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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, September 3, 2019

7:00 PM

Council Chambers

City Council

MAYOR - KENNETH J. KREUTZER

MAYOR PRO-TEM - JW EDWARDS

COUNCIL MEMBERS:

**LYNN BACA, CLINT BLACKHURST, MARK HUMBERT,
MATT JOHNSTON, GREGORY MILLS, MARY ELLEN POLLACK,
KIRBY WALLIN**

1. CALL TO ORDER

Mayor Kreutzer called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Not Present: 1 - Councilmember Baca

2. APPROVAL OF REGULAR AGENDA

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

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

3. CONSENT AGENDA

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING MARK RAWLINGS AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2024

Resolution No: 2019-86

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

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

4. CEREMONIES

A. Swearing In of New Board and Commission Member

City Clerk Natalie Hoel swore in the new Board and Commission member.

B. 27J Schools 135th Anniversary Proclamation

Mayor Kreutzer read the Proclamation into the record. Mayor Pro Tem Edwards presented the Proclamation to Board of Education President Roberta Thimmig, Board of Director Lloyd Worth and Superintendent of Schools Chris Fiedler.

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

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE NAMING OF THE DOWNTOWN PLAZA LOCATED AT 5 SOUTH MAIN STREET, AS THE "FOUNDERS' PLAZA"

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

Acting City Manager Marv Falconburg introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle presented the naming of the Downtown Plaza as Founders' Plaza. Two petitions were received to name the plaza. The Parks and Recreation Advisory Board held a public meeting on August 7, 2019 to solicit public input. The Board recommends that the Downtown Plaza be named Founders' Plaza. Director Wardle introduced Allison Lockwood.

Allison Lockwood gave a history of the founders of Brighton regarding the Downtown Plaza area and the reason she feels it is appropriate to approve the name Founders' Plaza.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve Resolution 2019-87. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

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

Michael Boutwell, Brighton. Mr. Boutwell spoke about speed limit signs in alleys, the need for transparency and the change that needs to take place with the current Council.

Ralph Sepulveda, Brighton. Mr. Sepulveda expressed concern regarding the water issues in the City and the need for proper use of water funds.

Adam Cushing, Brighton. Mr. Cushing introduced himself as a Ward 4 candidate and spoke about ways for the City to help with water conservation including rainwater collection kits and a conservation credit program.

Nathaniel Miller, Brighton. Mr. Miller expressed concern regarding the false information that is being put out into the community and the impact this is having on the businesses in Brighton and on the community as a whole.

6. PUBLIC HEARINGS

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A PLAT AMENDMENT FOR THE VILLAGE AT SOUTHGATE BRIGHTON, FILING 2, AN APPROXIMATE 15.45 ACRE PROPERTY, LOCATED WITHIN BLOCK 3, LOT 1 AND BLOCK 4 OF THE VILLAGE AT SOUTHGATE BRIGHTON, GENERALLY LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AND SETTING FORTH OTHER DETAILS RELATED THERETO (PUBLIC HEARING)

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

Mayor Kreutzer opened the public hearing at 7:31 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 14, 2019 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Falconburg introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons presented the Plat Amendment for the Village at Southgate Brighton Filing 2 and the First Development Agreement Amendment for the Village at Southgate Brighton. The applicant is Arcus Southgate, LLC and Meritage Homes being represented by Karen Henry, Henry Design Group. The property is approximately 15.45 acres and is located south of 120th Avenue, south of Prairie View High School. The zoning for this area is the Southgate Brighton PUD. In January 2019, the 3rd Amendment was approved to allow for paired homes on this lot. The Comprehensive Plan calls for Mixed Use Residential and according to the Future Land Use Map, the Mixed Use Residential designation is primarily intended for multi-family buildings, single family attached homes, live/work units, senior housing facilities and mixed-use buildings.

The property was annexed in 1988 and was rezoned as PUD and sat undeveloped until 2015 when a PUD was approved for the Southgate Brighton PUD. The PUD proposed a mix of residential and commercial uses. The Village at Southgate Plat was approved in 2015 and approximately 80 acres was subdivided into 150 single-family residential lots for detached units, two large lots for higher density housing, two lots for commercial or office and one lot and tract for relocation of the barn and neighborhood park. The PUD was amended in 2019 to allow for the development of Lot 1, Block 3 and Lot 1, Block 4 to be developed for a rear-loaded paired town home product. The Plat consists of 138-paired home lots with tracts for access, parking, private recreation and stormwater detention.

The Development Agreement Amendment was necessary to outline the development steps for this land within the subdivision. The applicant is proposing to break this development into three phases. The first phase has eighteen lots, the second phase has seventy-six lots and the third phase has forty-four lots. The Development Agreement addresses roads, utilities and stormwater. Each phase has two points of access to the existing

roadway network and a substantial network of infrastructure to be constructed. Regarding public notice, a sign was posted on the property, notice was mailed to all properties within 300' and a notice was published in the Brighton Standard Blade on August 14, 2019 and on the City of Brighton website. Staff is recommending approval of the Plat Amendment, as it is consistent with the zoning of the property and meets the review criteria found in the Land Use and Development Code. Staff recommends approval of the Development Agreement amendment, as it is consistent with the plat amendment, meets the review criteria as found in the Land Use and Development Code, and provides the developer and property owner with a clear path forward for the development of the lots.

Mayor Kreutzer asked if the applicant would like to add anything to the presentation.

Karen Henry, Henry Design Group, Denver. Ms. Henry represents Arcus and Meritage Homes and explained that this plat would be preserving the commercial development along 120th Avenue. The two areas being platted for this amendment were originally proposed as multi-family. The paired home product would bring a unique and alternate type of housing that would be complimentary to the single-family homes to the south. All of the landscaping will tie into the neighborhood park located in the Village at Southgate to the south and there will be a system of trails. Access will be from Southgate Boulevard, there will not be any access to the large lot neighborhood to the west of the development and a buffer will be maintained there. The paired homes sit on individual lots and will have a common wall between the two units. These units are alley-loaded with a driveway into an attached two-car garage and there is guest-parking spread throughout the community. The proposed neighborhood will fit into the fabric of the Brighton community.

Mayor Kreutzer asked if anyone in the audience had questions for the applicant.

Nicki Cisneros, Brighton. Ms. Cisneros lives north of 120th Avenue, north of the middle school and is concerned about the current traffic congestion and how it would be made worse by this development. Ms. Cisneros explained that there is a wastewater, storm sewer pipeline being installed in 120th Avenue in the next four years and the neighbors are fighting this because it is proposed to go through their property that has been developed for 20 years. Ms. Cisneros would like the planning committee to consider building this pipeline on the south side of 120th Avenue before this development is built. Senior Planner Simmons explained that there is an application from Metro Wastewater being considered at this time for a conditional use for a pipeline in this area. A traffic study was conducted for the overall plan for this area. The improvements were installed with the first phase with the installation of a traffic signal at Southgate Boulevard and improvements to 120th Avenue and the full build-out of the roadway network within the project. This proposal is less dense than the original proposal of multi-family housing for the property. Ms. Cisneros expressed concern that there is solid traffic for one hour each morning and each evening when the schools open, close, and feels more consideration needs to be done.

Michael Boutwell, Brighton. Mr. Boutwell asked if the development is part of a Metro District and Senior Planner Simmons stated that there is a Metro District in the area. Mr. Boutwell asked who would be paying for the infrastructure and Senior Planner Simmons stated that the Metro District would pay for the infrastructure. Mr. Boutwell asked if the cost would be charged to the residents and Senior Planner Simmons stated that the Metro District assessments are assessed on the lots and would be assessed to the residents in the project. Mr. Boutwell stated that there are residents in Brighton paying a lot for taxes because they did not realize they would have to pay for the Metro District taxes. Mr. Boutwell asked how much the residents would be paying in taxes to the Metro District and Senior Planner Simmons stated that she does not have this information. Mr. Boutwell feels residents need to be aware of these fees.

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

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

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

Mayor Kreutzer asked if there were questions from City Council.

Councilmember Johnston asked for the number of mills for the Metro District and was told that it is 50 mills. Councilmember Johnston asked for clarification regarding #7 on the Plat that references the maintenance of stormwater treatment and drainage improvements and it being the responsibility of the landowner.

Councilmember Johnston asked if new homeowners would have to pay for Metro District fees and pay for the stormwater coming off their property. Community Development Director Holly Prather explained two issues are being confused. The sanitary sewer line being proposed by Metro Wastewater is for sanitary sewer, not for stormwater. This is an application currently being reviewed by staff and will come back to City Council when it is finalized. Regarding the onsite private stormwater facility, this is common with developments. These are typically small and is stormwater only for the development's property. The agreement states that the HOA or Metro District will own and maintain in perpetuity. The City would only take responsibility of anything done for regional stormwater improvements that benefits the entire City. It is standard for an HOA or Metro District to maintain their own stormwater. Councilmember Johnston stated that the agreement says it will be maintained by the landowner. Director Prather explained that the tract in which the private stormwater facility is located, it should be owned by the HOA or Metro District. Councilmember Johnston asked if the statement "... maintaining and repairing private drainage facilities in the event the land owner, its successors, and assigns, including any homeowners association established for this subdivision, fails to satisfactorily maintain or repair said facilities" means that the City will pay for it if the HOA does not. Director Prather explained that it does not. The ownership table on sheet 1 of the Final Plat states that the tracts are owned by the HOA. Tract B is the location of the private onsite stormwater; it is the responsibility of the HOA to own and maintain that. Councilmember Johnston asked that the language be amended to state that the HOA or Metro District is responsible, not the new private landowners. Director Prather explained that note #7 indicates that it is the responsibility of the HOA because it refers to "landowner". The ownership table shows that the owner of the tract is the HOA. The City is reserving the right to come onto Tract B in case an inspection shows the facility is not operating properly. The City does have the ability to take it over, but that is not saying that the City would take it over. Councilmember Johnston asked what a successor and assignee is. Director Prather gave an example of Platte River Ranch; it was covered by an HOA and was then changed to a Metro District. Councilmember Johnston asked what happens when the Metro District dissolves; the homeowner would then be responsible for the property. City Attorney Jack Bajorek explained that a homeowner does not own Tract B; it is a common ownership under the HOA. The HOA owns the property and if it were assigned to a Metro District, there would be a continuing obligation for the Metro District to continue in perpetuity. This obligation does not go away. The dissolution of the Metro District would only apply if there were no outstanding obligations or they did not assign the responsibility to another party. Councilmember Johnston stated that the language would assign the responsibility to a private landowner if the HOA or Metro District dissolves.

Councilmember Mills asked if there would be any apartments built in the area. Senior Planner Simmons explained that the entire area would become paired homes. There would be no other land within the Village at Southgate for multi-family unless the owner asked for that in the future. Councilmember Mills asked if this includes the land to the east that is indicated as PUD. Senior Planner Simmons explained that this land is currently zoned PUD and is not developed at this time and is not part of Southgate.

Councilmember Blackhurst explained that there is a Metro District and an HOA in Platte River Ranch and he is on the board. They do have to maintain and repair any damages to the detention ponds to make sure they function properly. This is the same for many other HOA's. Councilmember Blackhurst explained that 120th Avenue is a major arterial and is not located in the City of Brighton. It was annexed by Commerce City and then de-annexed so it is now in unincorporated Adams County. Councilmember Blackhurst hopes we can move forward with Commerce City and Adams County to address the need to build the roadway out to its intended four lanes. Director Prather indicated that a major arterial is six lanes. Councilmember Blackhurst explained that this is not just the responsibility of the City and all partners have to come together to get the roadway expanded.

Mayor Kreutzer remembers the first Village at Southgate public hearing where residents in the area expressed concern regarding the congestion in the area. Every time the developer has come back to City Council, they have decreased the density in the area. The concerns regarding the congestion on 120th are significant. If a plot of land is going to be developed at this time, the Metro District is the method that developers have been given. Anyone purchasing a home has to be aware of the added taxes that are going to be paid. When it is time to make improvements to the infrastructure in the future, the City will be responsible for those costs.

Councilmember Johnston asked that everyone be careful in the future regarding water, wastewater, storm drainage and Metro Districts.

Mayor Pro Tem Edwards likes the pair home product and asked what the average square footage is for these homes. Glenn Nier, Meritage Homes, Glenwood Village. Mr. Nier explained that there are five different plans

and they run from 1,400 sq. ft. to 2,100 sq. ft. Mayor Pro Tem Edwards asked if there are two levels, have basements and a two-car garage for each unit. Mr. Nier stated that is correct.

Mayor Kreutzer closed the public hearing at 8:09 p.m.

Motion by Councilmember Johnston, seconded by Councilmember Humbert, to approve Resolution 2019-88. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE VILLAGE AT SOUTHGATE BRIGHTON FIRST DEVELOPMENT AGREEMENT AMENDMENT FOR APPROXIMATELY 15.45 ACRES OF PROPERTY, LOCATED WITHIN BLOCK 3, LOT 1 AND BLOCK 4 OF THE VILLAGE AT SOUTHGATE BRIGHTON, GENERALLY LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 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**

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

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Blackhurst, to approve Resolution 2019-89. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CALLING FOR A RECALL ELECTION TO TAKE PLACE AS PART OF THE COORDINATED ELECTION TO BE CONDUCTED BY THE ADAMS COUNTY CLERK AND RECORDER AND THE WELD COUNTY CLERK AND RECORDER ON NOVEMBER 5, 2019 AND PROVIDING THAT THE CITY WILL UTILIZE THE REQUIREMENTS AND PROCEDURES OF THE "UNIFORM ELECTION CODE OF 1992" FOR SAID ELECTION**

Councilmember Johnston recused himself from this item since he is a member of the committee regarding Items 9A and 9B.

City Attorney Jack Bajorek explained that according to the City Charter each Councilmember present must vote for this item.

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

Councilmember Johnston recused himself.

City Clerk Natalie Hoel explained that a recall petition was filed with the City Clerk's Office on August 5, 2019 and the petition was determined to be sufficient on August 12, 2019. According to State Statutes and the City Charter, Article 6, Section 6.3(e) require that the governing body order and fix the recall election with the next regular election when such election is within 180 days or 90 days, respectively, of the submission of the petition to the governing body. The Adams County Clerk and Recorder and the Weld County Clerk and Recorder will conduct the Coordinated Election on November 5, 2019.

Motion by Councilmember Humbert, seconded by Councilmember Pollack, to approve Resolution 2019-90. Motion passed by the following vote:

Aye: 7 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

Recused: 1 - Councilmember Johnston

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CERTIFYING THE BALLOT CONTENT FOR THE COORDINATED MAIL BALLOT ELECTION TO BE HELD ON NOVEMBER 5, 2019 AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Acting City Manager Falconburg introduced City Clerk Natalie Hoel.

City Clerk Natalie Hoel explained that the recall item and all candidates that turned in valid petitions have been added to the ballot and ask that the ballot content be approved for the November 5, 2019 Coordinated Election with Adams County and Weld County.

Motion by Councilmember Mills, seconded by Councilmember Humbert, to approve Resolution 2019-91. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT REGARDING MEDICAL CENTER DRIVE IMPROVEMENTS BETWEEN THE CITY OF BRIGHTON AND THF PRAIRIE CENTER DEVELOPMENT, L.L.C., AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT

Mayor Kreutzer read the title of the Items 9C and 9D into the record.

Acting City Manager Falconburg explained that this has been a coordinated effort between Infrastructure Director Mike Woodruff, City Attorney Jack Bajorek, THF Development, Bromley Park Development and Platte Valley Medical Center. The City is proposing to design, bid and build the top lift of the damaged portions of Medical Center Drive and be reimbursed by the developers for their proportionate costs. The estimated cost is \$441,000 and would be shared proportionately based on the adjacency of the land. THF would be responsible for 2/3 of the roadway and S3L would be responsible for 1/3 of the roadway. This would improve the road for the public, hospital, commercial areas and prevent further deterioration of the roadway. Both THF and Bromley

Park have agreed to participate in this important project for the community. Staff is requesting approval of the agreements. Acting City Manager Falconburg, City Attorney Bajorek and Director Woodruff answered questions from Council regarding:

- *The timeline for reimbursement from the developers.*
- *The start and end dates for the project.*

Motion by Councilmember Mills, seconded by Councilmember Pollack, to approve Resolution 2019-92. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

Mayor Kreutzer called for a break at 8:35 p.m.

Mayor Kreutzer reconvened the meeting at 8:46 p.m.

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT REGARDING MEDICAL CENTER DRIVE IMPROVEMENTS BETWEEN THE CITY OF BRIGHTON AND S3L HOLDINGS, L.L.C., AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT

Motion by Councilmember Blackhurst, seconded by Councilmember Pollack, to approve Resolution 2019-93. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 13-4-140 OF THE BRIGHTON MUNICIPAL CODE REGARDING WATER SERVICE ALONG BRIGHTON ROAD BETWEEN 120TH AND 128TH AVENUES (FINAL READING)

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

Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.

Infrastructure Director Mike Woodruff answered questions from Council regarding:

- *The 1 ½ charge for water being removed from the Ordinance.*

Motion by Councilmember Humbert, seconded by Councilmember Johnston, to approve Ordinance 2315. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

Resolutions

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF BROWN & CALDWELL AND AWARDING THE CONTRACT FOR THE WATER TREATMENT PLANT EXPANSION & DENITRIFICATION DESIGN SERVICES, BID # 19-020, TO BROWN & CALDWELL IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SIXTY-THREE THOUSAND, FIVE HUNDRED AND THIRTY-TWO DOLLARS (\$663,532.00), AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

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

Acting City Manager Falconburg introduced Infrastructure Director Mike Woodruff.

Infrastructure Director Mike Woodruff presented the modification of the City's Reverse Osmosis Treatment Facility and the expansion of the Greensands Water Treatment Plant to provide safe drinking water to the community. Director Woodruff introduced Senior Plant Mechanic Mark Danforth, Chief Plant Operator at the Greensands and RO Treatment Facility Jim Hinton, Project Engineer and Project Manager Matt Amidei, Utility Engineering Manager Roy Gallea, Assistant Direct of Utilities Brad Dallam and Bayard Yang, the Project Manager for the Engineering Firm.

Director Woodruff presented the Water Treatment Plant Expansion & Denitrification Phase I Design Services project. Director Woodruff explained the processes the water from the City wells and Beebe Draw goes through prior to reaching the distribution tanks. The process begins with raw water and goes to the RO Treatment Plant or the Greensand Treatment Plant, through the process and then to the distribution tanks. The City gets 1.8 mg of water per day from Thornton and could get up to 2.2 mg of water if needed to supplement the City's treatment process.

There are new CDPHE discharge limits for RO waste stream and the City must be compliant by September 30, 2022, that is when the City's current permit will expire. The City must have a solution for the nitrate issue by that date. The denitrification would remove those nitrates from the water as it drops into the river. The current production capacity at the Greensands Plant is 11.7 MGD, the rated capacity is 13.3 MGD and the current maximum day demand is 11.68 MGD, this was on July 26, 2019. The City is almost at maximum capacity.

The Design Engineer will be retained from conceptual planning through final construction completion of Phase I, II and III. The City will retain a Construction Manager at Risk (CMAR) for construction services at around 30% design. The CMAR will work with the Design Engineer. At 60% design, a guaranteed maximum price will be provided to the City. An owner's representative can be contacted at any time during the review process. Once a price is agreed upon, the equipment will be ordered. Construction of the RO Denitrification should be completed by September 2022 and in conjunction, there will be construction on the Greensands expansion, which should be completed in the second quarter of 2024 or sooner.

The Engineer will complete the following scope of services for Phase I; pilot testing, water quality & process evaluation, CDPHE permitting, conceptual design, condition assessment, hydraulic evaluation and CMAR solicitation. Phase II will include a final set of construction documents, all permits and required easements, Engineers opinion of probable cost and the final set of specifications. Phase III will include construction oversight and inspections services, final acceptance testing, as-builts and start-up and commissioning.

The advantages of the CMAR process includes having the CMAR as part of the design team collaboration early in the process, they assist with value engineering, cost estimating and constructability review. There is an opportunity to overlap phases of design and construction to help meet deadlines. There is early cost certainty in design. CMAR is allowed to self-perform portions of the work. The City controls both design and

CMAR contracts. If the GMP is not within the budget, the City can release the CMAR and formally bid the construction or could negotiate the cost with the CMAR. Staff will come back to Council with additional contracts for the Phase II and III of design, the CMAR construction services, the purchase of long lead-time equipment, the CMAR guaranteed maximum price, the possible Owner's representative and any ancillary services. Due to scheduling constraints and CDPHE deadlines, the timing of contract approval is critical in preventing delays and associated costs for this project.

Director Woodruff presented the details for the RO process and the project details. In December 2007, the CDPHE issued revised effluent limits to the existing concentrate discharge permit, which allows the City to discharge the brine/concentrate from the RO Plant into the river. The City is currently within the limits of the permit from the state of Colorado. The original compliance date was September 2013. Brighton has been granted multiple extensions since 2007. The current permit issued July 31, 2019 has a date for total inorganic nitrogen, selenium & sulfates of September 30, 2022. If compliance is not met, the CDPHE may impose significant fines.

The City completed multiple alternative analysis reports since 2007 and successfully piloted a Fluidized Bed Reactor in 2014, but construction did not move forward due to operational challenges. At that time, extensions were requested and granted. Biological denitrification was, and still is, determined to be the optimal treatment option. The City currently meets water demands with three sources, RO permeate with raw water blending, Greensands Filtration Plant and the Thornton interconnect. The RO Plant is in need of constant work to meet the daily demands for water in the City. The demand will only increase and will require 12.28 MGD by 2021 and 14.4 MGD in 2026.

Expanding the RO is not a realistic option due to concentrate and permitting issues and fewer locations for new South Platte wells that feed the RO facility. The City has a five train RO, but are only able to operate three trains because of the discharge restriction. The Surface Water Treatment Plant is not currently an option; the City needs more water rights, more storage, large infrastructure requirements and a projected cost of over 100 million dollars. Once the design of the expansion of the current facilities is complete, this option may be revisited. Staff is hopeful that enough capacity can be had from the expansion to serve the residents into the future. It is easier to expand the Greensand facility. The City owns land for new wells, there are no permitting issues and there are lower treatment costs to operate the facility. The Greensand plant is fed from the Beebe Draw Well Field. The City owns 40 acres and has three active wells and one that needs equipment for operation. The City pumps 1,100 acre-feet (308 MG) annually for treatment. There is an estimate of 5,600 acre-feet (1,568 MG) with the addition of appropriate wells.

The Phase I scope of services include pilot testing with a mobile testing unit that will be connected to the South Platte and Beebe raw water to fine tune the needed treatment process for the water. A water quality process evaluation will take place and they will take care of the CDPHE permitting process. A conceptual design and condition assessment will take place during this phase. A hydraulic evaluation will take place and the CMAR solicitation will be done.

A Request for Qualifications (RFQ) was done in April 2019 and three firms submitted. The City chose two firms for the Request for Proposal (RFP) process; they were Burns & McDonnell and Brown & Caldwell. A proposal was submitted by both and Brown & Caldwell was selected because of their system knowledge and innovative approach. The fee for Phase I design services is \$683,532. Staff recommends accepting the design proposal from Brown & Caldwell for design services for the Water Treatment Plant Expansion & Denitrification Phase I Design Services would accomplish the following:

- Provide a long term, reliable solution to address current issues at the RO Treatment Plant and ensure continuation of RO treatment and distribution to customers.
- Meet all regulatory deadlines and avoid potential CDPHE fines.
- Provide reliable drinking water service to existing and future City of Brighton residents and businesses as well as providing environmental stewardship by continuing to meet the City's permit requirements.

Director Woodruff, Project Manager for the Engineering Firm Bayard Yang, Chief Plant Operator Jim Hinton and Utility Engineering Manager Roy Gallea answered questions from Council regarding:

- The hardness of the water being addressed and fixed with this process.
- The treated water from the RO Plant being reused or sent to the Platte River.

- *The City getting credit for augmentation for the water being returned to the Platte River.*
- *The ability to increase the capacity and use all five trains.*
- *The inability for the system to handle the processing of the additional water if there were more South Platte wells.*
- *The ability to use a UV System to manage the chlorine in the water.*
- *The difference in the water quality from the shallow wells and the Beebe Draw water.*
- *The value of the wells and future use for augmentation.*
- *The chlorine treatment being done at the tank location or the treatment facility.*
- *Any recommendation that can be made for citizens to control the chlorine taste in the water.*
- *The three trains being used at the RO Plant being used on a rotating schedule.*
- *The amount of brine being discharged daily.*
- *The process for the discharge of the brine.*
- *The hardness of the water at this time.*
- *The acceptable hardness from a consumer standpoint.*
- *The level of hardness if a consumer used a water softener.*
- *The process for salt to remove hardness from the water.*
- *Brine being created when a water softener regenerates.*
- *The City being responsible for treating the water from homes going into the wastewater system.*
- *The reason these issues were not addressed before extensions had to be issued.*
- *Something being done in 2007 when 25 million dollars was spent to fix the RO Plant.*

Director Woodruff stated that the water in the City of Brighton is safe and staff is dedicated every day to the service of the City and keeping the water safe for drinking.

Motion by Councilmember Mills, seconded by Councilmember Humbert, to approve Resolution 2019-94. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Kreutzer attended the United Power Carbon Valley Service Center grand opening, the 3E's Cemetery BBQ, the E-470 Operations and Communications Committee meeting, the Texas Roadhouse groundbreaking, and the Touch a Truck and Safety Expo event.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

Acting City Manager Marv Falconburg gave Council a Utilities Department information sheet that will be placed on the City website, on social media and in the water bills. The City Council budget forum is on Monday and the candidate orientation is on Tuesday.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Mills attended the BURA meeting and the Touch a Truck and Safety Expo.

Councilmember Wallin attended the Public Art Committee meeting and will attend the Cultural Arts Committee meeting.

Mayor Pro Tem Edwards attended the Texas Roadhouse groundbreaking, the 3E's Cemetery BBQ and the United Power Carbon Valley Service Center grand opening.

Councilmember Humbert attended the Touch a Truck and Safety Expo, the Downtown Partnership meeting and the Veterans Fair. Saturday is the Classic Car Show at EVAC and the Barr Lake 7th Annual Fall Birding Festival.

Councilmember Johnston attended the Touch a Truck and Safety Expo and the CML Policy Board meeting.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to go into Executive Session at 9:55 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Economic Development. Motion passed by the following vote:

Aye: 7 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

No: 1 - Councilmember Johnston

Absent: 1 - Councilmember Baca

Mayor Kreutzer reconvened the meeting at 10:42 p.m.

15. ADJOURNMENT

Motion by Councilmember Wallin, seconded by Councilmember Mills, to adjourn at 10:43 p.m. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Baca

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date