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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, May 2, 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 Baca led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Present: 8 - Mayor McLean, Councilmember Baca, Councilmember Bell,
Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin
Not Present: 1 - Mayor Pro Tem Kreutzer

Councilmember Edwards arrived at 7:56 p.m.

2. CONSENT AGENDA

A. Approval of the April 4, 2017 City Council Minutes

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

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

3. APPROVAL OF REGULAR AGENDA

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

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

4. CEREMONIES

A. Recognition of Brighton Employees Charities Scholarship Recipients

Sheryl Johnson, Brighton Employees Charities representative introduced the scholarship recipients Desiree Salais, Molly Phibbs, and Marieke Van Erven.

B. National Day of Prayer Proclamation

Mayor McLean read the Proclamation into the record and presented it to Ermie Marquez, the City coordinator for the National Day of Prayer.

Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve the Proclamation. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

C. Public Works Week Proclamation

Mayor McLean read the Proclamation into the record and presented it to Director of Streets and Fleet Kimberly Dall.

Motion by Councilmember Wallin, seconded by Councilmember Kniss, to approve the Proclamation. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, APPROVING THE 2017 BIG LITTLE IDEA CONTEST WINNERS; APPROVING A FIVE HUNDRED DOLLAR (\$500) CASH AWARD TO EACH CONTEST WINNER, FROM THE CITY'S GENERAL FUND IN THE TOTAL AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500); DESIGNATING THE RECIPIENTS AND AMOUNTS TO BE AWARDED; 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.

Acting City Manager Clint Blackhurst introduced Senior Communication Specialist Kaitlin Gault and Graphic

Design and Marketing Specialist Zachary Reese.

Graphic Design and Marketing Specialist Zachary Reese reported that the Resolution has been amended to remove one of the potential recipients, pending further approvals, and change the total award allocation from \$3,000.00 to \$2,500.00. If the issues are resolved, the removed recipient will be brought before Council for consideration. Specialist Reese presented the history of the Big Little Idea Contest and recognized the winners of the contest for the following projects:

- A. Shari Brodersen \$500.00
Friends of Barr Lake hosted Field Trips to Bromley Koizuma-Hishinuma Farm on the Big Little Idea Farm Bus
- B. Veronica Navarro \$500.00
For the Love of Reading - Northeast Elementary
- C. Cora Lou Gupton \$500.00
Butterfly Garden - Northeast Elementary
- D. Catherine Odson \$500.00
Anythink Library Bike Safety Rodeo and Helmet Giveaway
- E. Beth Sanchez \$500.00
Blessing Boxes

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

Motion by Councilmember Pollack, seconded by Councilmember Humbert, to approve Resolution 2017-49 as amended. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

E. Introduction of New Employees by Administrative Services Director Karen Borkowski Surine

Administrative Services Director Karen Borkowski Surine introduced Streets Maintenance Workers John Antuna, Bryan Garcia and Alex Kingsley.

Mayor McLean and City Council welcomed the new employees to the City of Brighton.

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

6. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

- A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE CHRISTINE PLACE SUBDIVISION AND THE CHRISTINE PLACE SUBDIVISION DEVELOPMENT AGREEMENT FOR APPROXIMATELY 4.35 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 5, 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 (PUBLIC HEARING)**

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

Mayor McLean opened the public hearing at 7:35 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 19, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Clint Blackhurst introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff requested that the public hearing for the Final Plat and approval of the Development Agreement be continued to May 16, 2017. This continuation is being requested because the City Attorney requested a few changes to the Development Agreement that would benefit both parties and help clarify that agreement. The applicant was unable to review the Agreement with the new changes prior to the May 2, 2017 deadline for the meeting and neither party felt comfortable bringing an agreement forward that had not been thoroughly vetted. The applicant informed staff today that his team has reviewed the Agreement and both the applicant and staff feel comfortable bringing the Plat and Agreement back on May 16, 2017.

Motion by Councilmember Wallin, seconded by Councilmember Kniss, to continue the public hearing to May 16, 2017. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, VACATING THAT CERTAIN REAL PROPERTY AND PUBLIC RIGHTS-OF-WAY, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, ADAMS COUNTY, COLORADO, AND VESTING TITLE TO SUCH VACATED LANDS IN ABUTTING LANDOWNERS PURSUANT TO C.R.S. § 43-2-301, ET SEQ (FIRST READING)

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

Acting City Manager Clint Blackhurst introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff presented the vacation request from the Christine Place Apartments applicant for two portions of City right-of-way. In 1983 the property being requested for vacation was annexed as part of the Baysinger-Teater Property annexation. Currently, the property adjacent to these rights-of-way is zoned R-3 (Multiple-Family Residential), which is how these parcels would be zoned if they are vacated. The northern piece of right-of-way is approximately 20' wide and because it is part of a street that is much wider than today's standards require, the vacated right of way would be used to widen the sidewalk in the area. The western piece of the right-of-way is also part of an unnecessary right-of-way and would become a part of the development to assist with drainage. Because these portions of rights-of-way are either not being used or are part of a street that is unnecessarily wide, the applicant is asking the City to vacate these rights-of-way so they can be better utilized as part of the overall apartment complex development. If vacated, the applicant would take over the maintenance responsibility of the vacated land.

Due to meeting the requirements in Colorado Revised Statutes §42-2-303 which describes the vacation of property in the State of Colorado and due to the rights-of-way either being unused or unnecessarily wide, staff recommends approval of the vacation of two (2) small strips of land as described in the draft Ordinance. Associate Planner Tetzlaff and Streets and Fleet Director Kimberly Dall answered questions from Council regarding:

- The advantage of making the sidewalk wider as opposed to keeping the roadway wider.
- Brighton Fire Department reviewing this application.
- This width of roadway being standard in Brighton.

Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve the Ordinance vacating that certain real property and public rights-of-way, situated in the northeast

quarter of section 5, township 1 south, range 66 west of the 6th principal meridian, City of Brighton, Adams County, Colorado. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

7. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO TAKING ACTION UPON AN APPLICATION FOR AFFORDABLE HOUSING ASSISTANCE FOR THE WINDMILL RANCH APARTMENTS PROJECT SUBMITTED BY THE BRIGHTON HOUSING AUTHORITY PURSUANT TO SECTIONS 3-5-50, 3-5-60 AND 3-5-70 OF THE BRIGHTON MUNICIPAL CODE AND APPROVING THE REDUCTION OR SUBSIDY OF DEVELOPMENT IMPACT FEES AND USE TAX ACCORDINGLY

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

Acting City Manager Clint Blackhurst introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons explained that Items 7A and 7B will be presented together. Item 7A approves the application for affordable housing and 7B approves the agreement.

The Windmill Ranch Apartments is a project by the Brighton Housing Authority located north of the Solaire Apartments off of South 8th Avenue on approximately 4.3 acres in the Sorrento Subdivision. This project was approved as a use-by-right by the City of Brighton Development Review Committee. The project consists of a clubhouse and three (3) buildings with ninety-six (96) total units with a mix of area median incomes (AMI) ranging from 30% to 60% AMI. The Brighton Municipal Code allows for reduction of fees for projects that meet the Attainable Housing Matrix. This project meets the standards in the Matrix for several fee reductions based on the mixture of AMI with the majority of the AMI between 0% and 50% AMI.

The applicant will pay the following fees:

- *Building Permit*
- *Electrical Permit*
- *Plumbing Permit*
- *Mechanical Permit*
- *Plan Check Fees*
- *Sewer Plant Investment Fees (Metropolitan Wastewater Reclamation District)*

The applicant will pay a proportionate amount of the following fees based on the applicable AMI proportion:

- *Water Plant Investment Fees*
- *Capital Facility Foundation Fees*
- *Storm Drainage Impact Fees*

The applicant shall not be required to pay the following fees or make the following dedications:

- *Use Tax*
- *Neighborhood Park Impact Fees*
- *Community Park Impact Fees*
- *Crossing Fees*
- *Drainage Fees*
- *Traffic Impact Fees*
- *Public Park Land Dedication or fee-in-lieu*

- *Open Space Land Dedication or fee-in-lieu*
- *School Land Dedication or fee-in-lieu*
- *Private on-site Open Space Dedication*

Senior Planner Simmons explained that the Resolution for Item 7A was amended to change the Drainage Fee from a waived fee to a proportionate fee that is based on the applicable AMI. Staff recommends approval of the amended Resolution for Item 7A and approval of the Resolution approving the Agreement for Item 7B.

Motion by Councilmember Bell, seconded by Councilmember Pollack, to approve Resolution 2017-50 as amended. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT FOR AFFORDABLE HOUSING FOR THE WINDMILL RANCH APARTMENTS PROJECT BETWEEN THE CITY OF BRIGHTON AND THE BRIGHTON HOUSING AUTHORITY; MAKING CERTAIN FINDINGS PURSUANT TO SECTION 3-5-50 OF THE BRIGHTON MUNICIPAL CODE IN SUPPORT OF CERTAIN FEE REDUCTIONS AND WAIVERS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve Resolution 2017-51 approving an agreement for affordable housing for the Windmill Ranch Apartments Project between the City of Brighton and the Brighton Housing Authority; making certain findings pursuant to Section 3-5-50 of the Brighton Municipal Code in support of certain fee reductions and waivers; authorizing the Mayor to execute said agreement on behalf of the City. Motion passed by the following vote:

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

Absent: 2 - Mayor Pro Tem Kreutzer, and Councilmember Edwards

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF NORTHERN COLORADO CONSTRUCTORS/AGPROFESSIONALS, AND AWARDDING THE CONTRACT FOR THE VETERANS' PARK WATER QUALITY AND TRAIL ENHANCEMENT DESIGN-BUILD PROJECT #17005, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY SIX THOUSAND TWO HUNDRED FORTY FOUR DOLLARS (\$376,244.00), 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.

Acting City Manager Clint Blackhurst introduced Assistant Director of Parks and Recreation Mark Heidt.

Assistant Director of Parks and Recreation Mark Heidt explained that this item is for the Veterans' Park Water Quality and Trail Enhancement Design-Build Project for the trail portion of the project. \$24,000.00 has been budgeted in the 2017 budget for the design of this project. In the Five Year Master Plan staff has projected \$352,865.00 for the construction of the trail in 2018. An Adams County Open Space Grant was received in the amount of \$226,115.00 and there are funds in the Parks and Recreation Capital Improvement Fund balance for open space in the amount of \$126,750.00.

These projects were bid together because staff felt a better price could be obtained by combining the projects. Staff is recommending a 2017 budget appropriation in the amount of \$352,865.00 (the \$226,115 grant monies and the \$126,750 balance in the open space fund), and awarding the contract to Northern Colorado Constructors/AGPROfessionals in the amount of \$376,244.00. Four (4) companies were interviewed and of those Northern Colorado Constructors/AGPROfessionals was the best company and had the best price. Staff recommends approval of the trail project. Assistant Director Heidt answered questions from Council regarding:

- The bid being \$24,000.00 less than the not to exceed amount of \$376,244.00.
- The bid evaluation criteria being established by the department or Procurement.

Motion by Councilmember Humbert, seconded by Councilmember Wallin, to approve Resolution 2017-52 accepting the proposal of Northern Colorado Constructors/AGPROfessionals, and awarding the contract for the Veterans' Park Water Quality and Trail Enhancement Design-Build project in an amount not to exceed \$376,244.00 and authorizing the Mayor to sign the contract. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Mayor Pro Tem Kreutzer

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND AND CAPITAL IMPROVEMENT FUND; AND APPROPRIATING MONEY FOR EXPENDITURE IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00) IN THE GENERAL FUND AND THREE MILLION AND NO/100 DOLLARS (\$3,000,000) IN THE CAPITAL IMPROVEMENT FUND BY INCREASING STREETS AND FLEET CAPITAL FUNDING FOR STREET REPAIR AND MAINTENANCE (PROJECT #99920) IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) AND VEHICLE ACQUISITIONS (PROJECT #99905) IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000)

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

Acting City Manager Clint Blackhurst introduced Streets and Fleet Director Kimberly Dall.

Streets and Fleet Director Kimberly Dall explained that the Resolution has been amended to include some clarifying language. Director Dall requested that \$1,500,000.00 be transferred from the General Fund to the Capital Fund, that \$1,500,000.00 be transferred from the Capital Fund to Project #99920 for street repairs and maintenance and that \$1,500,000.00 be transferred from Restricted Capital Funding to Project #99905 for vehicle acquisitions.

A lot of resources were committed to the 2008 overlay program so staff has done what it could with the seal

program for maintenance of the roadways. There are some structural repairs that need to be addressed and those can cost up to 10 times what a maintenance seal can cost. There is a need to spend approximately 3 million dollars annually for maintenance on the roadways. The Chip and Slurry Seal Program will touch the following areas: Brighton Crossing, Brighton East Farms, The Preserve Subdivision, Park Place Subdivision, a section of Southern Street, and a section of 4th Avenue, a section of South 27th Avenue, a section of Bromley Lane, the Platte River Ranch Subdivision, areas of Brighton Road, and a complete reconstruction of a portion of South 13th Avenue. This additional funding will help to meet more than one goal. In addition to the street maintenance, the Streets Department has a goal of having the core City bike lanes being completed by 2020.

The additional 1.5 million dollars will be used to update the deteriorating Fleet inventory. An independent Fleet Counselor Service completed an analysis of the existing fleet and it was determined that nearly half of the fleet is overdue for replacement based on age. Of the 275 unit fleet, there is a combined age of over 3,000 years. This does put stress on the fleet division and the services they are able to provide. With the money that was previously allocated staff purchased five (5) replacement police cars, two (2) replacement turf machines, and one (1) replacement loader. The additional 1.5 million dollars will purchase two (2) new and two (2) replacement snow plow trucks, one (1) new bucket truck, one (1) new flatbed cone truck with traffic control attenuator, two (2) replacement tandem truck boxes, one (1) replacement track mower, one (1) replacement and one (1) new side by side utility vehicle, one (1) new turf mower with snow package, and (1) new 14' trailer.

Motion by Councilmember Edwards, seconded by Councilmember Wallin, to approve Resolution 2017-53 amending certain accounts in the General Fund and Capital Improvement Fund; and appropriating money for expenditure in the amount of \$1,500,000.00 in the General Fund and \$3,000,000.00 in the Capital Improvement Fund by increasing Streets and Fleet Capital funding for Street Repair and Maintenance Project #99920 in the amount of \$1,500,000.00 and Vehicle Acquisitions Project #99905 in the amount of \$1,500,000.00 as amended. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Mayor Pro Tem Kreutzer

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING CHANGE ORDER NO. 1 TO THE CITY OF BRIGHTON CONTRACT WITH A-1 CHIPSEAL CO. FOR THE 2017 CIP - SLURRY AND CHIP SEAL PROJECT IN THE AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$450,000); APPROVING THE CONTRACT WITH A-1 CHIPSEAL CO. WITH CHANGE ORDER NO. 1 IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS (\$1,166,545); AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CHANGE ORDER NO. 1 ON BEHALF OF THE CITY

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

Streets and Fleet Director Kimberly Dall explained that this is the first step in allocating the 1.5 million dollars. A-1 Chipseal has already been awarded the contract for the 2017 Chip and Slurry Project. Since there is now additional funding, staff is requesting approval of a change order in an amount not to exceed \$450,000.00 to increase the scope of work and amend the contract to an amount not to exceed \$1,166,545.00. Director Dall answered questions from Council regarding:

- *A-1 Chipseal having the contract for this project last year.*

Motion by Councilmember Humbert, seconded by Councilmember Baca, to approve Resolution 2017-54 approving Change Order No. 1 to the City of Brighton contract with A-1 Chipseal Co. for the 2017 CIP - Slurry and Chip Seal Project in the amount not to exceed \$450,000.00; approving the contract with A-1 Chipseal Co. with Change Order No. 1 in an amount not to exceed \$1,166,545.00 and

authorizing the City Manager to execute. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Mayor Pro Tem Kreutzer

8. UTILITIES BUSINESS ITEMS

Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, ACCEPTING THE BID OF NORTHERN COLORADO CONSTRUCTORS/AGPROFESSIONALS, AND AWARDING THE CONTRACT FOR THE VETERANS' PARK WATER ~QUALITY ENHANCEMENTS DESIGN-BUILD PROJECT #17005, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY NINE THOUSAND SIX HUNDRED NINETY TWO DOLLARS (\$289,692.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGES TO THE CONTRACT AMOUNT UP TO TWENTY PERCENT (20%) OF THE ORIGINAL CONTRACT AMOUNT**

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

Acting City Manager Clint Blackhurst introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers explained that the Parks project (for the trail) and the Stormwater Project at Veterans Park will benefit from having a single design build team doing the work for each project to ensure a seamless overlap between the projects. The selection committee has recommended that the award go to Northern Colorado Constructors/AGPROfessionals for both projects. The stormwater project consists of a stormwater quality pond on the north side of Highway 7 and the redirection of stormwater flows from the south side over to the new pond on the north side. The work should be completed by the end of summer. CDOT previously awarded the Stormwater Enterprise a reimbursement grant of up to \$421,978.00 to accomplish this work on their behalf.

The proposal from Northern Colorado Constructors/AGPROfessionals in the amount of \$289,692.00 was the low cost estimate meeting the minimum requirements for the work. Staff recommends awarding the contract in that amount to Northern Colorado Constructors/AGPROfessionals. Staff also requests the City Manager's authorization of up to 20% should change orders be necessary in order to ensure efficient and responsible project management. This change order amount will still fall well below the preapproved grant reimbursement amount and will also address Council's concern about this firm having a lower score on their means and methods evaluation, or technical expertise. Director Bauers answered questions from Council regarding:

- The company formerly being known as Northern Colorado Constructors.*
- The 20% for change orders being a standard amount.*

Motion by Councilmember Bell, seconded by Councilmember Baca, to approve Resolution 2017-55 acting by and through its Water Enterprise, accepting the bid of Northern Colorado Constructors/AGPROfessionals, and awarding the contract for the Veterans' Park Water Quality Enhancements Design-Build Project #17005, in an amount not to exceed \$289,692.00, and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto and authorizing

the City Manager to approve changes to the contract amount up to 20% of the original contract amount. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Mayor Pro Tem Kreutzer

9. GENERAL BUSINESS

10. REPORTS

A. By the Mayor.

Mayor McLean reported that the City of Brighton hosted the Managers and Mayors breakfast and attended several meetings in the past two (2) weeks.

B. By Department Heads.

Utilities Director Curt Bauers reported that a set of emergency purchase orders were issued in April. Staff began taking water into the Ken Mitchell Cell 1 Reservoir. In order to do that staff had to begin to measure the instantaneous flow rates from the gravity fill lines and this had not been anticipated previously. The State engineer also had to review and approve that process. An emergency purchase order was issued to obtain the necessary metering equipment to Teledyne ISCO in the amount of \$7,783.80 on April 17, 2017. While filling Cell 1 on April 24, 2017 the existing pumping equipment experienced two (2) failures. The first was the metering capability of the largest pump. Two (2) emergency purchase orders were issued in order to rush replacement of the 20" mag meter for that pump to Rosemount Emerson in the amount of \$9,810.75 and to Hydro Construction for the installation of the new mag meter in the amount of \$5,924.00. The second issue was the failure of the erosion control rundown from the pumping outlets. Two (2) emergency purchase orders were issued to repair that concern. The first was to RJH Consultants to design and oversee the repairs to the erosion control structure in the amount of \$33,000.00 and the second was to Tezac Heavy Equipment Construction Company in the amount of \$89,000.00 to complete the repairs. Staff expects all of the repairs to be completed for all of the issues later in May and to resume filling Cell 1 at that time.

Parks and Recreation Director Gary Wardle reported that the Arbor Day Celebration will take place tomorrow at Southeast Elementary.

C. By the City Attorney.

D. By the City Manager.

Acting City Manager Clint Blackhurst reported that Friday is the Law Day breakfast.

11. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Humbert attended the Downtown Partnership Committee meeting and announced that the SPEAK Walk will take place on Friday, Help for Homes, the Electronic Recycling at Eagle View Adult Center and the Chemical recycling will take place on Saturday and Thursday is the National Day of Prayer event.

Councilmember Kniss reported that next Tuesday is the Telephone Town Hall. Councilmember Kniss attended the Boards and Commission recognition dinner and the Take Your Child to Work Day at City Hall.

Councilmember Baca attended the NATA meeting and the DRCOG Awards.

Councilmember Edwards attended the Boards and Commission recognition dinner, the 3E's breakfast, and the Volunteer Recognition dinner at the Eagle View Adult Center.

Councilmember Wallin reported that the SPEAK Week walk is this Friday night and attended the Take Your Child to Work Day event.

Councilmember Baca reported that Mayor Pro Tem Kreutzer was the auctioneer at the School District Hispanic Advisory Committee scholarship fundraiser.

12. EXECUTIVE SESSION

13. ADJOURNMENT

Motion by Councilmember Edwards, seconded by Councilmember Wallin, to adjourn at 8:56 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