

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, January 16, 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.

City Manager Philip Rodriguez 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. CONSENT AGENDA

Councilmember Blackhurst asked that Item 2B be removed from the Consent Agenda to Resolutions Item 9D.

- A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO ADAMS COUNTY OPEN SPACE IN THE AMOUNT NOT TO EXCEED FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$4,800.00), FOR THE HIGH SCHOOL SENIORS BEAUTIFICATION PROJECT IN ELMWOOD CEMETERY; AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT APPLICATION**

Resolution No: 2018-01

- B. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO ADAMS COUNTY OPEN SPACE IN THE AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00), FOR THE "DOWNTOWN PLAZA PARK – PHASE 1"; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT APPLICATION**

Moved to Item 9D.

- C. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO ADAMS COUNTY OPEN SPACE IN THE AMOUNT OF THREE HUNDRED TWENTY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$327,600.00), FOR THE "COLORADO PARK ENHANCEMENT PROJECT"; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT APPLICATION**

Resolution No: 2018-03

- D. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SIGNING OF A GRANT AGREEMENT WITH ADAMS COUNTY FOR THE AMOUNT NOT TO EXCEED SIX HUNDRED SIXTY THOUSAND DOLLARS (\$660,000.00), FOR THE "BJAA PARK IMPROVEMENTS PROJECT"; AND AUTHORIZING THE CITY'S MATCHING OBLIGATION OF FIVE HUNDRED FORTY THOUSAND DOLLARS (\$540,000.00); AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT**

Resolution No: 2018-18

- E. 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 THREE THOUSAND TWO HUNDRED SEVENTY DOLLARS (\$3,270.00), FOR THE "BRIGHTON PARKS, OPEN SPACE, AND TRAILS MAP"; AUTHORIZING THE CITY'S MATCHING OBLIGATION THREE THOUSAND TWO HUNDRED SEVENTY DOLLARS (\$3,270.00); 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: 2018-05

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING OFFICIAL REPRESENTATIVES AND ALTERNATES OF THE CITY COUNCIL TO CERTAIN BOARDS AND COMMISSIONS

Resolution No: 2018-06

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PROGRAM, APPROVING THE ADMINISTRATIVE SERVICES AGREEMENT WITH THE INTERNATIONAL CITY MANAGER ASSOCIATION RETIREMENT CORPORATION (ICMA-FOR IMPLEMENTATION FOR THE RHS PROGRAM; AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED FOR IMPLEMENTATION OF THE PROGRAM; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No: 2018-07

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE FPPA MULTI-EMPLOYER DEFERRED COMPENSATION PLAN FOR QUALIFIED EMPLOYEES OF THE FPPA BENEFIT PROGRAM; AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT FOR REPLACEMENT OF THE FPPA DEFERRED COMPENSATION PLAN AND ADOPTION OF THE FPPA MULTI-EMPLOYER DEFERRED COMPENSATION PLAN; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No: 2018-08

- I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING AN AMENDMENT "G" TO THE INTERGOVERNMENTAL AGREEMENT NO. 06-01.25 REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE NORTH OUTFALL BETWEEN THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT; AUTHORIZING THE CITY'S CONTRIBUTION UNDER AMENDMENT "G" IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000); AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT AMENDMENT "G" ON BEHALF OF THE CITY

Resolution No: 2018-09

- J. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO RULE 1.B STUDY SESSION MEETINGS, RULE 2.B ORDER OF BUSINESS AT REGULAR MEETINGS, AND RULE 2.C ORDER OF BUSINESS AT STUDY SESSION MEETINGS; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

Resolution No: 2018-10

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve the Consent 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. APPROVAL OF REGULAR AGENDA

City Manager Philip Rodriguez asked that the Regular Agenda be amended to add move the two City Council Briefings (Streets and Fleet and Community Development) to Items 15A and 15B, respectively.

Motion by Councilmember Blackhurst, seconded by Councilmember Wallin, 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

4. CEREMONIES

A. Swear in Councilmembers on Boards and Commissions

City Clerk Natalie Hoel swore in the City Council to their positions on various Boards and Commissions appointed by Resolution 2018-06. (The Brighton Municipal Code requires them to take an oath in order to undertake the duties required by the various Boards and Commissions.)

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

Lynn Norton, 419 Walnut Street, Brighton. Ms. Norton expressed concern regarding the semi-trucks at the post office running all night and hitting her car, and vehicles of post office employees being parked in front of her house. Ms. Norton also feels she is being harassed by post office employees. Ms. Norton was referred to Chief Southard.

6. PUBLIC HEARINGS

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON APPROVING THE PRAIRIE CENTER MIXED-USE PUD (PLANNED UNIT DEVELOPMENT) ZONING AMENDMENT REQUEST FOR AN APPROXIMATELY 12.3 ACRE PROPERTY, GENERALLY LOCATED IN THE NORTHWEST QUARTER, SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO (FIRST READING)**

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

Mayor Kreutzer opened the public hearing at 7:17 p.m. and City Clerk Natalie Hoel verified the required postings and publications (December 27, 2017 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff presented the PUD Amendment Application for a parcel approximately 12.3 acres in the southeast corner of Eagle Boulevard and South 27th Street. The PUD Amendment is being requested to allow for a unique project that will bring a single-family style rental product complex that is similar to multi-family. At this stage in the development process, the property has been annexed into the City and is now being given a zoning designation that describes the allowed uses for the property. For this review, the zoning is already in place as the Prairie Center Mixed-Use PUD. The applicant would like to add a few minor amendments to the PUD to allow for this style of housing to be allowed on the property. City Council should consider if these amendments will work for this property without being a detriment to the surrounding properties, as well as whether the amendments meet the review criteria for a PUD.

The property was annexed in 1986 as part of the Third Creek 2nd Annexation and is zoned as part of the Prairie Center Mixed-Use PUD. There have been some amendments to this PUD over the past few years as it is part of the Village 5 within Prairie Center. The previous amendments have dealt with densities in various parts of the overall residential product. The property is currently undeveloped with multi-family residential development to the east and single-family residential to the north.

The proposed amendments to the PUD for this project include setting a smaller minimum building separation to allow for higher densities, calling out a new standard for perimeter fencing and increasing sidewalk width minimums from the rest of Prairie Center to better meet the City's Transportation Master Plan. Staff finds that the amendments not only increase City standards but also will allow a unique project to come to Brighton. The Comprehensive Plan designates this area as appropriate for Mixed-Use Residential. This PUD amendment would lay the groundwork for a unique style of housing not currently found in the City of Brighton. By making the proposed minor changes to the PUD, the applicant would be allowed to build a single-family style product on a site that will be laid out in a similar fashion as a multi-family project. All major infrastructure is already built around this property.

The review criteria in the Land Use and Development Code for PUD amendments is found in Section 17-16-110(d)(4). The criteria: (a) asks if the PUD amendment addresses a unique situation, confers a substantial benefit, or incorporates creative site design. This amendment would allow a multi-family product to cross a similar site as single-family products. This format is a creative housing solution for those looking to live in a single-family style unit but not have the ownership responsibilities such as lawn care or home maintenance. The existing PUD while mostly allowing for this land use was not written with this creative solution with housing needs in mind, which is why this minor PUD amendment is needed. Criteria (b) asks if the PUD complies with the Comprehensive Plan and all applicable land use, development, and design standards in the Subdivision Regulations and in the Residential Design Standards that are not otherwise modified or waived according to the terms of this PUD. The mixed-use residential area is supposed to allow for a variety of housing types near commercial and employment opportunities. This amendment to the PUD would allow for a new style of housing that would fill this unmet need in Brighton. Criteria (c) requires that the PUD District and the PUD Development Plan shall comply with all applicable PUD use and development standards set forth in Section 17-16-110. Staff reviewed the proposed PUD amendment and finds that it meets the land use standards found in the Development Code. Staff will also be reviewing the final Development Plan when it is submitted to ensure it meets all required standards. Criteria (d) asks if the PUD is integrated and connected with the adjacent development through street connections, sidewalks, trails and similar features. The Prairie Center Mixed-Use PUD has been designed to be well connected both internally within the PUD and connected with the larger transportation network. This project will have multiple street connections made to existing streets, which will allow access on the local streets instead of arterials, which will help maintain traffic flow on the larger streets. Along with two (2) planned street connections, there are also sidewalks leading out of the development to the existing street network. Criteria (e) states that to the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community. There will not be any foreseeable adverse impacts from this PUD to the adjacent properties. Changes to the PUD will affect

how the project can be built and this will be reviewed by staff to ensure any impacts are limited to the greatest extent possible. Criteria (f) asks if sufficient public safety, transportation, educational and utility facilities, and services are available to service the subject property while maintaining sufficient levels of service to the existing development. All services available to developed properties within the City will be available to the parcel; this PUD amendment will not change that. There should not be a decrease in level of service around the City due to this development. Criteria (g) is applicable; the proposed phase plan for development of the PUD is rational in terms of available infrastructure capacity, marketing and financing. There will not be any proposed phasing for this project. Criteria (h) states that the same development could not be accomplished using other techniques, such as height exceptions, variances, or minor modifications. To accomplish this development through traditional means, multiple variances would need to be granted. Traditionally, variances are granted to individual properties when a hardship arises on the individual property and are not generally found throughout an entire project. Because the project is one (1) unified development, it is much cleaner and more appropriate to perform a PUD amendment to amend the zoning instead of requesting multiple variances and setting a bad precedent for future variances if other properties want to do the same. Criteria (i) asks if the applicant has submitted a schedule of development and agrees to the schedule subject to the revocation and withdrawal clauses of Section 17-16-110. This property will be developed as a single phase once the plans are approved. Along with this PUD amendment, the applicant will need to undergo additional steps in order to receive full approval.

Notice of the PUD amendment was sent to all property owners within 300' of the project as required by Code. Notice was posted on the property, published in the Brighton Standard Blade and posted on the City website. Staff has not received any formal comments regarding this application. Planning Commission held a public hearing on November 14, 2017 and voted to recommend approval. Due to complying with the Land Use and Development Code, staff recommends approval of the application.

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

Jared Carlon, Norris Design, 1101 Bannock Street, Denver, Colorado 80204. Mr. Carlon is excited about this unique housing option that does not currently exist in Colorado at this time. This project provides a good transitional density from the apartments to the east to the Prairie Center project to the west. The project is located at the southwest corner of Eagle Boulevard and 27th Avenue on approximately twelve (12) acres. There will be 136 rental units that will act like single-family with some duplexes with a multi-family management program. Of those units, 30% are one (1) bedroom duplexes, and the rest are single-family detached homes with 40% two (2) bedrooms and 30% three (3) bedrooms. The density is eleven (11) dwelling units per acre, which meets the requirements in the Comprehensive Plan. All of the units have individual backyards that can be used by the resident. There will be a central amenities space in the middle of the project with a pool, spa, fire pit, picnic area, play area and open lawn. The primary access is from Peregrine and the secondary access is off Red Tail Way. There will be 252 parking spaces, which meets the parking requirements, some in garages and surface parking. The rents will range from \$1,400.00 to \$2,100.00 per month. All of the units will be one-story homes and are consistent with the Residential Design Standards found in the Prairie Center Mixed-Use PUD. The Craftsman, Prairie, and Farmhouse architectural elements have been used for the units, consistent with the Prairie Center Residential Design Guidelines. The applicant is very excited to get this project underway.

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 all of the units would have garages. Mr. Carlon explained that there would be 59 garages out of 252 total parking spaces. Councilmember Blackhurst asked for the

total square feet of the one-bedroom units. Mr. Carlon reported that the units range from 693 sq. ft. to over 1,300 sq. ft.

Councilmember Johnston asked if there are any Metro District taxes in the area. Planner Tetzlaff explained that there are several Prairie Center Metro Districts, but there are not any additional Metro Districts planned for this project. Councilmember Johnston asked the name of the Metro District in this area. Planner Tetzlaff explained he would get that answer and report to City Council.

Councilmember Baca asked if any of the units were dedicated for ADA compliance. John Stafford, Harris Kocher Smith, 1120 Lincoln Street, Denver, Colorado 80203. Mr. Stafford explained that this site is flat speaking to the grading of the site and a lot can be adaptable to install ramps as a zero entry to most units. This would be a future adaption to accommodate on an 'as needed' basis. Councilmember Baca asked if any of the units would be completed with ADA compliance. Mr. Carlon explained that none would be ADA compliant at this time.

Mayor Pro Tem Edwards asked if there is an age restriction for the project. Mr. Carlon stated that there is no preferred age or age restriction. Mayor Pro Tem Edwards asked if someone wanted to purchase the unit would the developer accommodate for ADA compliance. Mr. Carlon explained that these are rental units but they will work with the resident when renting the units. Mayor Pro Tem Edwards asked who the landlord would be. Mr. Carlon explained that Nexmetro would own and operate the project.

Councilmember Pollack stated that she feels with this many homes this project will be increasing the services that the City provides and feels that the Police Department is already understaffed. Councilmember Pollack does not feel the City is ready to take on this many residents. Mr. Carlon agreed that there will be additional residents and services needed, but the density and the number of proposed units is in line with what was planned for in the Prairie Center PUD for this area.

Planner Tetzlaff reported to Councilmember Johnston that this development is under Prairie Center Metro District No. 5. Regarding the services in the area, the densities were planned for the Prairie Center PUD when it was originally approved. This area was planned for up to fifteen (15) units per acre and this project is set for eleven (11) units per acre. This comes in under the maximum density that was planned for in this area.

Councilmember Johnston asked if there would be a permit process for parking in the area. Mr. Carlon explained that Nexmetro operates many of these types of projects and has become experts to ensure the parking is sufficient. There is enough parking outside of the garages to serve the residents and visitors for the development, there will not be any permits for parking.

Mayor Kreutzer stated that this is a good answer for residents wanting to have a single-family home but who do not want lawn maintenance.

Mayor Kreutzer closed the public hearing at 7:41 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Johnston, to approve the Ordinance approving the Prairie Center Mixed-Use PUD (Planned Unit Development) zoning amendment request for an approximately 12.3 acre property, generally located in the northwest quarter, section 21, township 1 south, range 66 west of the 6th principal meridian, Brighton, Colorado. 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. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF MIRACLE RECREATION EQUIPMENT, CO., INC., AND AWARDING THE CONTRACT FOR THE BRIGHTON PARK 2 DESTINATION PLAYGROUNDS PROJECT, PROJECT # 97500, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY FOUR THOUSAND ONE HUNDRED FIFTY FIVE DOLLARS (\$674,155.00) TO MIRACLE RECREATION EQUIPMENT, CO., INC., 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 Assistant Director of Parks and Recreation Development Mark Heidt.

Assistant Director of Parks and Recreation Development Mark Heidt reported that this playground is located in Brighton Park at the Recreation Center. City Council approved submitting a grant application in 2017 and the project was funded by an Adams County Open Space grant. The large playground will have a farm theme and will be ADA accessible. The smaller, Midland Park playground will be more of a play on the ground playground. The two (2) playgrounds are being replaced because they have met their useful life of twenty-five (25) years and are both showing wear and tear and potential safety issues. Both new playgrounds will be ADA accessible and will include rubberized surfacing under the play structures. Funding from the Adams County Open Space grant was for \$363,000.00 and \$312,000.00 will come from the Recreation Capital Fund. Staff requests that this project be awarded to Miracle Recreation Equipment, Co., Inc. in the amount not to exceed \$674,155.00. Three (3) proposals were received for this project and the review committee determined the most responsive proposal came from Miracle Recreation Equipment, Co., Inc. Assistant Director Heidt answered questions from Council regarding:

- The start date for the project.*
- The safety issues that currently exist at the park.*
- Staff considering replacing the broken equipment instead of replacing the entire playground.*
- The reason this location was chosen for new equipment when other parks in east Brighton have yet to be built and what group made this decision.*

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to approve Resolution 2018-11 accepting the proposal of Miracle Recreation Equipment, Co., Inc., and awarding the contract for the Brighton Park 2 Destination Playgrounds Project, Project #97500, in an amount not to exceed \$674,155.00 to Miracle Recreation Equipment, Co., Inc., 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, ACCEPTING THE PROPOSAL OF H.W. HOUSTON CONSTRUCTION, LLC, AND AWARDING THE CONTRACT FOR THE RENOVATION OF EXTERIOR WOOD WINDOWS AT THE HISTORIC ARMORY BUILDING PROJECT # 92352, IN AN AMOUNT NOT TO EXCEED SIXTY FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$65,800.00) TO H.W. HOUSTON CONSTRUCTION, LLC; AUTHORIZING A 2018 BUDGET AMENDMENT IN THE AMOUNT OF SIXTY FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$65,800.00); 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 Philip Rodriguez introduced General Services Manager Karla Armstrong.

General Services Manager Karla Armstrong presented the proposal to replace some exterior windows at the Armory. The existing windows on the first floor in the public restroom and the second floor conference room are single-pane glass construction and are extremely energy inefficient. This allows for unwanted noise from the railroad and street, which can be challenging during public meetings. Staff received two (2) formal proposals. Funds for the project were budgeted in the 2017 budget. Due to the lapsing of that appropriation, this Resolution includes a 2018 budget amendment for \$65,800.00. Staff recommends the award of the contract to H.W. Houston Construction, LLC in the not to exceed amount of \$65,800.00. Project Manager Bob Brady answered questions from Council regarding:

- The new windows honor the historic element of the building.
- The windows having the same look as the existing windows.
- The number of new windows.
- The windows being double or triple paned
- The total number of windows at the Armory.
- Consideration of the longevity of the remaining windows.
- The estimated energy savings.
- There being any historic grants to apply for to help fund the window replacement.
- The reason this project was not completed with the Honeywell Project.
- This project qualifying for the same guarantees as the other Honeywell projects.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Pollack, to approve Resolution 2018-12 accepting the proposal of H.W. Houston Construction, LLC, and awarding the contract for the Renovation of Exterior Wood Windows at the Historic Armory Building Project #92352, in an amount not to exceed \$65,800.00 to H.W. Houston Construction, LLC; authorizing a 2018 budget amendment in the amount of \$65,800.00; and authorizing the Mayor to sign the contract. 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. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL COURT PROBATION SERVICES IN THE AMOUNT NOT TO EXCEED \$54,000.00 AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT AND OTHER DETAILS RELATED THERETO

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

City Manager Philip Rodriguez introduced Administrative Services Director Karen Borkowski Surine.

Administrative Services Director Karen Borkowski Surine explained that this Resolution approves a contract for onsite probation services with RMOMS, which has been in providing services since 2004. They are located in the City so compliance by clients has been higher. Staff is pleased with the services that have been provided by RMOMS. Director Borkowski Surine answered questions from Council regarding:

- The total cost increase over 2017.
- The cost for an in house probation officer being more expensive than this Professional Services Agreement.

Motion by Councilmember Blackhurst, seconded by Councilmember Baca, to approve Resolution 2018-13 approving a Professional Services Agreement for Municipal Court Probation Services in the amount not to exceed \$54,000.00 and authorizing the City Manager to sign said agreement and 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

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO ADAMS COUNTY OPEN SPACE IN THE AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00), FOR THE "DOWNTOWN PLAZA PARK – PHASE 1"; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT APPLICATION

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

City Manager Philip Rodriguez introduced Assistant Director of Parks and Recreation Development Mark Heidt.

Assistant Director of Parks and Recreation Development Mark Heidt explained that the Downtown Plaza Park contains three (3) phases. The property is located at the southwest corner of Bridge Street and Main Street. Public meetings were held to get input and determine what kinds of amenities that will be included in the design of the park; those include a water feature, gathering places and an area that could accommodate food trucks. Phase 1 includes enough landscaping to make the area feel like a park. The grant request is for \$550,000.00 and the City's portion will be \$600,000.00 from the Recreation Capital Fund. Assistant Director Heidt answered questions from Council regarding:

- The City committing to the final design of the park if the City applies for this grant.*
- The City's committed portion for Phase 1 if the full amount of the grant is received.*
- The timeframe for receiving the funding if the grant is approved.*
- The timeframe for beginning Phase 1 of the project.*
- The cost for the first phase being 1.5 million dollars.*
- The project completion percentage after Phase 1 is complete.*
- This Resolution requesting permission for staff to apply for the grant.*
- The total cost for the project.*
- The project completion date.*
- Concerns that costs will compound and the City will not be able to complete Phases 2 and 3.*
- Any way to get funding that would not have to be dedicated to this project.*
- Plans to take down the existing buildings.*
- Timeline for the demolition of the existing buildings.*

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve Resolution 2018-02 authorizing the submittal of a grant application to Adams County Open Space in the amount of \$550,000.00 for the Downtown Plaza Park – Phase 1; and authorizing the City Manager to sign and execute the grant application. 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

10. 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 PROPOSAL OF TEZAK HEAVY EQUIPMENT CO., INC., AND AWARDING THE CONTRACT FOR THE REC CENTER TRIBUTARY AND AUGMENTATION LINE TO TEZAK HEAVY**

EQUIPMENT CO., INC. IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-TWO THOUSAND ONE HUNDRED FOUR DOLLARS AND EIGHTY-TWO CENTS (\$432,104.82), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO, AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS FOR UNFORESEEN SITE CONDITIONS UP TO FIFTY THOUSAND DOLLARS (\$50,000.00)

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

City Manager Philip Rodriguez introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers presented the Rec Center and Storm Tributary and Augmentation Line Project contract award. The existing channel is eroded and potentially dangerous. This has made the project a higher priority than it was in the Capital Improvement Plan. Staff intends to address the safety concerns while constructing it to the Master Planned capacity. The project is located just south of the Christine Place Apartments and west of the Fulton Ditch, between the Fulton Ditch and 19th Avenue. The intent of the project is to separate the stormwater system and the augmentation system, which are currently comingled. A large drop structure will be constructed to handle storm flows up to 300 cfs per the Master Plan. The augmentation water will be taken from the Fulton Ditch and Brighton Lateral and piped separately from the stormwater, which will drastically improve the accounting procedures for the augmentation plant and ensure the necessary augmentation capacity in the future. Seven (7) bids were received ranging from \$432,000.00 to \$680,000.00. The low proposer was Tezak Heavy Equipment. Their proposed schedule for completion was also the most favorable. Staff has worked successfully and been impressed with other work done by Tezak Heavy Equipment. Staff recommends awarding the contract to Tezak Heavy Equipment, Co. for \$432,104.82. This amount is within the budgeted amount for the project in 2018. Director Bauers answered questions from Council regarding:

- *Visitors to the trail being affected by the work on the line.*
- *The timeline for the work to be completed.*

Motion by Councilmember Blackhurst, seconded by Councilmember Mills, to approve Resolution 2018-14 acting by and through its Water Activity Enterprise, accepting the proposal of Tezak Heavy Equipment Co., Inc., and awarding the contract for the Rec Center Tributary and Augmentation Line to Tezak Heavy Equipment Co., Inc. in an amount not to exceed \$432,104.82, and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto, and authorizing the City Manager to approve change orders for unforeseen site conditions up to \$50,000.00. 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, APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION OF THIRTY THOUSAND DOLLARS (\$30,000.00) FOR THE SOUTH PLATTE INTERCEPTOR INTERCONNECT PROJECT, APPROVING CHANGE ORDER NO. 2 TO THE CONTRACT WITH T. LOWELL CONSTRUCTION, INC. TO AMEND THE SCOPE OF WORK IN AN AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-SIX DOLLARS AND THIRTY-SIX CENTS (\$28,466.36); AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO. 2 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 Philip Rodriguez introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers presented the proposed change order. The project is over 95% complete and staff wanted to be sure the change order request was heard as soon as possible. A 2009 IGA with the Metro Wastewater Reclamation District requires that the City deliver all new sanitary sewer flow to the new Northern Treatment Plant. To do this, the City had to construct an interconnecting sewer line from the City's plant to the new plant. The project site location is just north of the City's plant on the west side of Highway 85 and connects to a South Platte interceptor that ties into the new Metro plant.

This has been a problematic project. It was awarded in July 2016 for \$875,000.00 and was almost immediately put on hold because of the difficulty in obtaining a critical easement. After the contractor, T. Lowell, began the work it was discovered that the plans had omitted an above ground control box that needed to be located on the location of the easement that did not contemplate the City's ability to utilize any above ground access permanently. The decision was then made to go back to redesign the plan that had originally been completed several years earlier. All of the staff that had arranged the original plan no longer worked for the City. The redesign utilized a change order of about 10% of the contract amount and the Resolution for the contract had been written to allow 10% of change orders. With the previously approved 10% change order amount, the work has moved forward and the project is just over 95% complete.

A second change order is necessary. The original contracting Resolution limited change orders to 10% without additional Council approval. There are now a handful of field changes that staff is seeking approval for and includes installing protective bollards around the surface equipment that was relocated off the easement and needs to be protected. Metro will inherit this project after completion so several manholes were raised to proper grade at their request. The most significant piece was an improperly noted sewer main. It was not properly defined in the sewer documents and was then damaged during construction. This required immediate bypass pumping and repair to the main. The total request is \$28,466.36 for Change Order #2. This is just over 3% of the total original contract. Because of the lapsed 2017 budget, a supplemental appropriation is being requested for \$30,000.00. Director Bauers answered questions from Council regarding:

- The possibility of getting part of this cost from the engineering service.

City Manager Philip Rodriguez explained that the City typically has 'as-builts' that show where the water and sewer lines exist, but sometimes infrastructure exists prior to the City's data. One of the challenges that has been introduced is certain constraints regarding change orders that are different than staff's interpretation of Section 3-8-175 of the Municipal Code. The Code provides for the City Manager to make necessary change orders if needed up to either \$50,000.00 or 25% of the original contract. What has happened is that a 10% has been introduced to the Resolutions and contracts. This particular change order is at 13.25% and is still under what the Code is provided for. Going forward, City Manager Rodriguez has asked staff to allow for the Resolution and the Contract to match Section 3-8-175 of the Municipal Code so that some of these change orders that are within the allowed amount will not need to be brought to Council for approval and can be approved by the City Manager.

Motion by Councilmember Wallin, seconded by Councilmember Blackhurst, to approve Resolution 2018-15 acting by and through its Water Activity Enterprise, approving a supplemental budget appropriation of \$30,000.00 for the South Platte Interceptor Interconnect Project, approving Change Order No. 2 to the Contract with T. Lowell Construction, Inc. to amend the scope of work in an amount not to exceed \$28,466.36; authorizing the Mayor to execute said Change Order No. 2 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

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Kreutzer attended the Metro Mayors Caucus, the Chamber First Friday breakfast, met with School District 27J Superintendent Chris Fiedler, attended the Adams County Mayors breakfast, the E-470 Board meeting and will be attending the Adams County Mayors lunch. February 10th is the Sister Cities dinner and auction.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Edwards attended the Senior Advisory Board meeting.

Councilmember Wallin attended the State of the State.

Councilmember Baca attended the Fire Board meeting.

Councilmember Humbert attended the BURA meeting.

Josh Prong, Postmaster for the Brighton Post Office introduced himself and asked City Council to contact him if they have any concerns. Mr. Prong addressed comments made by Ms. Norton and informed City Council that he is working with Chief of Police Paul Southard to help improve the situation.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Wallin, to go into Executive Session at 8:51 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 9:21 p.m.

15. CITY COUNCIL BRIEFINGS

Streets and Fleet

Streets and Fleet Director Kimberly Dall gave City Council a brief overview of the Streets and Fleet Department including the duties and responsibilities of the three (3) divisions, Administration, Streets and Fleet.

Community Development

Community Development Director Holly Prather gave City Council a brief overview regarding the functions of the four (4) departments in Community Development, the Building Department, Planning, Historic Preservation and the One Stop Center.

ADJOURNMENT

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Blackhurst, to adjourn at 9:49 p.m. 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

CITY OF BRIGHTON, COLORADO

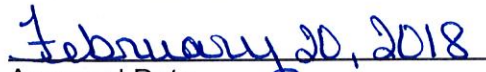


Kenneth J. Kreutzer, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date