LLC in an amount not to exceed \$61,930.00. The sports complex opened in 1998 and Musco did the lighting at that time. Routine maintenance has been done since then but 1/3 of the lights are not working at this time which creates a playability and safety issue for those on the field. This project will replace all of the lights on the four (4) fields and completing the satellite control link coverage for this facility. The satellite control link is being used at several other sports fields in the City. Staff did look at other vendors while doing the justification for the single source acquisition. The Procurements and Contracts division reviewed the Musco proposal and found that the prices quoted were equal to or less than the others in the National Joint Powers Alliance. Assistant Director Heidt answered questions from Council regarding:

- Was this project put out for bid.*
- An explanation of the satellite connection.*

Motion by Councilmember Baca, seconded by Councilmember Kniss, to approve Resolution 2017-29 to accept this single source justification. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

No: 1 - Councilmember Pollack

F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF A-1 CHIPSEAL COMPANY, AND AWARDING THE CONTRACT FOR THE CIP CRACK SEAL ~ CHIP SEAL ~ SLURRY SEAL ~ PATCHING PROJECT, PROJECT# 90120 AND 99931, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTEEN THOUSAND FIVE HUNDRED FORTY FIVE DOLLARS (\$716,545.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Streets and Fleet Director Kimberly Dall.

Streets and Fleet Director Kimberly Dall explained that it is the responsibility of Streets and Fleet to maintain the streets in the City. This project was competitively bid and Director Dall requested to award the contract to A-1 Chipseal in the amount of \$716,545.00.

Motion by Councilmember Baca, seconded by Councilmember Humbert, to approve Resolution 2017-30 accepting the bid of A-1 Chipseal Company and awarding the contract for the CIP Crack Seal ~ Chip Seal ~ Slurry Seal ~ Patching Project, Project #90120 and 99931, in an amount not to exceed \$719,545.00. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

No: 1 - Councilmember Pollack

8. UTILITIES BUSINESS ITEMS

Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, FINDING THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL BID PROCESS FOR THE WATERSMART SOFTWARE CONSERVATION PROGRAM AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WATERSMART SOFTWARE, INC. IN THE AMOUNT OF SIXTY THREE THOUSAND THREE HUNDRED FORTY SIX DOLLARS (\$63,346) FOR 2017, WITH UP TO TWO OPTIONAL ANNUAL RENEWALS THROUGH 2019, SUBJECT TO ANNUAL APPROPRIATION THEREFOR; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers explained that this is a contract renewal for Watersmart software to provide the conservation services program that was initiated to a portion of the customers in 2014 and was extended to all customers in 2016. The response to the program has been positive and there are over 1,500 customers utilizing the online access to their personal usage data and everyone is receiving the mailer every two (2) months. This is a single source renewal. Although there are similar software packages that work with customers to inform them of their usage patterns, Watersmart is the most prominent and since the City has been utilizing this program since 2014, they are fully integrated into the system. This represents a cost savings over the other options. Staff is requesting a waiver of the usual bid requirements in order to continue with the same software available only from this vendor. It is being recommended that the service be continued to all customers in 2017 at the cost of \$63,346.00 which is just over \$6.00 per year, per household. Staff is recommending to process this as a multi-year contract with the ability to renew annually for the next two (2) years, with each year's budget cycle which will also reduce the annual cost. Utilities has budgeted sufficient funds in 2017 to cover this extension. A short tutorial is being filmed to air on Channel 8 and with a link on the website that will give a portion of customers more hands on access to how the program works. Director Bauers answered questions from Council regarding:

- There being data that shows the effectiveness of this software and the water it has saved.*
- The value of 78 acre feet of water.*
- The additional cost to go with another vendor.*
- A competitive bid being done when this software was initially chosen.*
- The percentage of the community taking advantage of the program.*

Motion by Councilmember Baca, seconded by Councilmember Humbert, to approve Resolution 2017-31 finding that good cause exists and that it is in the best interests of the City to waive the formal bid process for the Watersmart Software Conservation Program and approving a Professional Services Agreement with Watersmart Software, Inc. in the amount of \$63,346.00. Motion passed by the following vote:

Aye: 7 - Mayor McLean, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

No: 2 - Mayor Pro Tem Kreutzer, and Councilmember Pollack

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT FOR THE MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR BRIGHTON SOUTH OUTFALL AT 27TH AVENUE TO SOUTH PLATTE RIVER (AGREEMENT NO. 17-02.01) AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

Mayor McLean read the title of the Resolution into the record.

Assistant City Manager of Development Marv Falconburg introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers explained that this item is to seek approval of an IGA with the Urban Drainage and Flood Control District to allow Urban Drainage to provide the maintenance to the City's storm drainage South Outfall system from 27th Avenue to the South Platte River. The majority of this maintenance work is taking place at the culvert crossing at Sable Boulevard. There is significant accumulated sediment which is limiting the capacity of the Outfall at this time. The City will contribute \$7,500.00 and Urban Drainage will contribute \$25,000.00. The work will be contracted and coordinated through Urban Drainage and the City's involvement is capped at \$7,500.00. This is budgeted in the 2017 Storm Drainage Operational Fund for repair and maintenance of the Outfall system.

Motion by Councilmember Edwards, seconded by Councilmember Humbert, to approve Resolution 2017-32 acting by and through its Water Activity Enterprise, approving an Intergovernmental Agreement between the City of Brighton and Urban Drainage and Flood Control District for the maintenance of drainage and flood control improvements for Brighton South Outfall at 27h Avenue to South Platte River (Agreement No. 17-02.01) and authoring the Acting City Manager to execute with the City's contribution of \$7,500.00. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

9. GENERAL BUSINESS

10. REPORTS

A. By the Mayor

Mayor McLean read to kids in elementary schools, attended an E-470 retreat, the ACC meeting, the EDC Leadership Advance, the Chamber luncheon and the ADCO Summit.

B. By Department Heads

Chief of Police Paul Southard updated City Council on the cases regarding a stolen truck with a child inside and robberies of convenience stores in the City.

C. By the City Attorney

D. By the City Manager

Assistant City Manager of Development Marv Falconburg reported that the focus group for the City Manager recruitment is on March 14th.

11. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Wallin attended the Image Summit for Youth and the Brighton High School Cajun Boil.

Councilmember Edwards attended the Eagle View Adult Center Spaghetti Luncheon.

Mayor Pro Tem Kreutzer was a judge at the Employee Chili Cook-off and attended the State DECA Conference.

Councilmember Kniss attended the Youth Summit, the Eagle View Adult Center Spaghetti Luncheon and the Chamber Luncheon. Councilmember Kniss was a judge at the Night of Stars.

Councilmember Humbert attended the Parks and Recreation Advisory Board meeting, the BURA Advance, the Parklet meeting, and the Youth Image Summit. The rededication of Duke Field will take place March 25th.

Councilmember Bell attended the Lodging Tax Advisory Committee meeting.

Councilmember Baca thanked the first responders in the City for all they do.

12. EXECUTIVE SESSION

13. ADJOURNMENT

**Motion by Councilmember Humbert, seconded by Mayor Pro Tem Kreutzer, to adjourn at 9:25 p.m.
Motion passed by the following vote:**

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date