



City of Brighton

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



Meeting Minutes - Draft

Tuesday, June 5, 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 7:00 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: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Not Present: 1 - Councilmember Blackhurst

2. APPROVAL OF REGULAR AGENDA

City Manager Philip Rodriguez reported that Item 11A has been amended.

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

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

Absent: 1 - Councilmember Blackhurst

3. CONSENT AGENDA

Motion by Councilmember Humbert, 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 Baca, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Blackhurst

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SIGNING OF A GRANT AGREEMENT WITH ADAMS COUNTY FOR THE NOT TO EXCEED AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00), FOR THE "DOWNTOWN PLAZA PARK - PHASE 1 PROJECT"; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000.00); AUTHORIZING A 2018 BUDGET AMENDMENT; AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No: 2018-65

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SIGNING OF A MINI-GRANT AGREEMENT WITH ADAMS COUNTY IN THE NOT TO EXCEED AMOUNT OF FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$4,800.00), FOR THE "HIGH SCHOOL SENIORS BEAUTIFICATION PROJECT IN ELMWOOD CEMETERY"; AUTHORIZING THE CITY'S MATCHING OBLIGATION THREE THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$3,830.00); AUTHORIZING A 2018 BUDGET AMENDMENT; AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE MINI-GRANT AGREEMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No: 2018-66

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE SOUTHWEST WELD COUNTY TRANSPORTATION IMPROVEMENT PROGRAM FORUM AGREEMENT BY AND AMONG THE CITIES OF BRIGHTON, DACONO, LONGMONT, THE TOWNS OF ERIE, FREDERICK, FIRESTONE AND MEAD, AND WELD COUNTY ("AGREEMENT") TO IMPLEMENT THE SUBREGIONAL FUNDING ALLOCATION PROCESS FOR THE DRCOG TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND TO ENSURE ADEQUATE TRANSPORTATION INFRASTRUCTURE TO MEET THE NEEDS OF THE SOUTHWEST WELD COUNTY AREA RESIDENTS CURRENTLY AND IN THE FUTURE; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Resolution No: 2018-67

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO REPEALING, REPLACING AND APPROVING THE ADAMS COUNTY COLLABORATIVE TRANSPORTATION PLANNING AGREEMENT ("AGREEMENT"), TO REVITALIZE THE COLLECTIVE COMMITMENT TO THE 4P COUNTY HEARING PROCESS AND INCORPORATE THE ADCOG SUBREGIONAL FORUM PROCESS AMONG THE CITY OF ARVADA, THE CITY OF AURORA, THE TOWN OF BENNETT, THE CITY OF BRIGHTON, THE CITY OF COMMERCE CITY, THE CITY OF FEDERAL HEIGHTS, THE TOWN OF LOCHBUIE, THE CITY OF NORTHGLENN, THE CITY OF THORNTON, THE CITY OF WESTMINSTER, AND ADAMS COUNTY; AUTHORIZING

THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Resolution No: 2018-68

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE RENEWAL OF THE 2016-2018 INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF BRIGHTON FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AND UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE TERMS OF SAID AGREEMENT**

Resolution No: 2018-69

4. CEREMONIES

A. Recognition of the Brighton Employee Charities (BEC) Scholarship Winners

Sheryl Johnson, Chairperson for the Brighton Employees Charities committee presented \$500.00 to the 2018 scholarship winners Jazmin Gonzales, Brighton High School, Abigail Alvarez, Eagle Ridge Academy and Rachel Goodnow, Eagle Ridge Academy.

B. Recognition for Completion of the Public Works Boot Camp

Interim Director of Public Works Mike Woodruff recognized City Council members and staff member who completed the Public Works Boot Camp on May 22, 2018.

C. Reflection on the Vietnam Veterans Memorial and Acknowledgments

Parks and Recreation Director Gary Wardle gave a brief history of the work that was done to complete the Vietnam Veterans Memorial and spoke about the memorial dedication that took place on Memorial Day. Director Wardle thanked everyone involved for helping to get the project completed and make the ceremony such a great event.

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PLACEMENT OF A PLAQUE ON MEMORIAL PARKWAY RECOGNIZING ELAINE PADILLA FOR HER SERVICE TO THE BRIGHTON COMMUNITY**

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

City Manager Rodriguez introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that a petition was received to recognize Elaine Padilla with a plaque on the Memorial Parkway for recognition of her community service to the City of Brighton. Director Wardle introduced Joan Kniss who nominated Mrs. Padilla.

Joan Kniss explained that Elaine Padilla made significant contributions to the City of Brighton and was very involved in the Brighton community.

Several family members and friends of Elaine Padilla spoke about the work she did during her fifty years of service to the Brighton community.

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve Resolution 2018-70 approving the placement of a plaque on Memorial Parkway recognizing Elaine Padilla for her service to the Brighton Community. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

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

6. EMERGENCY ORDINANCES

A. AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ESTABLISHING A TEMPORARY SUSPENSION UNTIL DECEMBER 4, 2018 (OR EARLIER AS MORE PARTICULARLY SET FORTH HEREIN) OF THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR WASTE DISPOSAL INJECTION WELLS DURING THE TERM OF SUCH MORATORIUM; AND DIRECTING THE CITY MANAGER, CITY ATTORNEY, AND STAFF TO CONDUCT SUCH STUDIES AS MAY BE ADVISABLE AND TO CONSULT WITH SUCH AGENCIES, COMMISSIONS, COMPANIES AND CONSULTANTS AS MAY BE PRUDENT, TO DETERMINE WHETHER AND TO WHAT EXTENT MEASURES RELATED TO THE REGULATION OF WASTE DISPOSAL INJECTION WELLS WITHIN AND IN CLOSE PROXIMITY TO THE CITY, SHOULD BE ADOPTED BY THE CITY COUNCIL TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY OF BRIGHTON, AND TO MAKE RECOMMENDATIONS TO CITY COUNCIL AS TO SUCH MATTERS; DECLARING AN EMERGENCY; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

City Manager Philip Rodriguez introduced Special Counsel Matt Sura.

Special Counsel Matt Sura explained that this is an Emergency Ordinance for a six-month moratorium on accepting permits for wastewater injection wells. An Emergency Ordinance is dealt with in the Brighton Charter Article 5.10 stating that an Emergency Ordinance necessary for the immediate preservation of public property, health, welfare, peace or safety shall require the affirmative vote of 2/3 majority of the Council, and that Council can make a decision on this item tonight. City Council passed new oil and gas regulations on March 10, 2015 and those regulations did not adequately address injection wells. The concern at the time was the oil and gas development occurring in the surrounding areas around Brighton. It was never contemplated that there would be an interest or need to put an injection well for oil and gas waste in or near the City boundaries. A recent increase in oil and gas activity has brought new injection well proposals closer to Brighton. Unlike other oil and gas facilities, these injection wells can be located anywhere. The wells are a wastewater disposal site, not unlike a landfill and they can be located anywhere there is property. It would seem to be more appropriate to locate the injection wells where there are no homes and certainly not near a municipality. Because of the known and unknown impacts of injection facilities, staff is recommending a six-month moratorium to study this issue and propose next steps to the City Council.

There is a proposal for an injection well just north of Brighton called the NGL Water Solutions South Weld SWD Facility. It is proposed to be located approximately 500 ft. from the city limits. The proposal includes a

number of tanks that will be located within 150 ft. of the city limits. There are two injection wells planned, but this could be expanded to include more. The proposal includes fifteen tanks, four injection pumps, and a plan to dispose of 10,000 to 25,000 barrels of drilling waste per day. This is approximately one-half million to one million gallons of water per day delivered by eighty-four to two hundred ten trucks per day on Brighton streets. Staff does not know the plan for delivering the wastewater through the City. Under Home Rule Authority, Land Use Authority under State Statutes and under General Police Powers, Brighton has the authority under its police powers to regulate this kind of activity. An injection well is not an oil and gas facility and is not dependent on any sort of mineral right; therefore, the position of Weld County is that the disposal facility is under the authority of the local governing body. The Colorado Oil and Gas Conservation Commission (COGCC) Director Matt Lepore agrees that the local jurisdiction has authority over these wells.

The questions staff is looking to answer during the moratorium are:

- How will truck traffic impact Brighton traffic and roads?
- Should impact fees be considered?
- What is the potential risk to air quality and public health?
- What is the potential risk to Brighton's water supply and quality?
- Is there an increased risk of earthquakes?

The wastewater is not just water; it contains hydrocarbons and chemicals and comes from two sources, used hydraulic fracking fluid and produced water. In 2015, one of these sites in Greeley was struck by lightning and burned to the ground because the wastewater ignited.

In 2015, the COGCC passed the Water Protection Order to protect Brighton's shallow aquifers to make sure that the water the City depends on is protected. Staff needs to determine if it is appropriate to have an injection well in this protected area. A new study that came out in April 2018 found that there is a lot of seismic activity entirely due to the fact that there are injection wells in Weld County around Greeley and in the Raton Basin. The COGCC does have regulations to prevent the seismic activity, but a lot of them deal with it after the fact to shut down a facility. If it is determined that a municipality is not the appropriate place to have an injection well, there will not be any issues and they will not have to be shut down. Mr. Sura mentioned several studies from the past two years linking Colorado earthquakes to injection wells. There is a lot of new evidence stating these wells are a concern.

Staff and Special Counsel do believe that an emergency does exist; at any time, an application for an injection well could be received by the City. Without the moratorium, the City would have to accept the application since the current Code does not adequately address these issues. There is not a financial impact to implement the six-month moratorium. Staff recommends that the six-month timeframe is the minimum amount of time that is necessary to study the issue and put forward a recommendation to City Council.

Special Counsel Matt Sura and Community Development Director Holly Prather answered questions from Council regarding:

- The longest timeframe the moratorium could be extended if necessary.
- The ability to coordinate with Adams County and Weld County to ensure the City's growth areas are protected while under the moratorium.
- The ability for Adams County to approve this type of well on the southern edge of Brighton.
- This action affecting the timetable for the proposed injection well in Weld County.
- Any residents in the area having been notified of this possible injection well site.
- The business in the area using Brighton drinking water.
- The injection site affecting the drinking water.
- The number of users for this injection well site.
- The length of time the injection well site will be used.
- The origin of the Weld County injection well site; is the site an abandoned well or a new well?
- The proximity of the proposed injection well to the South Platte River.
- There being an alluvial flow to the river in the path of the proposed injection well site.
- What happens to the wastewater when it goes into the ground?
- The type of pressure used to get the water into the injection wells.

City Attorney Margaret Brubaker explained that another option for the City to look into during the moratorium are 1041 Regulations. These regulations were enacted in 1974 and have been adopted by many cities. The Areas and Activities of the State Interest Act allows municipalities to develop regulations to address potential and significant impacts of developments outside of the city that will have an impact on the city and are developments that are typically regulated by the state. Some have been used for areas near airports or when there are concerns about impacts to water. The six-month moratorium will give the City time to look into this option. This can be a complicated but effective process.

Motion by Councilmember Johnston, seconded by Councilmember Mills, to approve Ordinance 2283 establishing a temporary suspension until December 4, 2018 (or earlier as more particularly set forth herein) of the acceptance, processing and approval of applications for waste disposal injection wells during the term of such moratorium; and directing the City Manager, City Attorney, and staff to conduct such studies as may be advisable and to consult with such agencies, commissions, companies and consultants as may be prudent, to determine whether and to what extent measures related to the regulation of waste disposal injection wells within and in close proximity to the City, should be adopted by the City Council to protect the public health, safety and welfare of the City of Brighton, and to make recommendations to City Council as to such matters; declaring an emergency; and setting forth other details related thereto. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE GUZMAN RE-ZONING REQUEST FROM AGRICULTURAL/RESIDENTIAL (A/R) TO RURAL ESTATE (RE), FOR AN APPROXIMATELY 35.136 ACRE PROPERTY, GENERALLY LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO

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

Mayor Kreutzer opened the public hearing at 8:13 p.m. and City Clerk Natalie Hoel verified the required postings and publications (May 16, 2018 in the Brighton Standard Blade) for this public hearing were completed.

City Attorney Margaret Brubaker explained that based on the information from Community Development, they felt it would be easier for Council to understand this item if the rezoning and platting information were presented at the same time. As required by Code, a public hearing is required for the rezoning and for the final plat. The zoning item is approved by Ordinance, which requires two readings. Since the Final Plat and Development Agreement is approved by Resolution and must be approved after the zoning Ordinance is approved, the Final Plat and Development Agreement Resolution will be brought back to City Council for consideration after the final reading of the zoning Ordinance at the next City Council meeting. The public hearing tonight will cover the rezoning and the Final Plat and Development Agreement, it is recommended that City Council consider the first reading of the zoning Ordinance tonight and postpone consideration of the plat and development agreement resolution until the next City Council meeting.

Councilmember Johnston explained that while on Planning Commission he heard testimony regarding this item but stated that he will only consider what is presented this evening. City Attorney Brubaker explained that

if Councilmember Johnston feels he can be objective, there is no requirement for him to recuse himself. Mayor Kreutzer asked if there were any concerns from City Council, there were none. Councilmember Johnston chose to stay for the hearing.

City Manager Philip Rodriguez introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons presented the Guzman Rezoning and the Final Plat and Development Agreement. The property is located at 648 Weld County Road 31 and the applicant is Gabriela Guzman-Faudoa. The purpose of the request is to allow a single-family residence to be built on the property. The proposed rezoning aligns with the Recognizable and Well-Planned Community goal of the Strategic Plan.

The property is approximately 35 acres and is located off WCR 31 off Baseline Road. The property is adjacent to the Jacobs Run subdivision and the Korbin Kidder subdivision. The applicant is requesting a rezoning from Agricultural/Residential to Rural Estate. The Agricultural/Residential zone district has a minimum lot size of 35 acres while the Rural Estate zone district has a minimum lot size of 20,000 sq. ft. The applicant is proposing to subdivide the property into two lots with the Final Plat. The applicant will be dedicating right-of-way for WCR 31. The surrounding subdivisions are zoned PUD. The property was annexed in 1991. The surrounding PUD zone districts have lot sizes of at least 20,000 sq. ft. The Future Land Use Map calls for the property to be Estate Residential, which is a low-density residential designation. The Rural Estate zone district is consistent with the Estate Residential zoning designation.

In accordance with the Land Use and Development Code, public notice was given at least fifteen days prior to tonight's hearing. A sign was posted on the property, written notice mailed to neighbors within 300' and published in the Brighton Standard Blade. The public notice procedures are in conformance with the standards in the Land Use and Development Code prior to the recently passed amendment; however, the new standards were followed for notice regarding the Final Plat. Notice of the Final Plat was posted at least fifteen days prior to tonight's hearing and notice was mailed to all neighbors within 300'.

The rezoning request was heard before the Planning Commission on November 14, 2017. Several neighbors testified at that meeting regarding alleged junk vehicles located on the southeast portion of the site and an un-permitted addition to a pole barn on the property. The Planning Commission continued consideration of the rezoning to January 9, 2018 to give staff the opportunity to investigate the claims of the neighbors and give the applicant the opportunity to address the issues. The Code Enforcement investigation revealed junk vehicles being stored at the southeast portion of the site. The Building Division investigation proved that there was an un-permitted illegal addition to a pole barn on the property. The property owner then began to work with staff on those issues. All junk vehicles were removed from the property by December 1, 2017 and the applicant began the permitting process for the addition on the pole barn. On January 9, 2018, the application for the pole barn was not yet complete, so the Planning Commission considered this item with the following recommendation: "Whereas, however, at the same time the Commission also finds and determines that there are certain concerns about existing and expanded accessory structures on the Property, and specifically, questions and concerns about zoning and setback compliance, and property building permitting and building code compliance. The Commission recommends that such issues and concerns be reviewed and addressed by Council in connection with this Application proceeding forward. The building permit for the addition was issued on April 26, 2018. Staff then determined that the rezoning should move forward."

In accordance with the zoning review criteria of the Land Use and Development Code, the requested rezoning to Rural Estate complies with the Comprehensive Plan and all Master Plans of the City. The rezoning complies with the requirements of the Land Use and Development Code and with the zone district, provides consistency with the purpose and intent of the Land Use and Development Code and provides compatibility with the surrounding area, is harmonious with the character of the neighborhood and is not detrimental to the immediate area, the future development of the area or the health, safety or welfare of the inhabitants of the City.

The next item for consideration is the Final Plat and Development Agreement for the Guzman property. The proposed rezoning to Rural Estate allows the applicant to subdivide the property into two lots. Lot 1 is approximately ten acres and lot 2 is approximately twenty-five acres. There will be a right-of-way dedication for WCR 31. The applicant is proposing to build a house on lot 2; that is where the existing pole barn is

located.

There are a few items to be addressed in the Development Agreement. The future right-of-way of WCR 31 adjacent to the property, this is being dedicated by the Plat. The developer of lots 1 and 2 is proposing to pay a fee-in-lieu for the improvements to WCR 31 for their pro-rata share of the costs associated with their one-half of the WCR 31 right-of-way. The developer of lots 1 and 2 will pay a fee-in-lieu for parks and open space dedication requirements at time of building permit per the fee schedule.

Staff recommends approval of the Re-Zoning Ordinance. Staff recommends that City Council continue consideration of the Final Plat and Development Agreement to its June 26, 2018 meeting to be considered after the final reading of the re-zoning Ordinance.

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

Alex Schatz representing Gabriela Guzman. Mr. Schatz explained that this has been a long process and feels that it has been a good relationship with City staff. The rezoning and the Plat are part of what is necessary to develop this site. Mr. Schatz and the applicant agree with the findings of compliance with the Code.

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 Wallin asked if there is any anticipation for water or sewer service to the area. Planner Simmons explained that this property would be on well and septic, just like Jacobs Run. There are currently no utility lines in WCR 31. Councilmember Wallin asked if service in the area hinges on the residents of Jacobs Run voting to accept sewer and water from the City. Planner Simmons stated that is correct.

Councilmember Johnston asked if all issues from the Planning Commission have been addressed and Planner Simmons reported that they have.

Mayor Kreutzer closed the public hearing at 8:29 p.m.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Johnston, to approve the Ordinance approving the Guzman Re-zoning request from Agricultural/Residential (A/R) to Rural Estate (RE), for an approximately 35.136 acre property, generally located in the southwest ¼ of the northeast ¼ of section 1, township 2 south, range 66 west of the 6th principal meridian, City of Brighton, County of Weld, State of Colorado. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE GUZMAN SUBDIVISION AN APPROXIMATE 35.136 ACRE PARCEL OF CONTIGUOUS LAND, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ SECTION 1, TOWNSHIP 2 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY

OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Item 7B was moved to June 26, 2018.

8. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 2, ADMINISTRATION AND PERSONNEL OF THE BRIGHTON MUNICIPAL CODE, REGARDING THE ADMINISTRATIVE DEPARTMENTS OF THE CITY AND THE AUTHORITY OF THE CITY MANAGER TO SUPERVISE AND MAKE ORGANIZATIONAL RECOMMENDATIONS FOR THE SAME; REPEALING THE FOLLOWING SECTIONS:

SECTION 2-8-80. - DEPARTMENT OF FINANCE,

SECTION 2-8-90. - POLICE DEPARTMENT,

SECTION 2-8-100. - FIREFIGHTING DEPARTMENT,

SECTION 2-8-110. - DEPARTMENT OF PUBLIC INFORMATION AND COMMUNITY RESOURCES,

SECTION 2-8-120. - DEPARTMENT OF OPERATIONS,

SECTION 2-8-130. - DEPARTMENT OF STREETS AND FLEET,

SECTION 2-8-140. - DEPARTMENT OF UTILITIES,

SECTION 2-8-150. - DEPARTMENT OF PARKS AND RECREATION,

SECTION 2-8-160. - DEPARTMENT OF DEVELOPMENT AND REDEVELOPMENT,

SECTION 2-8-170. - DEPARTMENT OF COMMUNITY DEVELOPMENT,

SECTION. 2-8-180. - DEPARTMENT OF ECONOMIC DEVELOPMENT,

SECTION 2-8-190. - DEPARTMENT OF TECHNOLOGY, INNOVATION AND SUSTAINABILITY,

SECTION. 2-8-200. - DEPARTMENT OF ADMINISTRATIVE SERVICES, AND

ARTICLE 2-28 - HEALTH DEPARTMENT AND HEALTH OFFICER;

AND AMENDING THE GENERAL ADMINISTRATIVE ORGANIZATION SET FORTH IN SECTION 2-8-70, TO INCLUDE THE FOLLOWING DEPARTMENTS, TO FUNCTION UNDER THE JURISDICTION AND DIRECTION OF THE CITY MANAGER: CITY MANAGER'S OFFICE, PARKS & RECREATION, COMMUNITY DEVELOPMENT, POLICE DEPARTMENT, INFORMATION TECHNOLOGY, GENERAL SERVICES, FINANCE, COMMUNICATIONS & ENGAGEMENT, INFRASTRUCTURE SERVICES, UTILITIES, PUBLIC WORKS, AND SUCH OTHER DEPARTMENTS AS MAY BE ESTABLISHED BY ORDINANCE OF THE CITY; AND SETTING FORTH OTHER PROVISIONS RELATED TO THE FOREGOING

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

City Manager Rodriguez explained when he started eight months ago, there were several items that had to be analyzed and recommendations brought back to City Council. This item is to approve the Organizational Plan to make sure the City can function as efficiently as possible. The aims for this item are to achieve greater efficiency, to ensure improvements to service, as well as to increase accountability. Staff will be tying the agenda items to the Strategic Plan and this item is most closely connected to being Financially Responsible and Innovative, Data-Driven, Results-Focused City Government. This is being presented not just as an Organizational Plan, but also to coincide with and support the Strategic Plan and the Business Plan. City

Manager Rodriguez wants to ensure that the structure is in place to support the Strategic Plan and the Business Plan and to improve the view from present to future. City Manager Rodriguez feels Brighton is a solid City when it comes to maintaining and operating, this has taken a lot of work from the Department Directors. It is important to get this completed now for a few reasons. The City Attorney will be leaving at the end of the month, so it is important to get Code changes done while she is available. The planning for the fiscal year 2019 budget process will be taking place soon. It is important to have the Organizational Plan in place to allow staff to prepare for the 2019 budget. This Plan will be able to utilize existing resources; no budget amendments are needed. There are fourteen departments listed in the existing Code. Several of the departments do not function under the purview of the City Manager or the City does not provide the service, so it may not be necessary to list those. The Department of Development and Redevelopment does not function anymore. Other departments work with development and redevelopment. City Manager Rodriguez felt that there was much needed emphasis in building a true City Manager's Office. The City Manager by default had some ability to create some staff and ensure that all of the duties they are assigned could be implemented. Having a City Manager's Office relates back to a discussion at the City Council retreat about the idea that the City Manager's Office stands as a go between and a strong professional management between staff and Council. A key role for the City Manager's Office is for involvement in policymaking. Moving from maintenance and operations to looking at the future comes an idea of a department for Infrastructure Services. This area could greatly benefit the City Manager. Utilities and Public Works would be under the Infrastructure Services department. Almost everything that has caused pressure over the past months and years are related to growth. Infrastructure was an emphasis that was given by Council at their retreat. The transportation planning needs to be improved and it needs to be a much more comprehensive and long-term focus for the City's future. City Manager Rodriguez presented the new organizational chart and noted that several of the department names have been updated. The department for Capital Improvement is not being recommended at this time but is something that could be beneficial in the future. City Manager Rodriguez and City Attorney Margaret Brubaker answered questions from Council regarding:

- The Prosecuting Attorney having been under the City Attorney's office in the past.
- Comments from staff regarding any of the department name changes.
- This item being approved after two readings.

Motion by Councilmember Humbert, seconded by Councilmember Mills, to approve the Ordinance amending Chapter 2, Administration and Personnel of the Brighton Municipal Code, regarding the Administrative Departments of the City and the authority of the City Manager to supervise and make organizational recommendations for the same; repealing the following sections: Section 2-8-80 - Department of Finance, Section 2-8-90 - Police Department, Section 2-8-100 - Firefighting Department, Section 2-8-110 - Department of Public Information and Community Resources, Section 2-8-120 - Department of Operations, Section 2-8-130 - Department of Streets and Fleet, Section 2-8-140 - Department of Utilities, Section 2-8-150 - Department of Parks and Recreation, Section 2-8-160 - Department of Development and Redevelopment, Section 2-8-170 - Department of Community Development, Section 2-8-180 - Department of Economic Development, Section 2-8-190 - Department of Technology, Innovation and Sustainability, Section 2-8-200 - Department of Administrative Services, and Article 2-28 - Health Department and Health Officer; and amending the General Administrative Organization set forth in section 2-8-70, to include the following departments, to function under the jurisdiction and direction of the City Manager: City Manager's Office, Parks & Recreation, Community Development, Police Department, Information Technology, General Services, Finance, Communications & Engagement, Infrastructure Services, Utilities, Public Works, and such other department as may be established by Ordinance of the City; and setting forth other provisions related to the foregoing. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

9. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING A RESIDENTIAL LEASE OF A CITY OWNED HOUSE LOCATED AT 14605 SABLE BLVD, BRIGHTON, CO IN SECTION 18, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO (THE "HATTENDORF PROPERTY"), TO PETROCCO FARMS, INC.; SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

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

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

Mayor Kreutzer asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Baca, seconded by Councilmember Humbert, to approve Ordinance 2284 approving a residential lease of a city owned house located at 14605 Sable Blvd, Brighton, CO in section 18, township 1 south, range 66 west of the 6th P.M., County of Adams, State of Colorado (The "Hattendorf Property"), to Petrocco Farms, Inc.; setting forth the terms of said lease; and authorizing the City Manager to execute said lease on behalf of the City. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

10. 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 PROPOSAL OF EDGE CONTRACTING, AND AWARDING THE CONTRACT FOR THE ERGER'S SPILLWAYS AND SLOPE PROTECTION PROJECT TO EDGE CONTRACTING, IN AN AMOUNT NOT TO EXCEED THREE MILLION, TWO HUNDRED AND EIGHT THOUSAND, ONE HUNDRED TEN DOLLARS (\$3,208,110.00), 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 Erger's Pond Spillway and Slope Protection Project. This project relates to the Supportive and Sustainable Infrastructure area in the Strategic Plan. A recent approved project will create the inlet and outlet structures between this cell and the South Platte River. The Erger's Pond cell is outside of the public access areas in the Parks Master Plan and will be largely for wildlife. Erger's Pond holds about 1800 acre-feet of augmentation water storage. There is erosion issues that have already damaged the side slopes and drawing it down quickly increases the damage to the side slopes. Without additional

protection, the side slopes would quickly deteriorate. The river spills into Cell 1, when full the water then spills into Erger's Pond, when full the water will then spill back into the river. Without proper design of the spillways, the wall between the cells and the river will erode. This project includes slope protection with riprap boulders on the embankments of 90% of the pond, construction of spillways, and construction of an access ramp to allow vehicles to reach the bottom of the pond for maintenance. The project was bid with two levels of embankment protection, 1/3 of the way to the bottom and 2/3 of the way to the bottom. The bids showed savings for the 2/3 from the bottom bid. This reservoir will probably be the first for removal of augmentation water but will be the last reservoir that will be completely emptied. Construction of the spillways is critical for the flooding of the river. The access ramp will be built in the southwest corner of the reservoir. Seven quality bids were received and Edge Contracting submitted the low bid for alternative 1 and 2. Staff recommends awarding the bid to Edge Contracting for bid alternate 1 for \$3,208,110.00. This is below the engineers estimate and below the established budget for the project. The work should be done in Erger's Pond by June, 2019 and will allow Erger's Pond to be refilled rapidly during the runoff season. Director Bauers answered questions from Council regarding:

- The situation that would cause the cell to go below four or five hundred-acre feet of water.
- There being any free river this year.

Motion by Councilmember Wallin, seconded by Councilmember Pollack, to approve Resolution 2018-71 acting by and through its Water Activity Enterprise, accepting the proposal of Edge Contracting, and awarding the contract for the Erger's Spillways and Slope Protection Project to Edge Contracting, in an amount not to exceed \$3,208,110.00, 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: 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Absent: 1 - Councilmember Blackhurst

11. GENERAL BUSINESS

A. Schedule a Special City Council Meeting on June 26, 2018 at 6:00 p.m. to approve the following: Approval of May minutes, Appoint and Swear in Board Member, Farewell Ceremony for City Attorney, Thank you Ceremony for Assistant City Attorney, Recognition of Graduating Youth Commission Members, Oil and Gas Pipeline, Guzman Rezoning, Organizational Plan Code Amendment, Conditional Use Code Amendment, On-call Transportation Services, Engineering Services Professional Services Agreements, Vac Truck Garage, and Schedule a Special City Council meeting on July 24, 2018

Motion by Councilmember Humbert, seconded by Councilmember Mills, to schedule a Special City Council meeting on June 26, 2018 at 6:00 p.m. to approve the following: approval of May minutes, appoint and swear in board member, farewell ceremony for City Attorney, thank you ceremony for Assistant City Attorney, recognition of graduating Youth Commission members, oil and gas pipeline, Guzman rezoning, Organizational Plan Code amendment, Conditional Use Code Amendment, on-call Transportation Services, Engineering Services Professional Services Agreements, Vac Truck Garage, and schedule a Special City Council meeting on July 24, 2018. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

12. REPORTS

A. By the Mayor

Mayor Kreutzer thanked everyone helping while he was out.

B. By Department Heads

Finance Director Jean Starr reported that the signal that was damaged by a driver at 50th Avenue and Bridge Street would be repaired. This is being paid for by the third party and their insurance company. The cost of the repair is \$99,853.00.

Director Starr reported that a cost to repair a traffic signal damaged last year at Bridge Street and Main Street by a third party was also covered by insurance. The new pole would not be structurally sound so the project cost was increased by \$33,482.00.

Director Starr reported that Moody's Investors Service upgraded the City's issuer rating from Aa3 to Aa2. The Certificates of Participation were upgraded From A1 to Aa3. This is a positive step for the City's financials.

Assistant City Manager Marv Falconburg updated City Council regarding the citizen who spoke at the last City Council meeting during the public comment section regarding the construction at 50th Avenue and Bridge Street in the last year.

Assistant City Manager Falconburg read a letter thanking City staff for their forward thinking and hard work during their project.

C. By the City Attorney

D. By the City Manager

City Manager Philip Rodriguez is happy to see collaboration between the departments in the City; the strategic focus internally has improved.

City Manager Rodriguez explained that City Council decided to only discuss the Business Plan at the June 12th Study Session. At this time, there are a couple items that also must be added, a discussion regarding Code amendments and an item for handicap ramps on Southern Street from 20th Avenue to 27th Avenue.

City Manager Rodriguez read a note from the previous owner of Treads Bike Shop regarding the City's purchase of the Depot Building.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Edwards attended the Public Works Boot Camp, the Vietnam Veterans Memorial dedication, the School District 27J and Commerce City joint meeting. The Ward 4 Conversations with Council is June 7th at Eagle View Adult Center.

Councilmember Wallin attended the Almost Home gala, the Public Works Boot Camp and Summerfest.

Councilmember Pollack attended the Vietnam Veterans Memorial dedication.

Councilmember Mills attended the Vietnam Veterans Memorial dedication, the Public Works Boot Camp and the Chamber First Friday event.

Councilmember Baca attended the ADCOG meeting.

Councilmember Humbert attended Summerfest, the Blues Blast and the Vietnam Veterans Memorial dedication.

Councilmember Johnston attended Summerfest.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Motion by Councilmember Johnston, seconded by Mayor Pro Tem Edwards, to adjourn at 9:58 p.m. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date