

City of Brighton

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



Meeting Minutes

Tuesday, June 4, 2019

7:00 PM

Council Chambers

City Council

MAYOR - KENNETH J. KREUTZER

MAYOR PRO-TEM - JW EDWARDS

COUNCIL MEMBERS:

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

1. CALL TO ORDER

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

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

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

Not Present: 1 - Councilmember Baca

2. APPROVAL OF REGULAR AGENDA

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

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

Absent: 1 - Councilmember Baca

3. CONSENT AGENDA

A. Approval of the May 7, 2019 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A MINI-GRANT AGREEMENT WITH ADAMS COUNTY IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE MATTIVE OPEN SPACE POLLINATOR GARDEN; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF SIXTEEN THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$16,934.00) IN CASH AND IN-KIND LABOR; AUTHORIZING A BUDGET AMENDMENT; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT

Resolution No: 2019-59

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A GRANT AGREEMENT WITH ADAMS COUNTY IN THE AMOUNT OF SEVENTY-FOUR THOUSAND THIRTY-SEVEN DOLLARS (\$74,037.00) FOR THE KEN MITCHELL PARK BASKETBALL COURT; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF SEVENTY-FOUR THOUSAND THIRTY-EIGHT DOLLARS (\$74,038.00); AUTHORIZING A BUDGET AMENDMENT; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT

Resolution No: 2019-60

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A GRANT AGREEMENT WITH ADAMS COUNTY FOR THE AMOUNT OF ONE HUNDRED ONE THOUSAND EIGHT HUNDRED THIRTY-FIVE DOLLARS (\$101,835.00) FOR THE VETERANS PARK PLAYGROUND; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); AUTHORIZING A BUDGET AMENDMENT; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT**

Resolution No: 2019-61

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

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

Absent: 1 - Councilmember Baca

4. CEREMONIES

A. Introduction of Visitors from Ziebice, Poland

Mayor Kreutzer introduced the students and chaperones visiting from Ziebice, Poland.

B. Introduction of City of Brighton's Growing Grads Interns

Youth Services Manager Tawnya Russell introduced the Interns from the Growing Grads Intern Program Nayelli Aguirre, DeAmore Leyva, Catherine Grovum, Levi Rash, Lucas Stanford and Giana Rocha.

C. Recognition of Graduating Brighton Youth Commission Members

Youth Services Manager Tawnya Russell introduced graduating Youth Commission Members Kadiya Phillips, Demi Sena, Hero Dahlman, Quinn Hodge, Stella Hindman, Amanda Ruybal and Ayaka Hayashi. Mayor Kreutzer and City Council thanked the members for their service to the City of Brighton and wished them well in the future.

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

6. PUBLIC HEARINGS

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 1ST AMENDMENT AND UNZONED PROPERTY TO THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 2ND AMENDMENT, FOR THE APPROXIMATELY 38.695-ACRE PROPERTY GENERALLY LOCATED TO THE IMMEDIATE SOUTHWEST OF THE INTERSECTION OF 136TH AVENUE AND U.S. HIGHWAY 85 IN BRIGHTON, COLORADO. THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 2ND AMENDMENT IS GENERALLY LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE 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 7:32 p.m. and City Clerk Natalie Hoel verified the required postings and publications (May 15, 2019 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Senior Planner Mike Tylka.

Senior Planner Mike Tylka presented the Johnson Auto Plaza Planned Unit Development (PUD) 2nd Amendment. Representing the applicant team are David Spratlen and Andy Larsen with Commercial Building Services, Inc. and representing the property owner Plaza West 20 LLC and JRE 85 LLC are members of the Johnson family. The property is located to the immediate southwest of the intersection of 136th Avenue and US Highway 85. The request is for a PUD amendment that would set the zoning of the subject property. The property was annexed in 1998 and was partially zoned as part of the Johnson Auto Plaza PUD 1st Amendment. This proposal would take the site-specific zoning from the eastern half of the property from the first amendment and extend it to the western property; this would then incorporate the entire thirty-eight acre property under the same PUD with new site-specific development pads on the western side. The surrounding zoning is all Adams County A-3, which is an agricultural designation. The properties connection to city limits is via the adjacent annexed US 85 right-of-way.

The Comprehensive Plan designates this area as Local District Mixed-use for the western portions. This designation contains areas that are guided to be developed in a manner that supports agricultural, economic development, agritourism, and/or preserved agricultural areas for long-term farming, conserves environmentally sensitive area, prevents urban nuisance complaints, reflects agricultural heritage in a complimentary manner, and limits the extension of services that are costly and difficult to provide. The eastern portion of the property is designated as commercial and operates as Johnson Auto Plaza. The purpose of this designation is for the commercial category that provides for a range of commercial and retail uses. It is the intention to facilitate the needs of the community and travelers passing through.

The proposed PUD amendment would take development standards from the east of the property under the existing PUD and extend them to the west where the new development pads are located. These standards outline in depth setbacks, lot size, building and area height, architecture, signs, storage, landscaping, utilities, maintenance, lighting, open space, etc. The PUD amendment would allow for expanded commercial and retail uses that would include automobile dealerships, auto sales, service and repair, car storage, car wash, parts supply with storage and sales, and any other uses consistent with and necessary for the operation of an automobile facility. The PUD allows other uses that are customarily allowed under the C-3 (General Retail and Services) zone district with the exception of pawnshops, sexually oriented businesses and flea markets. A portion of the property along the west side running north/south is designated for a 25' access drive. The PUD is very specific where any future development can occur.

In the Land Use and Development Code Section 17-16-110(d)(4) describe the requirements for a PUD amendment. A PUD amendment and plan can only be recommended for approval if City Council finds that all of the following criteria have been met:

- a. The PUD addresses a unique situation, confers a substantial benefit to the City or incorporates creative site design, and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable standards.

The PUD allows for the expansion of the Auto Plaza as a site-specific development plan and allows for the expansion of a successful Brighton based business as envisioned in the 1998 Annexation Agreement.

- b. The PUD complies with the Comprehensive Plan and all applicable use, development and design standards.

The PUD does not entirely comply, but a Comprehensive Plan is a conceptual document and the land is not particularly valuable for farming. The Annexation Agreement between the City and the property owner agree that the entire property would eventually be developed for commercial purposes and that the western half be allowed to remain in its existing state until expansion of the Auto Plaza occurs.

- c. *The PUD District and PUD Final Development Plan shall comply with all applicable PUD use and development standards set forth in this Section.*

Any site plan would be held to the standards in the PUD if approved.

- d. *The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features.*

The PUD provides for improvements as outlined and should have little effect on surrounding properties.

- e. *To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.*

The PUD sets three access points along 136th Avenue and the site is being laid out to mitigate any impacts.

- f. *Sufficient public safety, transportation, education and utility facilities and services are available to serve the subject property.*

The PUD could increase the level of service for transportation facilities. At this time there would be no anticipated connection to water and sewer.

- g. *The proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity, marketing, and financing.*

Staff has determined that a rational plan for development has been presented and exists.

- h. *The same development could not be accomplished through the use of other techniques, variances or minor modifications.*

This PUD will allow the owner to develop the entire property in a consistent manner with what is now in place on the eastern half of the property.

- i. *The applicant has submitted a schedule of development and agrees to the schedule subject to the revocation and withdrawal clauses of this section.*

Staff has determined that all applicable materials have been submitted.

Mailings were sent to all property owners within 300' of this proposed amendment and notice was published in the Brighton Standard Blade on May 15, 2019. Two signs were posted on the property on May 14, 2019. Planning staff did receive one inquiry as to the proposed area for the designation of the north/south access along the western end of the property boundary.

The Planning Commission voted unanimously to approve this item at their April 11, 2019 meeting. The recommendation was made "contingent to the City Council's consideration of the improvement of 136th Avenue as part of the applicant's overall development approval process." Staff is confident that this item has been addressed in the Development Agreement Amendment that would accompany the Plat that is to be considered by City Council on June 25, 2019. The Development Review Committee reviewed this project and did recommend approval. Staff recommends approval of the PUD amendment even though it is not in complete compliance with the Future Land Use Map. The property is and has been since the time of annexation contemplated to be for commercial uses, particularly the Annexation Agreement between the City and the property owner created the expectation that the entire property would be available for future commercial development. There is not a willing farmer for the property and not adequate water for farming to occur. The Annexation Agreement is a contract between the municipality and the annexor; this document has more legal weight than the Comprehensive Plan that is a guiding document and not intended to be followed explicitly. Staff finds that the PUD Amendment complies with the criteria in the Land Use and Development Code.

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

Ryan Johnson, Erie, Colorado. Mr. Johnson explained that Johnson Auto Plaza has been located in the City of Brighton since 1992 and he has appreciated the support from the community. With the growth in the community, it is exciting to be in Brighton. Johnson Auto Plaza has grown from fifteen employees to one hundred fifty employees. Mr. Johnson would like to add to the community and has a commitment to the City and its citizens.

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.

Mayor Pro Tem Edwards asked for an explanation of conflict with the Comprehensive Plan and what was agreed upon in 1998. Planner Tylka explained that the west side of the property is designated as Local District Mixed-use, which does not envision an auto body business being located there. The Comprehensive Plan was adopted many years after the Annexation Agreement was approved. The language in the Annexation Agreement states that the entire property would all eventually be developed for commercial purposes.

Councilmember Johnston asked about the language in the PUD document regarding the signage and the necessity for approval by the City Manager's Office and that political advertising shall be prohibited on the sign at all times. Can the City legally require that someone not advertise anything political with their messaging on their own land? In addition, there is a difference between a political message and political advertising, would it be appropriate if the advertising were not being paid for. City Attorney Jack Bajorek explained that the restriction is on content and it has to be content neutral. Case law does allow the City to control the content on commercial advertising or messaging. Councilmember Johnston thanked Johnson Auto Plaza for continuing to be a great member of the community and is in support of this expansion.

Councilmember Pollack has done business with Johnson Auto Plaza and believes they are an asset to the community.

Mayor Kreutzer appreciates the advertising done by Johnson Auto Plaza and what they have done for the community.

Mayor Kreutzer closed the public hearing at 7:52 p.m.

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

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

Absent: 1 - Councilmember Baca

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 34.97 ACRES OF CONTIGUOUS LAND IN THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, TO BE KNOWN AS THE BRIGHTON LAKES: 2 BAR C DAIRY AND STARBUCK ANNEXATION (FINAL READING)**

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

City Manager Rodriguez introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons presented the second reading of the Annexation Ordinance and the Resolution for the Annexation Agreement. The property owner is Mick Richardson with Brighton Lakes LLC and Vintage Homes LLC. The second reading of the Annexation Ordinance if approved would bring the property into the City. The Resolution approving the Annexation Agreement is a contractual agreement between the City and the property owner regarding generic terms of development for the future. The property is located at the southeast corner of Chambers Road and 144th Avenue alignment and consists of approximately thirty-five acres.

The annexation process is regulated by the Land Use and Development Code and by the Colorado Revised Statutes Sections 31-12-101 through 31-12-110. The four-step process includes the following:

- Substantial Compliance (Resolution approved April 2, 2019)
- Resolution of Eligibility of Finding of Fact (Public Hearing, approved on May 7, 2019)
- Annexation Ordinance (First reading, approved May 7, 2019)
- Annexation Ordinance (Final reading) and Resolution approving the Annexation Agreement (Consideration by Council on June 4, 2019)

The purpose of an Annexation Agreement is to outline generic terms applicable to the property by looking at adopted city codes, ordinances, and master plans that would apply to the development of the property. More detailed items such as the placement of infrastructure takes place later in the development process. The first section in the annexation agreement addresses the future roadway alignments in conformance with the Land Use and Development Code and the Master Transportation Plan. The Master Transportation Plan states that 144th Avenue is to be a minor arterial, which would be built out to 110' of right-of-way. The property owner will dedicate to the City half of the right-of-way needed for the roadway and will also design and construct the roadway. Chambers Road will be built as a collector standard, 50' right-of-way. The property owner will dedicate half of the right-of-way and build their portion of Chambers Road adjacent to the property. The property owner has agreed to build the water, stormwater and sewer infrastructure needed to get the necessary services to the property. The second section involves zoning. In conformance with the Municipal Code and the Land Use and Development Code, the City agrees to consider the Annexor's proposal for PUD zoning for the Brighton Lakes PUD First Amendment known as the Farmlore property. The Annexation Agreement is in conformance with the Land Use and Development Code. Regarding the structures on the property that are over fifty years old, the Annexor agrees to complete and submit architectural inventory forms for the existing structures on the property and not demolish any structures on the property prior to review by the Brighton Historic Preservation Commission.

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

Motion by Councilmember Mills, seconded by Mayor Pro Tem Edwards, to approve Ordinance 2307. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ANNEXATION AGREEMENT FOR THE APPROXIMATELY 34.97 ACRES OF CONTIGUOUS LAND, IN THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; TO BE KNOWN AS THE BRIGHTON LAKES: 2 BAR C DAIRY AND STARBUCK ANNEXATION**

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

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approved Resolution 2019-62. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REQUEST TO REZONE THE BRIGHTON LAKES PLANNED UNIT DEVELOPMENT AND ADJACENT PARCEL ZONED ADAMS COUNTY A-3 IN ACCORDANCE WITH THE BRIGHTON LAKES PUD, FIRST AMENDMENT, FOR THE APPROXIMATELY 476.067-ACRE PROPERTY GENERALLY LOCATED SOUTH OF 144TH AVENUE, NORTH OF 136TH AVENUE, EAST OF SABLE BOULEVARD, AND WEST OF THE 19TH AVENUE ALIGNMENT, IN BRIGHTON, COLORADO. THE BRIGHTON LAKES PUD, FIRST AMENDMENT, IS GENERALLY LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

City Manager Rodriguez introduced Senior Planner Lauren Simmons.

Senior Planner Lauren Simmons presented the request to rezone the Brighton Lakes PUD 1st Amendment to be known as Farmlore. The owner is Mick Richardson with Brighton Lakes LLC and Vintage Homes LLC. The request is to finalize the Brighton Lakes PUD 1st Amendment. The property consists of 476 acres located between 144th Avenue and 136th Avenue, and between the 19th Avenue alignment and 27th Avenue. This thirty-five acre property is being added to the PUD. There are thirteen areas planned for this project with a variety of housing types, parks, pedestrian connections and open space. This proposal is reviewed with the Land Use and Development Code and the city's Comprehensive Plan. The following criteria in the Land Use and Development Code have been met:

- a. The PUD addresses a unique situation, confers a substantial benefit to the City or incorporates creative site design, and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable standards.*
- b. The PUD complies with the Comprehensive Plan and all applicable use, development and design standards.*
- c. The PUD District and PUD Final Development Plan shall comply with all applicable PUD use and development standards set forth in this Section.*
- d. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features.*
- e. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.*
- f. Sufficient public safety, transportation, education and utility facilities and services are available to serve the subject property.*
- g. The proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity, marketing, and financing.*
- h. The same development could not be accomplished through the use of other techniques, variances or minor modifications.*
- i. The applicant has submitted a schedule of development and agrees to the schedule subject to the revocation and withdrawal clauses of this section.*

The criteria in the Comprehensive Plan Principle 1, Principle 6, Principle 7 and Principle 10 have been met. The Brighton Lakes PUD First Amendment is located in an area of existing and planned growth; the project is proposing distinctive neighborhoods, and is adjacent to agricultural uses and heritage. Staff recommends approval of the PUD Amendment as it is in conformance with the Land Use and Development Code and the Comprehensive Plan.

Mick Richardson, Englewood, Colorado. Mr. Richardson thanked Lauren and City staff that have worked on this project for the past eighteen months. Mr. Richardson is proud of Farmlore and embracing the agricultural heritage of the community.

Planner Simmons answered questions from Council regarding:

- The vague language in the ODP and PUD.*

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

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve Ordinance 2308. Motion passed by the following vote:

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

No: 1 - Councilmember Johnston

Absent: 1 - Councilmember Baca

8. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE OF CITY-OWNED REAL PROPERTY LOCATED AT 269 EAST BRIDGE STREET (THE "DEPOT") TO THE GREATER BRIGHTON CONVENTION AND VISITORS BUREAU, 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 introduced Urban and Public Policy Director Ryan Johnson.

Urban and Public Policy Director Ryan Johnson explained what has taken place with the Depot building since it was acquired by the City in May 2018. Four proposals were received for the use of the building. In early 2019, staff began negotiating with two potential tenants for the building. The Greater Brighton Convention and Visitors Bureau will be operating a visitor's center at the site. The lease is a five-year term with a five-year option to extend. The City will provide office, meeting and storage space for the tenant. The tenant will contribute a pro rata share of the custodial and maintenance costs. The City will provide a space on a multi-tenant sign along Bridge Street for the visitor's center. The tenants will provide their own technology. The move-in is anticipated to occur in the fall of 2019. The rent will be \$18,000/yr in years one, two and three; \$18,540/yr in years four and five based on the proposal submitted by the potential tenant for a total of \$91,080 for the first five years. This represents \$11.65/sq.ft. The City provided improvements were budgeted in the 2019 budget and the funding comes from the \$700,000 DOLA grant with an additional \$225,000 from the adopted budget. Director Johnson answered questions from Council regarding:

- The total cost the City would contribute to the entire project being \$925,000.00.*
- The numbers not adding up for the entire project.*
- The amount the City has spent overall on the Depot project.*
- The amount the City is giving to the Brighton Chamber and Visitor Bureau.*
- Potential leases for Historic City Hall.*

Motion by Councilmember Mills, seconded by Mayor Kreutzer, to approve the Ordinance. Motion passed by the following vote:

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

No: 1 - Councilmember Pollack

Absent: 1 - Councilmember Baca

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE OF CITY-OWNED REAL PROPERTY LOCATED AT 269 EAST BRIDGE STREET (THE "DEPOT") TO SUGAR MOUNTAIN ENTERPRISES, LLC, D/B/A MON CHERI BAKERY AND BISTRO, 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 introduced Urban and Public Policy Director Ryan Johnson.

Urban and Public Policy Director Ryan Johnson explained that this potential user would add a lot of character to the site. This lease is with Sugar Mountain Enterprises, LLC dba Mon Cheri Bakery and Bistro. The bistro would provide the following: coffee bar, pastries, warm prepared foods like sandwiches and flatbread, beer and wine, and desserts. The lease is a five-year term with a five-year option to extend. The City will provide the dining area improvements, coffee bar improvements & facilitate the construction of the floor prep area in the basement. The tenant will contribute a pro rata share of the custodial and maintenance. The City will provide a space on a multi-tenant sign along Bridge Street for the bistro. The tenants will provide their own technology. The tenants will be infusing \$56,000 of their own capital in equipment. The tenant will maintain the patio space after initial construction. The Tenant will also provide all costs associated for the food truck/trailer in the plaza area. The move-in is anticipated to occur in the fall of 2019. The rent will be \$22,404/yr in year one increasing to \$25,210/yr in year five based on the proposal submitted by the potential tenant for a total of \$118,922 for the first five years. This represents \$13.08/sq.ft. The City will also receive sales tax from the sales at the bistro. The City provided improvements were budgeted in the 2019 budget and the funding comes from the \$700,000 DOLA grant with an additional \$225,000 from the adopted budget. Director Johnson answered questions regarding:

- The tenant investing \$56,000.00 into the business.*
- The ability for the tenant to set up a trailer in the plaza area.*
- The area where the trailer would be placed included in the rest of the property.*
- The restrooms in the bathroom being available to the public.*

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

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

No: 1 - Councilmember Pollack

Absent: 1 - Councilmember Baca

Mayor Kreutzer called for a break at 9:02 p.m.

Mayor Kreutzer reconvened the meeting at 9:12 p.m.

9. ORDINANCES FOR FINAL CONSIDERATION

10. RESOLUTIONS

- A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF BARBA AND SONS CONSTRUCTION AND AWARDING THE CONTRACT FOR THE BRIGHTON CITY HALL REMODEL PROJECT # 17006 AND #93154 TO BARBA AND SONS CONSTRUCTION IN THE AMOUNT OF \$305,558.00, 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 Urban and Public Policy Director Ryan Johnson, Utility Billing Supervisor JD McCune, Facilities Maintenance Manager Patrick Rome and Director of Public Information and Community Resources Kristen Chernosky.

Urban and Public Policy Director Ryan Johnson reported that City Hall was acquired in 2010 and was occupied by staff in 2011. Exterior improvements were done at that time including the parking lot, paint, Carmichael Park, and lighting. The improvements to the interior of the building include City Council chambers, the Study Session room, the Lobby, the One Stop Center, Utility Billing and other miscellaneous items. The vision for City Hall is to increase customer service delivery for the public, provide safety for the public and staff, foster a collaborative work environment, and efficient space utilization. Director Johnson presented the project details for the 1st floor, 3rd floor and 6th floor. The project will be completed in two phases. Phase 1 includes remodel of the 1st floor, work should begin in June and be completed in August. Phase 2 will include the remodel of the 3rd floor and 6th floor, work should begin in August and be completed in December. Staff completed the architectural work for the project in 2018. The bid solicitation was published in early 2019 and four bids were received. Staff reviewed the bids and after checking references, staff recommends award of the contract to Barba and Sons Construction for \$305,558. These funds were approved in the 2019 budget. Director Johnson, Utility Billing Supervisor JD McCune, Director of Public Information and Community Resources Kristen Chernosky and City Manager Rodriguez answered questions from Council regarding:

- The location of the reception area on the 6th floor.*
- The door being open on the 6th floor.*
- The staff from the Armory moving to City Hall.*
- The ability to enhance the display of the art in the lobby.*
- Any changes to the lobby area.*
- The design of these areas being developed by security experts.*
- The location where the Youth Commission would meet.*
- The location of the City Attorney's staff.*
- The future of Historic City Hall when there is more space available.*
- More revenue from leases for the City.*
- The Police Substation remaining in the basement.*

Motion by Councilmember Mills, seconded by Councilmember Johnston, to approve Resolution 2019-63. Motion passed by the following vote:

Aye: 7 - Mayor Kreutzer, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack and Councilmember Wallin

No: 1 - Mayor Pro Tem Edwards

Absent: 1 - Councilmember Baca

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF GILMORE CONSTRUCTION CORPORATION, AND AWARDING THE CONTRACT FOR BRIGHTON DEPOT INTERIOR REMODEL PROJECT # 19018 TO GILMORE CONSTRUCTION CORPORATION IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND NINE HUNDRED EIGHTY-EIGHT DOLLARS (\$1,127,988.00), 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 Urban and Public Policy Director Ryan Johnson.

Urban and Public Policy Director Ryan Johnson explained that the Depot interior remodel project is a Council vision that would activate the site and generate revenue while incorporating a civic oriented use. This project would preserve the historic character of the building and connect the larger campus including the Armory and Anythink Library. The building is currently vacant and most of the improvements needed for the reuse have been removed or are outdated or undersized. Some of the existing improvements to the building are not original; these include the boxcar and the sunroom. A design-build delivery method was selected for the improvements. By integrating the architect and general contractor from the beginning, it will allow the entire team to be more able to respond to issues that may be discovered during the process. This should help to reduce overhead, control costs and reduce delivery time. In early spring 2019, a mandatory pre-bid meeting was held. One team expressed interest in the project. Staff has been working on concept plans, developing construction schedules and cost models for the potential tenants. Director Johnson presented the project scope, which includes all of the remaining improvements for the Depot building including the improvements for the potential tenants. The team for the project consists of The Abo Group, the architect and Gilmore Construction, the general contractor. Both firms have worked independently and together previously on similar projects. The cost for the design/construction services is \$1,127,988 and has been approved in the 2019 budget. The funding comes from CIP #19018 for \$701,433 from the DOLA grant and City funds and \$426,555 from the Honeywell Energy Performance grant. Director Johnson and City Manager Rodriguez answered questions from Council regarding:

- The main entrance being located on the west side of the building.*
- This area being connected with the entire campus of the Armory and the Library.*
- The location of the trellis with lighting that was presented last year.*
- The trellis being part of a later project.*
- The ladder on the boxcar existing at this time.*
- The remaining life of the existing wood floor.*
- The location of the trailer on the site.*
- The Energy Performance Grant actually being a loan.*
- Those funds having to be paid back.*

Motion by Councilmember Mills, seconded by Councilmember Humbert, to approve Resolution 2019-64. Motion passed by the following vote:

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

No: 2 - Councilmember Johnston, and Councilmember Pollack

Absent: 1 - Councilmember Baca

11. UTILITIES BUSINESS ITEMS

Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF BLANCO INC. AND AWARDING THE CONTRACT FOR 5th AVENUE STORM/SANITARY SEWER CONNECTIONS, PROJECT #93132, TO BLANCO INC. IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), WITH NO CONTINGENCY FUNDING, 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 Utility Engineer Roy Gallea.

Utility Engineer Roy Gallea presented the 5th Avenue Storm-sanitary cross connect. A development came into the City with a storm pond for water quality and detention that tied into what the engineer thought was storm sewer; it was actually sanitary sewer. This project aims to separate the storm sewer from the sanitary sewer and re-connect it to an existing storm sewer line at the intersection of 5th Avenue and Voiles Street. Enginuity Engineering Solutions was hired to design plans for the separation. The City solicited bids from contractors to perform the construction to separate the sewer systems. The project includes the installation of 700 linear ft. of new 18" storm drainage pipe in 5th Avenue connecting to the existing storm line at 5th Avenue and Voiles Street, and the removal of 20 linear ft. of storm sewer currently connected to the existing sanitary sewer. The disconnection will minimize the amount of water going to the Wastewater Treatment Plant during storms. Residents in the area will receive informational flyers regarding the project and a project sign will be posted in the area. Four bids were received. Staff recommends approval of the contract to the most responsive and responsible bidder Blanco Inc. for 150,000; this was the lowest overall bid. The project should be completed by September 2019.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Blackhurst, to approve Resolution 2019-65. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, ACCEPTING THE BID OF OLSSON, INC., AND AWARDING THE CONTRACT FOR THE HIGH ZONE ELEVATED 2MG TANK DESIGN TO OLSSON, INC., IN AN AMOUNT NOT TO EXCEED \$102,835.00, 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 Utility Engineer Roy Gallea.

Utility Engineer Roy Gallea presented the 2MG High Zone Elevated Tank design. This tank will be located to the south of the existing half million-gallon tank. The project includes design of the tank, yard piping to the distribution system and a new pump to help with higher demand in the area. The 2016 Water Master Plan determined that a new 2MG tank should be constructed to serve future development, but with current growth in the area, there is an immediate need for the tank. Fencing at the site will be expanded and upgraded to help with security. New roads will be added so trucks can more easily reach the site for construction and maintenance of the new tank. The American Water Works Association (AWWA) has water storage requirements based on the following: Equalization Storage, the amount of water required meeting demands in excess of the production and delivery

capabilities; and Fire Storage, the fire protection needs of the community. The City's current maximum day demand is 5.49MG; the anticipated demand for new developments completed by 2021 is 3.92MG. The total storage volume needed in the high zone is 2.42MG. The City currently has a 0.5MG elevated tank. In order to satisfy the AWWA requirements, the City needs to install an additional 2MG elevated tank. The scope of work includes design of the tank; design the yard piping, design to incorporate the pump into the existing piping system, the storm water management plan, erosion and sediment control plan, survey and geotechnical analysis, and opinion of probable construction cost. The RFP process was completed and four proposals were received. Staff analyzed and evaluated the proposals and Olsson, Inc. was determined to be the most responsive and responsible with a proposal price of \$102,835. Funds are available through current project savings. Utility Engineer Roy Gallea answered questions from Council regarding:

- There being an additional tank on the north side.
- The ability to exit towards Southern during construction.
- The need for a tank at Baseline Road and another tank at I-76 in the future.

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to approve Resolution 2019-66. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

12. GENERAL BUSINESS

A. Cancel the June 18, 2019 City Council Meeting for the CML Conference

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to approve Item 12A. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

B. Schedule a Special City Council Meeting on June 25, 2019 at 6:00 p.m. to approve the following: Henry Lakes Substation Conditional Use, Johnson Auto Plaza PUD 2nd Amendment, The Market Place 85 Subdivision 2nd Amendment Final Plat and Development Agreement, Fairview Cemetery Lot Line Adjustment, Lease Hold Interest in Depot Property for the Chamber of Commerce, Lease Hold Interest in Depot Property for the Mon Cheri Bistro, Participation in the Coordinated Election with Adams and Weld Counties, Wells Concrete Incentive Agreement, and Presentation of the City Attorney and City Manager Performance Evaluation Processes and Schedules

Motion by Councilmember Johnston, seconded by Councilmember Humbert, to approve Item 12B. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

13. REPORTS

- A. By the Mayor
- B. By Department Heads
- C. By the City Attorney
- D. By the City Manager

14. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

15. EXECUTIVE SESSION

16. ADJOURNMENT

Motion by Councilmember Blackhurst, seconded by Councilmember Wallin, to adjourn at 10:58 p.m. Motion passed by the following vote:

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

Absent: 1 - Councilmember Baca

CITY OF BRIGHTON, COLORADO



 Kenneth J. Kreutzer, Mayor

ATTEST:



 Natalie Hoel, City Clerk



 Approval Date