

City of Brighton

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



Meeting Minutes

Tuesday, March 19, 2019

7:00 PM

Council Chambers

City Council

MAYOR - KENNETH J. KREUTZER

MAYOR PRO-TEM - JW EDWARDS

COUNCIL MEMBERS:

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

1. CALL TO ORDER

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

A. Pledge of Allegiance to the American Flag

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

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve the Regular 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

3. CONSENT AGENDA

A. Approval of the February 19, 2019 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ALLOCATION OF AN ADDITIONAL \$89,416.00 FROM THE UNDERGROUNDING FUND AS PROVIDED IN THE FRANCHISE AGREEMENT WITH UNITED POWER, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR SUCH ALLOCATION; AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE ADDITIONAL COSTS FOR THE SOUTHERN STREET, TOWER ROAD, AND CARMICHAEL PARK PROJECT

Resolution No: 2019-34

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ALLOCATION OF \$67,120.00 FROM THE UNDERGROUNDING FUND AS PROVIDED IN THE FRANCHISE AGREEMENT WITH UNITED POWER, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR SUCH ALLOCATION; AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE COSTS FOR THE DEPOT REHABILITATION PROJECT

Resolution No: 2019-35

Motion by Councilmember Humbert, seconded by Councilmember Mills, 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. National Child Abuse Prevention and Awareness Month Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to Ralston House representative Jennifer Kemps and CASA representative Lisa Gallegos.

Motion by Councilmember Humbert, seconded by Councilmember Wallin, 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

B. Warm Hearts Service Month Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to members of Brighton DECA.

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

C. 2017 CAFR Award

City Manager Philip Rodriguez recognized the Finance Department for receiving the Certificate in Achievement for Excellence in Financial Reporting.

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

Amy Kindland, Brighton, The Porch Co. Ms. Kindland asked about the parking enforcement on Main Street Downtown and asked about the enforcement also being done on Cabbage Street since this is where she parks when at her business.

Dick Hodge, Brighton. Mr. Hodge expressed his concern regarding ADA issues in the City of Brighton. Mr. Hodge asked that a committee be formed between the City, School District and Fire District to recommend changes to community processes.

Troy Whitmore, RTD Representative, Brighton. Mr. Whitmore introduced himself and updated City Council on RTD projects.

Lisa Trujillo, RTD Representative, Brighton. Ms. Trujillo wanted to provide an outreach opportunity from RTD to Brighton and updated Council on the rebranding of the Flex Ride service.

Fire Chief Mark Bodane, Brighton Fire Rescue District. Chief Bodane updated City Council on the snow event last week and the coordination between the Fire District and many City departments. Chief Bodane is proud of the City staff, the Police Department and Fire Department.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL, APPROVING THE SOUTHGATE BRIGHTON PUD, 3RD AMENDMENT OF AN APPROXIMATELY 15.45-ACRE AREA OF LAND GENERALLY LOCATED IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

Mayor Kreutzer opened the public hearing at 7:39 p.m. and City Clerk Natalie Hoel verified the required postings and publications (February 27, 2019 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons presented the Southgate Brighton PUD, 3rd Amendment. The owner is Arcus Southgate LLC and the applicant is Karen Henry with Henry Design Group. The request is to approve a major PUD amendment for the Southgate Brighton PUD. The 15.445-acre portion of the project would change two areas of the project from multi-family to single-family attached. The project was originally approved in June 2015 and amended soon after to address City Council and neighbor concerns. The second amendment is contained completely within the single-family blocks and addresses reduced setbacks for patios and walkout basements. This 3rd amendment contains a portion of the project that was originally planned for multi-family. The project originally contained seventy-nine acres of which 150 single-family detached units are platted and under construction by Meritage Homes. The 15.4-acre portion was originally indicated for multi-family, this PUD amendment would change the use and the setbacks on the multi-family planning areas B and D on the plan to allow for development of a paired home product.

The Comprehensive Plan shows this area as appropriate for mixed use residential for attached or multi-family products. The Comprehensive Plan addresses this area with three specific items. The first is Principle 1: Managing Growth, this includes infill development and developing in areas that are currently being developed. The second is Principle 6: Promoting neighborhoods that have distinctiveness and character. Policy 6.2 – Ensure residential lot and architecture enhance the street. Policy 6.5 – Encourage projects that enhance the diversity of housing types, costs, and manage affordability through supply and subsidy.

The PUD amendment would establish design standards for single-family attached (paired homes) that are two homes connected by a wall on two separate lots. The PUD also decreases the density from 13.7 units per acre to 8.93 units per acre and establishes setbacks for these types of units. The applicant is proposing a rear-loaded product for this lot. There would be a street traversing the existing infrastructure at Southgate Brighton Village. There will be a landscaped area in the middle with alley-loaded product surrounding the streets. The paired home product looks like a single-family detached dwelling with two front doors. The PUD amendment is reviewed with the PUD plan review criteria in the Land Use and Development Code. The PUD amendment would allow for development of paired homes, complies with the Comprehensive Plan, would comply with the proposed use of paired homes and setback and design standards, and would maintain the existing planned and constructed streets within the Village at Southgate development. The PUD amendment would decrease the planned density adjacent to the original single-family being proposed and constructed within this project. The PUD amendment would not modify or increase the required level of service needed for the adjacent roadways and other infrastructure. Phasing of the PUD plan is not being proposed. This PUD amendment would change the product type allowed from multi-family to paired attached product.

Notice was sent to property owners with 300' on February 13, 2019, a sign was posted on the property by the applicant and notice was published in the Brighton Standard Blade. The applicant held a neighborhood meeting on October 25, 2018 and one neighbor attended the meeting. Staff recommends approval of the PUD amendment. The PUD amendment is in general conformance with the Comprehensive Plan and is in accordance with the Land Use and Development Code. The Planning Commission considered this item on January 24, 2019 and recommended approval.

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

Kip Gilleland, Arcus Southgate, LLC, Gilbert, Arizona. Mr. Gilleland introduced Karen Henry with Henry Design, Justin Beckner with Civil Works and Glenn Nier with Meritage Homes.

Karen Henry, Henry Design Group, Denver, Colorado. Ms. Henry does concur with the recommendation by staff and the compliance with the Comprehensive Plan and the Land Use and Development Code. North of the property is a school campus, to the west are large lot single-family

homes, to the east is vacant land and to the south is the developing portion of the Villages at Southgate. The PUD plan maintains the commercial uses along 120th Avenue. Access to the site will be via Southgate Boulevard, no access is proposed to the existing residential large lot neighborhood to the west. There is an access point proposed to the east for future development. The PUD amendment maintains the same street pattern as originally proposed. There is a system of trails and open space that ties into the single-family neighborhood to the south and the buffer is maintained to the west. The paired homes sit on individual lots with one common wall. The homes are all alley loaded with a two-car attached garage with direct access into the home. All homes front either a common open space or a public street to create a nice streetscape. The project is proposed to have 138 homes and the guest parking requirements have been met with off-street and on-street parking. The central open space corridor would contain seating, trail connections, a playground, landscaping and an open play field.

Glenn Nier, Meritage Homes, Greenwood Village, Colorado. Mr. Nier is familiar with Brighton; Meritage Homes have built a number of communities in the City including Pheasant Ridge and The Preserve. Meritage Homes is currently building in the Southgate Village at Brighton and will be working on improvements to Tower Road. This is a new type of product to Brighton, but is being built by Meritage in the Denver area. Meritage Homes builds approximately 600 to 800 homes per year and works hard to build homes that are energy efficient. This type of home is built for affordability and they have found that people like this product. Meritage is working hard to get its price points down since prices in the area are so high. Meritage homes is excited about 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 Johnston questioned the language stating, "pocket parks of less than three acres shall be owned and maintained by the HOA or Metro District". Councilmember Johnston asked what the plans are for a Metro District. Planner Simmons explained that general guidelines are set in the PUD knowing that there would be a pocket park and it would be privately maintained. At the time of platting, the entity responsible for the park would be established. This language gives the flexibility to make either entity responsible for the park. Councilmember Johnston asked if this is a different process than usually takes place for a park and if so, why. Planner Simmons explained that it has been decided that this park would be privately maintained due to the size of the park since it is smaller than three-acres and is part of the larger Southgate project. Councilmember Johnston asked for an explanation of the language stating, "any overall shortage in park and open space dedication will be met through cash in lieu of land". Planner Simmons explained that in the original Southgate PUD, there was a slight shortage in parks and open space dedication, so switching from a multi-family product to a single-family product; it changed the park dedication slightly. This ensures the City is compensated for any open space or parks that the City is unable to get for this project. Councilmember Johnston asked about the language stating, "the number of dwelling units constructed may be less than the low end of the range of dwelling units without an amendment to the PUD, however the maximum number of units may not exceed the upper end of the range". Councilmember Johnston asked what would happen if the same amount of buildings were not built, would the developer be able to use the extra space for something else. Planner Simmons explained that the note ensures that the City knows the maximum density for this development at just under nine units per acre. Staff would then have the ability to bring this project back to Council if something else is proposed by the developer.

Councilmember Mills asked if the developer has a plan for a retention pond or decorative pond in the development. Justin Beckner, Civil Works, Fort Collins, Colorado. Mr. Beckner explained that a water quality pond is being proposed for this project. All of the ponds were originally sized for the site for the detention based off the original development. With the switch to the paired home product, the development would now be 45% impervious, so there would be less run-off anticipated with the

development. Councilmember Mills wants to ensure that there would not be retention pond issues like there have been at other development in the City. Mr. Beckner explained that the ponds have been designed based on City standards.

Councilmember Blackhurst feels that this development would potentially fill a niche that the City is lacking in a paired home product. Councilmember Blackhurst asked what the square footage would be for these homes and if they would have rear-loaded garages off an alley. Mr. Nier reported that the homes are loaded from the alley and would face the street or open space. The square footage range is from low 1,400 to 2,100. Councilmember Blackhurst asked if the units are two bedroom to four bedroom. Mr. Nier explained that they are all three-bedroom units.

Mayor Pro Tem Edwards asked what triggered the change from a multi-family to a paired home development. Mr. Gilleland explained that this property has been held since 2017. While determining what would be the highest and best use for the property, it was discovered there was a need for units that fit within the target price range and quality of product. Meritage has been successful in building paired units and it was decided to build this product in the City of Brighton. This decision was based on the demand of the marketplace. Mayor Pro Tem Edwards feels this development is a good choice for Brighton.

Mayor Kreutzer remembers the initial public hearing for Southgate when Council had questions for the developer. The Developer has always made changes to make the property better. This decision has decreased the density, fits in the area and gives homebuyers another option for purchasing a home.

Mayor Kreutzer closed the public hearing at 8:08 p.m.

Motion by Councilmember Johnston, seconded by Councilmember Mills, to approve the Ordinance. 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. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RE-APPOINTING KRISTIN BROWN AS THE PRESIDING MUNICIPAL JUDGE AND SETTING COMPENSATION

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

City Manager Rodriguez introduced General Services Director Karen Borkowski Surine.

General Services Director Karen Borkowski Surine presented the Resolution for the reappointment of Kristen Brown as the presiding Municipal Judge. The City Charter requires City Council to appoint by the affirmative vote of 2/3 of the members of Council in office at the time, a presiding Municipal Judge and a Deputy Municipal Judge and set compensation. City Council spoke with Kristen Brown in an Executive Session at the March 12th Study Session. Judge Kristen Brown has served on the Court since 2009 and her current compensation is \$46,947.88 annually. Judge Brown is required to preside over 84 sessions per year plus any bond advisals as needed. City Council has requested a 5% increase in her salary which; would increase her compensation to \$50,774.14 annually. Funds are available in the 2019 budget. If needed, staff could request an amendment to the budget later.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Pollack, to approve Resolution 2019-36. 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, RE-APPOINTING WILLARD B. HARDESTY AS THE DEPUTY MUNICIPAL JUDGE AND SETTING COMPENSATION

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

City Manager Rodriguez introduced General Services Director Karen Borkowski Surine.

General Services Director Karen Borkowski Surine presented the Resolution for the reappointment of Willard B. Hardesty as the Deputy Municipal Judge. The City Charter requires City Council to appoint by the affirmative vote of 2/3 of the members of Council in office at the time, a presiding Municipal Judge and a Deputy Municipal Judge and set compensation. City Council spoke with Willard B. Hardesty in an Executive Session at the March 12th Study Session. Judge Willard B. Hardesty has served on the Court since 2010 and his current compensation is \$90.05 per hour. City Council requested a 3% increase to his hourly rate, which would increase his compensation to \$92.75 per hour. Funds are available in the 2019 budget. If needed, staff could request an amendment to the budget later.

Motion by Councilmember Humbert, seconded by Councilmember Wallin, to approve Resolution 2019-37. 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, ACCEPTING CHANGE ORDER #2 TO THE FIBER INSTALLATION PROJECT (#99918 AND #93148), FROM PAONIA, LLC, IN AN AMOUNT NOT TO EXCEED \$112,456.05, AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT TO 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 IT Curtis Pollock.

Assistant Director of IT Curtis Pollock presented Change Order No. 2 to the Fiber Installation Project. The boring and conduit are approximately 90% complete; fiber to the sports complex and north water tanks is complete. Three railroad crossings and a number of ditches remain. Change Order No. 1 was necessary to bring fiber to Erger's Pond so the Utilities Department could use SCADA to take advantage of the free river that would be available this spring. The total cost for Change Order No. 1 was \$118,740.00 and was paid out of the Utilities budget. Change Order No. 2 includes permit fees for railroads and ditch companies for \$32,315.00, the FRICO ditch crossing at Barr Lake for \$36,800.00 engineering costs for \$43,341.05 and a survey. This applies to eight of the original ten projects. The total cost for Change Order No. 2 is \$112,456.05, \$84,372.15 from the Utilities budget and \$28,038.90 from the IT budget. Staff recommends approval of Change Order No. 2. Assistant Director Pollock answered questions from Council regarding:

- The possibility of a third change order.*
- The need to bore under the ditch for installation of the fiber.*
- SCADA being available at the wells at Barr Lake.*

Motion by Councilmember Baca, seconded by Councilmember Blackhurst, to approve Resolution 2019-38. 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. UTILITIES BUSINESS ITEMS**10. GENERAL BUSINESS****11. REPORTS****A. By the Mayor**

Mayor Kreutzer thanked everyone that helped with the recent snowstorm. Mayor Kreutzer participated in the Read Across American event, and attended the Image Summit, the Adams County Mayors meeting, and the Brighton High School Cajun Boil. The Vision and Planning session is Friday.

B. By Department Heads**C. By the City Attorney****D. By the City Manager**

City Manager Rodriguez thanked everyone that helped with the snow emergency.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Humbert announced that Help for Homes is May 4th and the BJAA dinner is Sunday.

Mayor Pro Tem Edwards attended the Brighton High School Cajun Boil, the Bart Inc. ribbon cutting, and the Senior Advisory Board meeting. The Eagle View Adult Center was used for stranded travelers during the storm.

Councilmember Wallin thanked staff and first responders for their help during the storm. Councilmember Wallin attended the Image Summit. The CML recognition for Sam Mamet is on Thursday.

Councilmember Pollack attended the Parks and Recreation Advisory Board meeting.

Councilmember Blackhurst thanked everyone that helped during the storm.

Councilmember Mills attended the meeting, the Second Creek Elementary Junior Achievement, the North Metro Chamber event, the Brighton High School Cajun Boil, the Image Summit and the Boys and Girls Club Youth Awards ceremony.

13. EXECUTIVE SESSION**14. ADJOURNMENT**

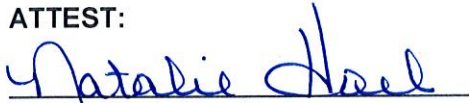
Motion by Councilmember Baca, seconded by Councilmember Johnston, to adjourn at 8:43 p.m. Motion passed by the following vote:

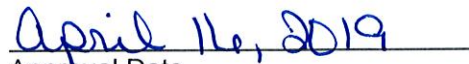
Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO


Kenneth J. Kreutzer, Mayor

ATTEST:


Natalie Hoel, City Clerk


Approval Date