



City of Brighton

*500 S. 4th Avenue
Brighton, CO 80601*



Meeting Minutes - Draft

Tuesday, April 17, 2018

7:00 PM

Amended

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 7:01 p.m.

A. Pledge of Allegiance to the American Flag

Mayor Kreutzer led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

2. APPROVAL OF REGULAR AGENDA

City Manager Philip Rodriguez explained that the Regular Agenda has been amended to move the budget Resolution under Public Hearings and to add and Executive Session for legal advice regarding DIA.

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

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

3. CONSENT AGENDA

A. Approval of the March 20, 2018 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING OLIVER SHAW AS A WARD 1 MEMBER OF THE BRIGHTON PLANNING COMMISSION TO FILL AN UNEXPIRED TERM TO JANUARY, 2021

Resolution No: 2018-41

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING REX BELL AS A WARD 2 MEMBER OF THE BRIGHTON PLANNING COMMISSION WITH A TERM TO JANUARY, 2022

Resolution No: 2018-42

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING CRAIG DAVIS JR. AS AN ALTERNATE MEMBER OF THE BRIGHTON PLANNING COMMISSION TO FILL AN UNEXPIRED TERM TO JANUARY, 2020**

Resolution No: 2018-43

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING STEVE GINEVAN AS AN ALTERNATE MEMBER OF THE BRIGHTON PLANNING COMMISSION TO FILL AN UNEXPIRED TERM TO JANUARY, 2021**

Resolution No: 2018-44

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING DENNIS WILLIAMS AS A MEMBER OF THE BOARD OF APPEALS WITH A TERM TO SEPTEMBER, 2021**

Resolution No: 2018-45

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ANTHONY LELL AS A MEMBER OF THE BOARD OF APPEALS WITH A TERM TO SEPTEMBER, 2021**

Resolution No: 2018-46

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

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

4. CEREMONIES

A. Swearing In of New Board and Commission Members

City Clerk Natalie Hoel swore in the new Planning Commission and Board of Appeals members.

B. National Arbor Day Celebration Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to Kyle Sylvester, Manager of Open Space and Forestry. Manager Sylvester introduced Adam Rhodebeck, City Forester.

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

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

C. Recognition of the Arbor Day Poster Contest Winner

Mayor Kreutzer presented a certificate to Sydnee Lauridson, Zion Lutheran School, for winning the Colorado Tree Coalition Arbor Day Poster Contest.

D. Sexual Assault Awareness Month Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to Kim Messina, Victim Advocate Coordinator.

Motion by Councilmember Blackhurst, seconded by Councilmember Baca, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

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

William Grant, 4184 CR 21. Mr. Grant expressed his concern regarding not being allowed to bid for work for the City of Brighton. Mr. Grant has concern regarding the procurement process and the Master Services Agreement with Brown's Hill Engineering and Controls.

Shereen Fink, 14551 Akron Street, Brighton. Ms. Fink invited City Council to the Diversity, Equity & Inclusivity Council event on April 26, 2018.

Richard Lopez, 6531 West 73rd Place, Arvada. Mr. Lopez asked City Council for help finding another location for his boxing gym that was recently closed when the building they were using was sold to the City.

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING CONDITIONAL APPROVAL OF THE BRIGHTON EAST FARMS FILING NO. 3, AMENDMENT NO. 1 PLAT AMENDMENT, FOR APPROXIMATELY 109 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN THE EAST HALF OF THE EAST HALF OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; SETTING FORTH SAID CONDITIONS OF APPROVAL; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Kreutzer opened the public hearing at 7:43 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 11, 2018 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Rodriguez introduced Community Development Director Holly Prather on behalf of Associate Planner Josh Tetzlaff.

Community Development Director Holly Prather presented the application for the Plat Amendment known as

the Brighton East Farms Filing No. 3 First Amendment. This is the first amendment to the original Plat that was approved in February 2004. Council should review and determine if the Plat Amendment meets the City of Brighton Land Use and Development Code subdivision regulations. At this time, the property has been annexed into the City, zoned as the Bromley Park PUD and has been platted. Platting is the stage when the property owner subdivides the property into lots and blocks, and dedicates any public land for parks, school sites or right-of-way dedications. The applicant is amending their existing Plat.

The property was annexed in 1985 as part of the Bromley Park Annexation and zoned as part of the Bromley Park PUD. The PUD designated the area as single-family residential and commercial. The Plat Amendment does include a commercial tract and primarily single-family residential. Surrounding development of the property includes the Silver Peaks development in Lochbuie to the north, Brighton Crossing Filing No. 2 to the west, property that has been annexed into the City and zoned as the Neff PUD to the east. The Comprehensive Plan designates the area primarily as low-density residential and the applicant is proposing single-family residential detached homes. The applicant is proposing to move some of the lot lines to increase the street width by a couple feet to meet the current City standards. A large tract was created in the center of the subdivision for a potential oil and gas well pad. A trail has also been added that will be built along 60th Avenue. Improvements to Baseline Road and North 60th Avenue will be constructed in Phase 1 of the development. The park site is increasing from 4.3 acres to 7.6 acres and will be divided and constructed in Phase 1 and Phase 2. The applicant has removed an access to Baseline Road that crossed the Speer Canal. This change was due to the Farmers Reserve and Irrigation Company (FRICO), they do not wish to permit any additional crossings of the canal due to maintenance costs that accompany those crossings. Due to these changes being made, some other aspects of the subdivision have changed to make this possible. With the addition of the potential well pad tract, Tract J, the number of the lots in the subdivision has decreased from 328 lots to 309 lots. The lots are also smaller with the addition of increased right-of-way and the park has changed location slightly and almost doubled in size. These changes to the original subdivision are required to and do meet the subdivision regulations found in the Land Use and Development Code and the Bromley Park PUD. Due to FRICO requesting there not be a crossing over the Canal, there will be a cul-de-sac on the street that was proposed to have access to Baseline Road. Tract J is where the applicant is proposing to have an oil and gas facility site. The park layout has changed in size and location. The lot layout, alignment, and some of the streets have changed. There is now another street running north/south through the subdivision. The revised Plat is better in terms of connectivity. The access point for the Brighton Crossing Filing No. 2 subdivision to the west has been retained. Streets and Fleet has approved the changes to the access points and road alignments.

Notice of the hearing on the Plat Amendment was sent to all property owners immediately adjacent to the proposed property on April 2, 2018. Signs were posted on the property on April 6, 2018, one on Baseline Road and one on the Frontage Road. Notice was published in the Brighton Standard Blade on April 11, 2018. Staff has not received any formal comments regarding the project.

The application complies with the Land Use and Development Code, the Comprehensive Plan and the Bromley Park PUD. Staff recommends approval of the Brighton East Farms Filing No. 3, Amendment No. 1 Plat with the following condition:

1. The Owner/Developer shall address to the satisfaction of City Staff, all comments on the Subdivision Plat Amendment application, as specifically set forth in the "Summary Letter of DRC Comments for Review #3" dated April 20, 2018, and forwarded to the Applicant on April 20, 2018. No building permits will be issued by the City for any development on any portion of the Property unless and until this condition is fully and completely satisfied.

The outstanding comments do not relate to the Plat Amendment document being reviewed by City Council, these are minor technical comments related to the drainage and traffic report changing some of the text and numbers that did not match. Due to the mineral interest notice that had to be done 30 days prior to the public hearing, there were some minor comments regarding the notice. These comments do not affect the Plat Amendment.

The potential oil and gas location on Tract J does meet all of the City's regulations related to oil and gas development. The City has a regulation that any new residential structures must be set back a minimum of 200 ft. from an oil and gas well facility. Tract J is approximately 250 ft. away from any nearby residents. There

is not an application at this time for the oil and gas facility, but that is not part of this application process.

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

Joel Farkas, 9033 East Easter Place, Centennial, Colorado. Mr. Farkas thanked staff for the work they have done on this project.

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

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 Blackhurst asked if the number one reason to revise the Plat is for the oil and gas development. Director Prather stated that was correct. Councilmember Blackhurst asked that if there is not an oil and gas well on the property, would the developer have to come back to City Council again to amend the plan. Director Prather explained that it depends on the use. If the use were to change to a commercial use, the developer would have to amend the PUD, and if the use were changed to single-family homes, the Plat would have to be amended. Mr. Farkas explained that the COGCC has already approved the application Form 2 and if this amendment is approved tonight, the COGCC will complete the application process. Councilmember Blackhurst asked if there is any way to know if the development of the oil and gas well would start before the housing development. Mr. Farkas stated that the expectation is to begin [oil and gas development] in the next 90 days. Councilmember Blackhurst expressed concern that if the housing development began before the oil and gas development, the homeowners may not be properly notified of the existence of the oil and gas facility. Mr. Farkas stated that he will keep the City updated on the drilling activity and that the drilling would commence by June 2018.

Councilmember Mills asked if the access that was changed on Baseline Road was approved by the Streets and Fleet Department and public safety. Director Prather reported that the Fire District and Police Department both reviewed the changes and did not have any comments.

Councilmember Johnston asked if staff was aware that in other venues this oil and gas site is being discussed as a "for sure" gas site to pay for the Metro District tax as a whole. City Manager Rodriguez asked that questions be restricted to the Plat and not what staff is aware of regarding anything external to this process. Councilmember Johnston asked if there would be an issue since the access to Baseline Road will not be completed before the drilling will take place. Director Prather explained that most of the access points will not be completed when the oil and gas facilities go in. Councilmember Johnston asked if there was a schedule for the development of the oil and gas site and the building of the homes. Director Prather explained that when the City receives an MOU application for the oil and gas facility, the access points would be determined at that time. Councilmember Johnston asked if there was a document stating that the City is protecting itself in the case that the schedule of the [oil and gas] permitting is different, if the homes are built prior to the oil and gas facility. Director Prather explained that the Municipal Code provides that no buildings that require a Certificate of Occupancy may be constructed within 200 ft. of an oil and gas well facility. If the oil and gas facility already exists, they will be meeting that requirement. There is nothing in the Code requiring the oil and gas facility to be constructed before the homes. If the homes are built before the oil and gas facility, the setback requirements are increased to 1000 ft. It is advantageous for the developer to complete the oil and gas facility first so they do not lose residential lots. Councilmember Johnston asked if there was any documentation stating that the oil and gas drilled prior to any residential homes being constructed. Director Prather explained that is something that cannot be added to this application, but it could be added to the Memorandum of Understanding with the City that is currently not in process.

Councilmember Wallin asked to view the geographical relation to the park and the oil and gas facility and asked if there was a setback requirement for the park. Director Prather explained that there is not a setback

requirement for a park. Councilmember Wallin asked if it is possible that the proposed oil and gas facility could be located at the edge of the park. Director Prather explained that the oil and gas wells are proposed to be set back on the property, but the location is next to the park. Councilmember Wallin asked if the wells could be placed next to the property line. Director Prather explained that the wells could not be moved much closer to the property line or they would not meet the setback requirement of 200 ft. for any building that requires a certificate of occupancy. Mr. Farkas explained that the location of the wells is not adjacent to the park and the access to the site is to the south, away from 168th Avenue. Councilmember Wallin asked if the access for the oil and gas facility would be directly to the Frontage Road. Mr. Farkas reported that it would. Councilmember Wallin expressed his disappointment and concern that this facility would be placed next to a park.

Councilmember Baca asked if the park would be taken over by the City of Brighton. Director Prather explained that it would be. Councilmember Baca asked who is responsible for building the park. Mr. Farkas explained that the developer would install the park. Councilmember Baca asked how the installation of the park would be done. Mr. Farkas explained that a portion will be done in Phase 1 and the rest of the park would be completed in Phase 2. Councilmember Baca asked if the building of the park is triggered by the number of permits issued. Mr. Farkas explained that it is triggered by the development and construction of improvements required for the particular phase. Councilmember Baca asked if the park would be completed at the completion of the phases. Mr. Farkas stated that is correct.

Mayor Kreutzer asked what the oil and gas structure would look like when the drilling is completed. Mr. Farkas explained that the production equipment goes away and the remaining equipment will be less intrusive on the site. Mayor Kreutzer asked what type of protective barrier would be placed on the site since the site is next to a park. Mr. Farkas explained that there is a plan for this but he does not know what that is at this time. The park has been increased almost double in size from the first Plat.

Councilmember Johnston asked Mr. Farkas how many development companies he owns. Mr. Farkas said that he does not know and asked if this question is relevant. Councilmember Johnston asked Mr. Farkas if any of his past development companies have gone into bankruptcy. Mayor Kreutzer explained that this hearing is concerning the Plat Amendment. Councilmember Johnston stated that he would like to be sure that some of the information being discussed is in writing before a decision is made. Mayor Kreutzer asked Councilmember Johnston to make his questions more poignant to that fact. Councilmember Johnston withdrew his question.

Mayor Kreutzer closed the public hearing at 8:14 p.m.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve Resolution 2018-47 granting conditional approval of the Brighton East Farms Filing No. 3, Amendment No. 1 Plat Amendment, for approximately 109 acres of property generally located within the east half of the east half of section 2, township 1 south, range 66 west of the 6th principal meridian, City of Brighton, County of Adams, State of Colorado; setting forth said conditions of approval; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 6 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, and Councilmember Mills

No: 3 - Councilmember Johnston, Councilmember Pollack, and Councilmember Wallin

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND, LODGING TAX FUND, CAPITAL IMPROVEMENT FUND, IMPACT FEE FUND, PARKS AND RECREATION CAPITAL IMPROVEMENT FUND, LOTTERY RESERVE FUND, CEMETERY FUND, WATER ENTERPRISE FUND, WASTEWATER ENTERPRISE FUND, AND STORM DRAINAGE ENTERPRISE FUND; APPROPRIATING MONEY FOR EXPENDITURES AND EXPENSES IN THE AMOUNT OF FIVE HUNDRED TWENTY THOUSAND TWENTY DOLLARS (\$520,020) FOR THE GENERAL FUND,

THREE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$312,500) FOR THE LODGING TAX FUND, FIVE MILLION TWO HUNDRED NINETY NINE THOUSAND TWO HUNDRED THIRTY SEVEN DOLLARS (\$5,299,237) FOR THE CAPITAL IMPROVEMENT FUND, A REDUCTION OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR THE IMPACT FEE FUND, TWO MILLION NINE HUNDRED EIGHTY SEVEN THOUSAND SIX HUNDRED THIRTY SIX DOLLARS (\$2,987,636) FOR THE PARKS AND RECREATION CAPITAL IMPROVEMENT FUND, THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000) FOR THE LOTTERY RESERVE FUND, EIGHT THOUSAND NINE HUNDRED FIFTY DOLLARS (\$8,950) FOR THE CEMETERY FUND, ONE MILLION EIGHTEEN THOUSAND FIVE HUNDRED SIXTY FOUR DOLLARS (\$1,018,564) FOR THE WATER ACTIVITY ENTERPRISE FUND, ONE MILLION SIX HUNDRED THOUSAND FIFTY DOLLARS (\$1,600,050) FOR THE WASTEWATER ENTERPRISE FUND, AND A REDUCTION OF ONE MILLION FIVE HUNDRED THREE THOUSAND DOLLARS (\$1,503,000) FOR THE STORM DRAINAGE ENTERPRISE FUND; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Kreutzer opened the public hearing at 8:18 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 4, 2018 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Rodriguez explained that the City is not required by Code to conduct a public hearing for this item. However, it was determined that it is in the best interest of the residents and businesses in the City as investors in the community through taxes and fees to hold the public hearing. This type of amendment will not be seen again by City Council in the future. This is a transition year to get the entire budget incorporated into the fall budget process so it is adopted at one time. City Manager Rodriguez introduced Finance Director Jean Starr.

Finance Director Jean Starr presented the First Quarter 2018 Budget Amendment. On December 31, 2017 budgeted amounts lapsed into fund balance from encumbered and unencumbered amounts. This means that in 2017 the City had budgeted expenditures that were less than revenue. Encumbered amounts are purchase orders or contracts that have been issued to a vendor, but the work was not completed in 2017. The unencumbered amounts represent budgeted amounts that were not spent or promised for expenditure by purchase orders. When these amounts lapse into fund balance staff must request appropriations for some of these things be put into the 2018 budget. The total budget amendment totals \$10,383,957.00 and consists of appropriations the following items: the purchase orders continued from 2017 to 2018; additional expenditures; capital projects; an interfund correction between the General Fund and the Capital Improvement Fund to correct part of the budget that was adopted in 2017; interfund transfers necessary to complete the expenditures and the expenses that have been budgeted; and a grant revenue award received in 2018. The following expenditures are being brought forward:

Expenditures:

General Fund	\$520,020		
Lodging		Tax	Fund
	312,500		
Capital Improvement Fund		5,299,237	
Impact Fee Fund	(250,000)		
Parks & Recreation Capital Improvement Fund		2,987,636	
Lottery Reserve Fund		390,000	
Cemetery Fund	8,950		
Water Fund	1,018,564		
Wastewater Fund	1,600,050		

Storm Drainage Fund	(1,503,000)
Total	\$10,383,957

93.4% of the expenditures that are being brought forward are regarding capital projects. Staff worked hard to determine if these projects are essential to the citizens of the City of Brighton and that they would be completed in 2018. If this Resolution is approved, the total amended 2018 budget will be \$109,431,933.00. The total capital projects for 2018 will be \$48,688,460.00. The projected fund balances are all positive and therefore in compliance with the Colorado Budget Statutes. The 2019 budget will be prepared to be inclusive of all operating and capital projects that are forecasted for completion in 2019. Since 2018 is a transition year, it may be necessary to come back with another budget amendment during the year.

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

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 Baca asked if the notice for the public hearing was posted or if posting the agenda was a sufficient posting. Director Starr explained that the notice of hearing was published in the newspaper.

Mayor Kreutzer closed the public hearing at 8:30 p.m.

Motion by Councilmember Wallin, seconded by Councilmember Pollack, to approve Resolution 2018-48 amending certain accounts in the General Fund, Lodging Tax Fund, Capital Improvement Fund, Impact Fee Fund, Parks and Recreation Capital Improvement Fund, Lottery Reserve Fund, Cemetery Fund, Water Enterprise Fund, Wastewater Enterprise Fund, and Storm Drainage Enterprise Fund; appropriating money for expenditures and expenses in the amount of \$520,020.00 for the General Fund, \$312,500.00 for the Lodging Tax Fund, \$5,299,237.00 for the Capital Improvement Fund, a reduction of \$250,000.00 for the Impact Fee Fund, \$2,987,636.00 for the Parks and Recreation Capital Improvement Fund, \$390,000.00 for the Lottery Reserve Fund, \$8,950.00 for the Cemetery Fund, \$1,018,564.00 for the Water Activity Enterprise Fund, \$1,600,050.00 for the Wastewater Enterprise Fund, and a reduction of \$1,503,000.00 for the Storm Drainage Enterprise Fund; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

7. 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, ACCEPTING THE BID OF CONROY EXCAVATING INC. AND AWARDING THE CONTRACT FOR THE SOUTH OUTFALL MANHOLE PUMP PROJECT TO CONROY EXCAVATING INC. IN AN AMOUNT NOT TO EXCEED SIXTY-NINE THOUSAND ONE HUNDRED NINETY DOLLARS AND ZERO CENTS (\$69,190.00) AND AUTHORIZING THE MAYOR 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.

City Manager Rodriguez introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers presented the South Outfall Manhole Pump Project. This project is to install what amounts to a lift station in the South Outfall Storm drainage Channel. Staff will install a pump and appropriate controls in a manhole that has storm water entering at the bottom and not flowing out until it reaches the top of the manhole. The pump will prevent the storm system from holding a lot of storm water upstream of the manhole. The manhole is north of the Sierra Detention Systems building on South 4th Avenue. The water level during a storm event rises to a surchargable level, flows out and can continue to the river. When a storm event stops, there is an issue because the manhole stays full and water backs up in the stormwater system, which, increases the likelihood of flooding and reduces the overall efficiency and capacity of the system. The project will consist of a guiderail system so the pump can be removed when necessary, a new lid for the manhole that will be cast to accommodate the pump, electrical conduits that will run to the pump location from a nearby pump station, and bollards will be installed around it to ensure vehicle damage does not occur. The City received two bids for the project. Conroy Excavating Inc. met all of the bid requirements and was the low bidder. Staff recommends that the project be awarded to Conroy Excavating Inc. in an amount not to exceed \$69,190.00 because it will greatly improve the effectiveness of the South Outfall System. Director Bauers answered questions from Council regarding:

- The pump only functioning to empty the manhole during storms.*
- An event occurring to make the City realize that this area was a problem.*

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Edwards, to approve Resolution 2018-49 acting by and through its Water Activity Enterprise, accepting the bid of Conroy Excavating Inc. and awarding the contract for the South Outfall Manhole Pump Project to Conroy Excavating Inc. in an amount not to exceed \$69,190.00 and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, ACCEPTING THE PROPOSAL OF BROWN AND CALDWELL, INC. AND AWARDING THE CONTRACT FOR THE AUGMENTATION AND PUMP-BACK LINE REVITALIZATION PROJECT TO BROWN AND CALDWELL, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS AND ZERO CENTS (\$232,371.00) AND AUTHORIZING THE MAYOR 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.

Utilities Director Curt Bauers presented the Augmentation and Pump-back Line Revitalization Project. There will be a new pump station designed to transport water through the existing pipeline to take water stored in Ken Mitchell Lakes to Barr Lake and the Beebe Seep in order to augment well pumping in the Beebe Draw aquifer. The next part of the project is to design the repair and improved functionality for the South Outfall Diversion Box. This is necessary in order for the 148th Avenue augmentation line to deliver augmentation water from the City's ditch supplies into Cell 1. The pump station is located just south of the Ken Mitchell Park and the diversion box is located just off Brighton Road. The Pump Station System design is needed in order to move water from the Ken Mitchell Reservoirs to the Beebe Draw in order to create flexibility in the overall augmentation supply and giving more options to meet the overall augmentation requirements with existing supplies. This will allow the South Platte water rights to be used to augment well pumping in the Beebe Draw.

The existing pump station was poorly designed, not functional and never operated. The pump back line has existed for a long time and has never been used. The South Outfall Diversion Box needs to be repaired in order to bring the augmentation water from the South Platte water rights to be diverted off the ditch and delivered into Cell 1. The existing diversion box has questionable functionality and has not been used in over five years. This portion of the project will require a thorough engineering review to ensure that the design is sufficient; the channel leading up to it meets all requirements and that full functionality of the diversion box can be restored. The City advertised and received two bids, the bidders were interviewed and their bids reviewed. Staff is not recommending award to the low bidder because they did not demonstrate a full consideration and understanding of the necessary components of the pumping system and did not demonstrate that their bid would provide for a functional project when constructed. With potentially an incomplete scope of work, the risk did not warrant accepting the bid. Staff is recommending award of the design contract to Brown and Caldwell, Inc. in the amount not to exceed \$232,371.00 based on their thorough understanding of the project and demonstration of meeting the overall project needs and their expertise and experience.

Director Bauers answered questions from Council regarding:

- The age of the diversion box.
- The reason the diversion box is not functional.
- Staff anticipating this happening with the new design.

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Resolution 2018-50 acting by and through its Water Activity Enterprise, accepting the proposal of Brown and Caldwell, Inc. and awarding the contract for the Augmentation and Pump-Back Line Revitalization Project to Brown and Caldwell, Inc. in an amount not to exceed \$232,371.00 and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

8. GENERAL BUSINESS

A. Cancel the June 19, 2018 City Council Meeting for the CML Conference

Motion by Councilmember Wallin, seconded by Councilmember Johnston, to cancel the June 19, 2018 City Council meeting for the CML Conference. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

B. Schedule a Special City Council Meeting on June 26, 2018 at 6:00 p.m.

Item 8B was removed from the agenda.

C. Cancel the July 10, 2018 Study Session for the City Attorney Interviews

Motion by Councilmember Mills, seconded by Councilmember Pollack, to cancel the July 10, 2018 Study Session for the City Attorney Interviews. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

9. REPORTS

A. By the Mayor

Mayor Kreutzer attended the Metro Mayors Caucus, threw out the first pitch at the Brighton High School baseball game, attended the ribbon cutting at the Bank of Colorado, the Chamber First Friday breakfast, the ACC meeting, the Kiwanis Club meeting, the Meet and Greet with Thornton, the E-470 meeting, the Berry Patch Farm celebration and the DECA banquet. Mayor Kreutzer thanked everyone that attended the State of the City and thanked staff for their hard work. Mayor Kreutzer reminded Councilmembers to plan a time for their Ward Meet and Greets.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

City Manager Rodriguez explained that under Section 3-8-280 of the Municipal Code, there is a provision for emergency purchase orders. On the evening of April 11th, vandalism and theft occurred at the City South Water Storage site causing severe damage. An emergency PO was issued today to DH Pace Company for \$2,789.53 to replace the door, frame, and repair the structure that was damaged. Fence repair for \$416.00 is underway. No action is needed by Council.

Due to the high winds today, a number of trees were uprooted in the City. Staff is working hard to get the debris removed from the roadways. There will be a hotline set up to report incidents and there will be a place dedicated for residents to dispose of tree limbs.

10. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Edwards attended the ACC meeting, the Meet and Greet with Thornton, the Water Wise seminar and the Senior Advisory Board meeting.

Councilmember Humbert attended the Parks and Recreation Advisory Board meeting, the Housing Authority meeting, the Downtown Partnership Parking Plan meeting.

Councilmember Wallin attended the Cultural Arts Commission meeting and the Youth Commission meeting.

Councilmember Pollack thanked staff for their work on the State of the City.

Councilmember Blackhurst attended the State of the City and the 17th Judicial District Victims' Rights Annual Celebration where Police Officer Rudy Underwood was recognized.

Gregory Mills attended the State of the City, a ribbon cutting for Mr. Handyman, a ribbon cutting for Bank of Colorado, the Chamber First Friday breakfast, the Meet and Greet with Thornton, the Capital Facility Fee Foundation meeting, the ADCO Water Quality meeting and will be attending the United Power meeting tomorrow.

11. EXECUTIVE SESSION

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to go into Executive Session at 9:09 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding DIA. Motion passed by the following vote:

Aye: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,

Councilmember

Blackhurst, Councilmember Humbert, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

No: 1 - Councilmember Johnston

Mayor Kreutzer reconvened the meeting at 9:52 p.m.

12. **ADJOURNMENT**

Motion by Councilmember Humbert, seconded by Councilmember Mills, to adjourn at 9:52 p.m. Motion passed by the following vote:

Councilmember **Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,
Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date