

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, September 1, 2020

6:00 PM

Council Chambers / Virtual Meeting

City Council

MAYOR - GREGORY MILLS

MAYOR PRO TEM - MATT JOHNSTON

COUNCIL MEMBERS:

CLINT BLACKHURST, ADAM CUSHING,

MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,

ANN TADDEO, TIM WATTS

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:01 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

2. APPROVAL OF REGULAR AGENDA

Mayor Mills asked that Item 3D be removed from the Consent Agenda to become Item 9A.

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

3. CONSENT AGENDA**A. Approval of the July 28, 2020 City Council Minutes****B. Approval of the July 30, 2020 City Council Minutes****C. Approval of the August 4, 2020 City Council Minutes**

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A GRANT AGREEMENT WITH ADAMS COUNTY FOR THE AMOUNT NOT TO EXCEED EIGHT HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED DOLLARS (\$818,400.00) FOR THE AICHELMAN PROPERTY – PHASE 1 PROJECT; AUTHORIZING THE CITY’S MATCHING OBLIGATION OF FIVE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$545,600.00); AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT

This Item was removed from the Consent Agenda.

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE USE OF CARES FUNDING FOR THE IMPLEMENTATION, FUNDING, AND ADMINISTRATION OF COMMUNITY GRANTS AND FOR COVID-19 COSTS INCURRED

Resolution No: 2020-85

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

4. CEREMONIES

A. **Suicide Prevention and Awareness Month Proclamation**

Councilmember Cushing read the Proclamation into the record.

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

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

6. PUBLIC HEARINGS

- A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR A PIPELINE THAT WILL PROVIDE A REGIONAL SOLUTION TO CONVEYANCE OF WASTEWATER IN THE NORTHEAST PORTION OF THE METRO WASTEWATER RECLAMATION DISTRICT'S SERVICE AREA. THE WASTEWATER TRANSMISSION LINE AND ASSOCIATED FACILITIES ARE KNOWN AS THE SECOND CREEK INTERCEPTOR, AND GENERALLY FOLLOWING AN ALIGNMENT THROUGH SECTIONS 35 AND 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST; SECTION 31, TOWNSHIP 1 SOUTH, RANGE 66 WEST; SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST; AND SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Mayor Mills opened the public hearing at 6:15 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 19, 2020 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Marv Falconburg introduced Community Development Director Holly Prather.

Community Development Director Holly Prather introduced Assistant Planner Oscar Ortiz.

Assistant Planner Oscar Ortiz presented the Second Creek Interceptor Conditional Use Permit request. The applicant is Metro Wastewater Reclamation District and there are various property owners. The conditional use permit application was submitted last year prior to the adoption of the new Land Use and Development Code, therefore the application was reviewed by staff using the old Land Use and Development Code. The SD Interceptor Project includes design and construction of the Metro District's proposed 17.5-mile long interceptor extending from the City of Aurora to Adams County, which includes approximately two miles in Brighton. The location of the alignment for the project is the area west of I-76 between 124th Avenue and 120th Avenue past Highway 85. The recommended alignment for the interceptor is primarily on private parcels north of the East 120th Avenue right-of-way. The proposed project goes through different land uses.

The Land Use and Development Code criteria include the following:

- 1. Consistent with the Brighton Comprehensive Plan and other master plans;*
- 2. Compatible with the existing and future land uses within the general area and will not be detrimental to neighboring uses. Allows conditions to be placed on approval to mitigate impacts;*
- 3. Site shall be physically suitable for the type and intensity of the proposal;*
- 4. Not adversely affect traffic flow or parking in the neighborhood; and*
- 5. Consistent with the purpose and intent of the zoning district.*

Public notice was provided in accordance with the Land Use and Development Code. On August 10, 2020, two signs were posted on the property, written notice was mailed to all property owners within 300' of the subject property and notice was published in the Brighton Standard Blade. Staff has not received any formal comments, only general inquiries.

Staff recommends approval of the request with the following ten conditions in summary:

- 1. Metro Wastewater shall be responsible for obtaining all necessary easements to construct the pipeline alignment of the SD Interceptor in strict compliance with the approved Site Plan;*
- 2. Any additional modifications made during the preliminary design phase construction, or expansion of the SD Interceptor beyond what is depicted in the Site Plan, shall require a subsequent Conditional Use review by the City Council;*
- 3. All disturbed land shall be restored back to original condition with a ground cover that matches original condition;*
- 4. Metro Wastewater shall be responsible for construction impacts, interceptor alignment, easement obtainment, and restoration plans;*
- 5. Any and all signs on the property shall be approved by the City of Brighton prior to installation, and shall conform to applicable provisions of the Sign Code in effect at the time of application;*
- 6. Metro Wastewater is responsible for easement acquisition and negotiations with private landowners, permits and other approvals;*
- 7. Metro Wastewater shall obtain building permits and pay all applicable fees before construction within the City of Brighton's boundary;*
- 8. Any approvals by the City Council will be considered null and void should easement acquisition not be obtained;*
- 9. Metro Wastewater is required to get all Rights-of-Way (ROW) permits in advance of the closing of any (ROWs), located within the City of Brighton's area;*
- 10. A signed and completed contract or easement, between Metro Wastewater and the owner(s) of each property within the City of Brighton boundary, allowing the construction of the pipeline on private property shall be provided to the City of Brighton before construction of said interceptor begins.*

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

John Wicke, Senior Engineer and Project Manager. Mr. Wicke introduced Steve Pool, Lead Design Engineer with HDR. Mr. Wicke explained that Metro Wastewater is the largest water reclamation provider in the Rocky Mountain West operating two facilities. They provide service to sixty local governments and serve two million people across a 715 square mile service area. Metro was formed in 1961 to protect public health and the South Platte River.

The Metro District is designing the Second Creek Interceptor to convey flow to the Northern Treatment Plant and preserve capacity at the Robert W. Hite Treatment Facility in Commerce City. This would expand the gravity-powered transmission system in the region. It reduces energy use and carbon footprint by initially decommissioning up to five existing lift stations and decreasing long-term maintenance and operating costs.

The Second Creek Interceptor connects to the existing South Platte Interceptor and conveys flows to the Northern Treatment Plant. The pipeline is approximately 17 miles long and the diameter ranges from 36" to 60". The pipeline will be constructed at depths varying from 7' to 50' underground and will avoid developed areas and traffic corridors wherever possible. Metro has been in the permitting and design phase until 2020 and plan on moving into construction phase at the end of the year with completion in late 2023 to early 2024. Metro has continued its community outreach since the beginning of the project and will continue until the project is completed.

Metro has entered into a construction contract with Garney Construction as the CMAR; they are a local company with their main office in Littleton. They have a long successful history with Garney Construction; they constructed the Northern Treatment Plant, the North Secondary Improvements and the Digester Complex Upgrades at the Robert W. Hite Treatment Facility.

Steve Pool with HDR presented the construction related details of the project. For most of the parcels, Metro would use open-cut construction methods and is requesting a 120' wide construction corridor requiring a Temporary Construction Easement; this will be narrowed down in constrained areas and a 40' Permanent Easement would be requested. These are non-exclusive easements so the property owner could build infrastructure parallel to the pipeline, but not on top of the pipeline. There will be groundwater-dewatering wells adjacent to the excavation, erosion control measures and traffic control in the areas of construction. Trenchless construction methods will be used when necessary and would be required at major roadways, railroads, environmentally sensitive areas and deep installations. Metro is anticipating 14 trenchless installations pending final alignment evaluations. The pipe will consist of PVC or FRP (fiberglass-reinforced pipe) for corrosion resistance. The manholes will be constructed with corrosion resistant materials and are lined, concrete manholes. The connection structures are also lined to prevent corrosion. The odor control facility is located near the South Platte River crossing to mitigate odors emitted from the pipe. This is a long-term infrastructure solution with regional benefits. Regional collaboration between the District and regional municipalities is a reflection of the Metro District's commitment to environmental stewardship. It provides sustainable gravity flow and provides restoration or improvement of existing land conditions. It expands regional water reclamation service and provides economic development and community growth. The upcoming public hearing dates are September 15, 2020 for the Adams County Board of County Commissioners and September 21, 2020 for Commerce City Council.

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

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request, there was none.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Johnston asked that if Adams County denies this request, does it matter what decision Brighton makes. Community Development Director Holly Prather explained that there are many jurisdictions involved and all approvals must be obtained. If Adams County denies the request, Metro would have to go back through the Conditional Use and public hearing process. Mayor Pro Tem Johnston asked if that would be the same scenario with Commerce City. Director Prather explained that if any entity denied the application, Metro would have to begin the process again. Mayor Pro Tem Johnston asked if it would be smart for Brighton to wait to approve until all other approvals have been obtained. Mr. Pool explained that they attended the Adams County Planning Commission meeting on July 23, 2020 and have been waiting to get on the agenda for the County Commissioners. The timing for the hearings was determined by the meeting dates.

Councilmember Jordinelli asked if the application is likely to be approved by Adams County. Mr. Pool explained that they have been negotiating with Adams County for a year and a half. Councilmember Jordinelli asked what type of signs are being discussed that require approval. Mr. Pool reported that they are construction related signs. Councilmember Jordinelli asked for the life expectancy of the pipes. Mr. Pool stated that they are considered 50-year pipelines.

Councilmember Blackhurst asked if the City would be using the interceptor at any time. Mr. Pool explained that the City's lift station at Peoria Street and 120th Avenue is set for decommission and the interceptor would allow this to happen.

Councilmember Watts asked if the hearing notices were posted on social media platforms and Assistant Planner Ortiz explained that they were.

Councilmember Taddeo asked if there has been contact with the property owners along the pipeline to acquire the necessary easements and how many property owners are impacted by the pipeline. Mr. Pool explained that the easement acquisition process has been going on for a year. The largely outstanding easements needed are from Commerce City and Brighton. The majority of the private parcels are encumbered or the easements have been obtained.

Mayor Mills closed the public hearing at 6:44 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Jordinelli, to approve Resolution 2020-86. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONDITIONALLY APPROVING THE SERVICE PLAN FOR THE PRAIRIE CORNER METROPOLITAN DISTRICT; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; AND APPROVING AN INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH

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

Mayor Mills opened the public hearing at 6:46 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 12, 2020 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Falconburg introduced Senior Planner Mike Tylka.

Senior Planner Mike Tylka presented the Prairie Corner Metropolitan District Service Plan and Intergovernmental Agreement. The applicant team consists of District Organizers Prairie Corner Development Partners, LLC, District Counsel Collins, Cockrel & Cole, District Financial Advisor Stifel, Nicolaus & Company, Inc., District Engineer R&R Engineers-Surveyors, Inc. Assisting staff with the review are Metro District Counsel Butler Snow LLP and Metro District Financial Advisor Ehlers & Associates, Inc. The proposed District will encompass 10.73 acres located at the northeast corner of the intersection of I-76 and Eagle Boulevard.

Pursuant to Article 1, Title 32 of the Colorado Revised Statutes the City of Brighton has the authority to approve service plans for special districts, also known as metropolitan or simply metro districts that are organized within the City's boundaries. City Council now has before it a proposal for a new metropolitan district with accompanying service plan and intergovernmental agreement known as the Prairie Corner Metropolitan District. The applicant is seeking the formation of the district to assist in the funding of needed improvements to serve the property such as roadway and access improvements. Given the location of the property there are additional unique situations that will require substantial funding. These include the extension of water and sewer services, a force main, a lift station for sewer service, as well as, the creation of stormwater and drainage facilities to serve the property. The applicant is proposing commercial uses on this land and this is in line with the Comprehensive Plan's future land use designation for the property of Mixed-Use Commercial as it is complimentary to the greater mix of uses in the area. The property is currently zoned C-3, General Retail and Services.

The submission of the Service Plan uses the adopted Model Service Plan and the applicant is not asking for any deviations from it. The property is currently included within the boundaries of the Prairie Center Metropolitan District No. 1, but this district is not going to move forward with assisting the Prairie Corner development team. As such, the property will be excluded from the existing district if the new district is formed.

Approval by the City Council is the first step of several that new districts organized within the City limits of Brighton must complete before becoming a legal entity, but this current step is the City's only review prior to formation. The City Council will only see the service plan again if there is a proposal for a substantial amendment or as outlined under any special conditions in the service plan or accompanying intergovernmental agreement.

Per the Special District Act, Article 1, Title 32 of the Colorado Revised Statutes, service plans must include the following:

- Description of services,
- Financial information,
- Preliminary engineering or architectural survey showing how those services will be provided,
- Map of boundaries,
- Estimated population at build-out,
- Estimated assessed valuation at build-out,
- General description of facilities to be constructed,
- Estimated costs of land acquisition, engineering, legal and administrative costs, costs related to the organization and initial operation of the district,
- Description of the proposed IGA, and
- Other information set by State Statutes or required by the approving jurisdiction.

Notice of the hearing was published in the August 12, 2020 edition of the Brighton Standard Blade by the applicant as directed by state statute for Metro District Service Plans. Staff has not received any public comment on the matter.

The submitted service plan addresses all items required by State Statute to be included in service plans, and it aligns with the Model Service Plan adopted by City Council. Specifically mill levy caps, audit, reporting, meeting location, and notification requirements are outlined according to the Model Service Plan.

The daytime population at build-out is estimated by the applicant to be approximately 668 people. There are not residential units proposed to be developed within the metro district boundaries, so this is just an estimate of daily visitors.

The Financial Plan, which is Exhibit D of the Service plan outlines that the District will need to spend approximately \$4.36 million for the installation of infrastructure and will need the borrowing authority of \$6.465 million. This is the maximum debt authorization in the aggregate principal amount.

The City's Development Review Committee has reviewed the infrastructure cost estimates and finds them acceptable. These were outlined in detail in Exhibit E of the Service Plan. The Utilities Department is satisfied with the ability of the infrastructure items to be constructed to serve the property. The City's Finance Department Director and the City's financial consultants for districts have reviewed all documents submitted.

In regards to requests for additional notification of new or potential property owners within the boundaries of the district relating to district taxes, the applicant has included recently used additional language for the IGA and Service Plan. At the time of the district's organization, and as the mill levies are amended, the additional notice, Exhibit A of the IGA, will be recorded and included with the title work of the property. The additional notice will provide a summary of the taxes levied on the property with an estimated value for review.

Staff finds that in the area of the proposed district there is sufficient existing and projected need for organized service. The existing service is inadequate for present and projected needs, the proposed district is capable of providing economical and sufficient service and that the district has the financial ability to discharge the proposed indebtedness on a reasonable basis. Staff is recommending adoption of the Resolution approving the service plan for the Prairie Corner Metropolitan District and the accompanying IGA as it believes that the proposed service plan meets the requirements of Title 32-1-202(2) of the Colorado Revised Statutes. Staff is recommending approval that is conditioned on the district first being excluded from its present district. This is further outlined in the Resolution and the applicant is comfortable with that language.

Mayor Mills asked if the applicant would like to add anything to the presentation, they did not.

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

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request, there was none.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Johnston asked if the mill levy would stick at 60 mills and Senior Planner Tylka stated that it would. Mayor Pro Tem Johnston asked for clarification of the additional language. Dalton Kelley with Butler Snow explained that ad valorem is the general property tax, it means that there will be an equal property tax levy on the property within the district to pay operation and maintenance. This is common for Metropolitan Districts; it is capped at ten and fluctuates depending on operation and maintenance fees.

Councilmember Cushing asked if there are multiple businesses being planned for use in this area. The developer Mark Connor explained that the intended use is for commercial and general retail uses on the site.

Councilmember Jordinelli asked if the City is allowing the district the borrowing authority for the \$6.465 million. Mr. Kelley with Butler Snow explained that the Metropolitan District has the authority to issue the bonds as their own political subdivision as allowed by State Statute. The City is not liable for their debt. The City does not give them the authority; the City approves the service plan. Councilmember Jordinelli asked why there would be a question of authority if they have their own authority to issue debt. Mr. Kelley explained that their authority would come from their electoral authority. There will be a TABOR Election that approves their questions and that will be their authority to issue bonds.

Councilmember Blackhurst asked if staff knows why Prairie Center would be developing this property at such a large expense when they have a lot of land that can be developed as commercial. Councilmember Blackhurst asked if this property would see development in the next three years. Acting City Manager Falconburg explained that this is a separate group from Prairie Center and this location is for highway commercial. The property is located right off I-76 on the other side of Prairie Center. They will be marketing to highway commercial like hotels, restaurants and convenience related to highway traffic. The property owner is expected to develop right away.

Mayor Mills closed the public hearing at 7:07 p.m.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve Resolution 2020-87. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

7. ORDINANCES FOR INITIAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, PROVIDING FOR THE ADOPTION OF ARTICLE 15-2, BRIGHTON ADMINISTRATIVE CODE, OF THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN THEIR ENTIRETY AND READOPTION, BY REFERENCE, OF THE FOLLOWING BUILDING AND CONSTRUCTION CODES FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE AS SPECIFIED:
- A) THE 2018 INTERNATIONAL BUILDING CODE IN ARTICLE 15-4,
 - B) THE 2020 NATIONAL ELECTRICAL CODE IN ARTICLE 15-12,
 - C) THE 2018 INTERNATIONAL FIRE CODE IN ARTICLE 15-20,
 - D) THE 2018 INTERNATIONAL RESIDENTIAL CODE IN ARTICLE 15-28,
 - E) THE 2018 INTERNATIONAL MECHANICAL CODE IN ARTICLE 15-32,
 - F) THE 2018 INTERNATIONAL PLUMBING CODE IN ARTICLE 15-36,
 - G) THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE IN ARTICLE 15-40,
 - H) THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE IN SECTION 15-42,
 - I) THE 2018 INTERNATIONAL EXISTING BUILDING CODE IN SECTION 15-46, AND
 - J) THE 2018 INTERNATIONAL FUEL GAS CODE IN SECTION 15-50; AND

PROVIDING FOR THE ADOPTION, BY REFERENCE, OF THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE IN ARTICLE 15-44 FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-8, DANGEROUS BUILDINGS ABATEMENT CODE, OF THE BRIGHTON MUNICIPAL CODE, AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY AND READOPTION OF ARTICLE 15-16, CONTRACTOR LICENSES, OF THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-54, THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, AND ADOPTION OF THE ELEVATOR AND CONVEYANCE CODE, CRS TITLE 9 AND ARTICLE 5.5 AND COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY REGULATIONS, CONVEYANCE REGULATIONS, 7 C.C.R. 1101-8 IN ARTICLE 15-54, OF THE BRIGHTON MUNICIPAL CODE

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

Acting City Manager Falconburg explained that this is different from the City's normal process, the item will be presented for initial consideration tonight and a public hearing will be held at a future meeting. This Ordinance will move the City forward on many strategic items. Acting City Manager Falconburg introduced Chief Building Official Matt Rowland.

Chief Building Official Matt Rowland explained that he will introduce the Code and City Council will set the date for the public hearing. This notice for the public hearing must be published fifteen days and eight days prior to the public hearing. This item was presented to City Council at a Study Session describing the process for adopting the Building and Construction Codes. Chief Building Official Rowland asked that City Council schedule a public hearing for October 6, 2020. Chief Building Official Rowland, City Attorney Jack Bajorek and Acting City Manager Falconburg answered questions from Council regarding:

- Concern regarding approval of an item that has not been presented in detail.
- This process being done in the past.
- This process approving the introduction of an Ordinance.

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A GRANT AGREEMENT WITH ADAMS COUNTY FOR THE AMOUNT NOT TO EXCEED EIGHT HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED DOLLARS (\$818,400.00) FOR THE AICHELMAN PROPERTY – PHASE 1 PROJECT; AUTHORIZING THE CITY’S MATCHING OBLIGATION OF FIVE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$545,600.00); AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT**

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

Acting City Manager Falconburg introduced Parks and Recreation Director Travis Haines.

Parks and Recreation Director Travis Haines explained that the Aichelman property is the proposed future main entrance to the Ken Mitchell Open Space off Scott Road. The Aichelman house is located on the east side of the Cell 3 Lake off Brighton Road. The City hired Confluent Designs in 2019 to develop a Master Plan with conceptual drawings of the Aichelman property. This was designed as a two-phased project. This main entrance will be a trailhead to the Colorado Front Range Trail and could be the entrance to a future sports complex if this area was chosen as the site for that complex. This project will include grant funding from the Adams County Open Space grants, in-kind labor and material from the City of Brighton in addition to some cash funding. In this phase of the project the City would receive 100% of the construction documents completed for the project, construction of the entry road off Brighton Road, construction of the parking lot, which would utilize recycled asphalt with a mixed asphalt overlay, underground electrical, an underground transformer located close to Brighton Road for underground power to the site, a tie in to the existing trail, landscaping and other amenities. The City’s in-kind donation for the project, in addition to the budgeted funds, will include 3,800 tons of recycled asphalt, and labor for plantings on the site. The total of the grant is not to exceed 60% of the project cost at \$818,400 from Adams County, and 40% of the project cost at \$545,600 for the City’s matching funds; almost \$100,000 of the City’s cost is in-kind labor and materials. The grant approvals did not take place in June due to COVID. The RFP for construction would go out at the end of the year and construction would take place in 2021. Director Haines answered questions from Council regarding:

- The amount to restore the Aichelman house.*
- The option for a sports complex in the area.*
- The City having to pay for the sports fields.*
- The total cost of the project.*
- Concern regarding phased projects.*
- The timeframe for City Council to give an answer for this project.*
- The Ken Mitchell project been in process for 20 years.*
- The City owning the Aichelman property.*
- The funds being budgeted for this project.*
- The funds being planned for this year.*

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to continue Item 9A to September 15, 2020. The motion failed by the following vote:

Aye: 4 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Pollack, and Councilmember Watts

No: 5 - Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Taddeo

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve Resolution 2020-84. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Taddeo

No: 3 - Mayor Pro Tem Johnston, Councilmember Pollack, and Councilmember Watts

Mayor Mills called for a break at 7:55 p.m.

Mayor Mills reconvened the meeting at 8:05 p.m.

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), GRANTING A NON-EXCLUSIVE ACCESS EASEMENT TO THE METRO WASTEWATER RECLAMATION DISTRICT (THE "DISTRICT") ON 124th AVENUE RESERVOIR SITE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT AGREEMENT ON BEHALF OF THE CITY (FIRST READING)

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

Acting City Manager Falconburg introduced Utilities Director Brett Sherman and explained that this is part of a regional partnership with Metro Wastewater for regional solutions and benefits Brighton in the long-term.

Utilities Director Brett Sherman explained that this presentation would cover Items 10A and 10B. The City of Brighton owns a reservoir at 124th Avenue and Highway 85, which is used for augmentation. Metro Wastewater is constructing a sewer interceptor through Brighton. This proposal is to grant an easement for construction and ongoing pipe access. Through the design process, it was determined that the best route was through the property to the south of the reservoir. The line is close enough to the property line that a construction easement and another easement is needed. Metro will also need access to the property from the north off Highway 85. Staff believes granting the easement to Metro Wastewater is in the best interest of the City. Director Sherman and Assistant Director of Utilities Brad Dallam answered questions from Council regarding:

- The City getting anything for this easement.*
- Discussion regarding the City's rehabilitation of the reservoir taking place during the dewatering process that Metro will do for construction.*

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A LEASE AGREEMENT FOR CITY-OWNED REAL PROPERTY LOCATED AT 124TH AVENUE RESERVOIR PROPERTY (THE "PROPERTY"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY (FIRST READING)

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

Utilities Director Brett Sherman explained that this is a six-month lease with Metro Wastewater for construction.

Motion by Councilmember Watts, seconded by Councilmember Blackhurst, to approve the Ordinance. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Resolutions

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF GARNEY COMPANIES, INC. AND AWARDING THE CONTRACT FOR THE WATER TREATMENT PLANT EXPANSION AND DENITRIFICATION – CONSTRUCTION MANAGER AT RISK, PROJECT #20-006280, TO GARNEY COMPANIES, INC. FOR THE CONTRACT AMOUNT OF \$369,068.00 (THREE HUNDRED SIXTY-NINE THOUSAND SIXTY-EIGHT DOLLARS), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

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

Acting City Manager Falconburg explained that this meets a City Council goal to continue to expand the Water Treatment Plant, meet State compliance deadlines and provide water for the future of the City and residents at a high quality level. Acting City Manager Falconburg introduced Utilities Director Brett Sherman and his team.

Utilities Director Brett Sherman introduced Project Manager Matt Amidei.

Utility Project Engineer and Project Manager Matt Amidei presented the Water Treatment Plant CMAR Pre-construction Services project. The City is addressing two issues with the expansion of the Water Treatment Plant. A new discharge permit that limits the nitrate concentration in the RO waste stream and the current max day demand is approaching the City's existing treatment capacity. The City retained Brown & Caldwell as the Design Engineer in September 2019 and they have completed the Phase I design of the project. They are looking to begin design of Phase II of the project, which is the next item to be considered on the agenda. The CMAR contract being considered for award will only cover pre-construction services. The intent is to amend the contract for the award of the construction phase. CMAR (Construction Manager at Risk) is a combination of the Design-Build and the Design-Bid-Build process. In the Design-Bid-Build process, the owner will contract with an engineer for design and the owner would then issue the project for bid. This is the first time the contractor would see the design and would have no idea what the design consists of. In the CMAR method, the owner selects a design consultant and then a CMAR is selected and would be involved with design and provides input and early cost certainty for the project. The advantages of the CMAR delivery includes the following:

- CMAR is part of the design team collaboration early in the process
- Assist with value engineering, cost estimating and constructability review

- Opportunity to overlap phases of design and construction
- Early cost certainty in design
- CMAR is allowed to self-perform portions of the work
- City controls both design and CMAR contracts
- Open Book process

The City did request this information in the RFP process and that information was reviewed. The CMAR method has been used in multiple projects in Colorado and has been successful.

The current scope is for the pre-construction services and include:

- Project management
- Project meetings
- Construction schedule development
- Construction cost estimating
- Constructability review
- Permitting
- Guaranteed maximum price development
- Risk management
- Bid package development

Once a GMP is established, the Construction Scope of Services include:

- Maintain and oversee construction activities
- Procure equipment and subcontractors
- Ensure project is built to engineered plans and specifications
- Startup and commissioning assistance

Staff went through a Request for Qualifications (RFQ) process and a Request for Proposals (RFP) process due to the complexities of the project. The RFQ was issued in May 2020 and four firms submitted. All had high qualifications and met all requirements to be included in the RFP process. The RFP was issued in July 2020 and all four of the firms submitted proposals. Three firms were interviewed by staff and were ranked. Staff recommends the award of the CMAR Phase I Services for \$369,068 to Garney Companies Inc. Utility Project Engineer Amidei answered questions from Council regarding:

- An advantage to hire the same company to design the project and make it less likely to have problems with changes to the scope or change orders.

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve Resolution 2020-88. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE CONTRACT AMENDMENT FOR PHASE II – 30% OF PROJECT #19-020 WATER TREATMENT PLANT EXPANSION & DENITRIFICATION DESIGN SERVICES TO THE CONTRACT OF BROWN AND CALDWELL INC. AND APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$3,268,492.00 (THREE MILLION TWO HUNDRED SIXTY-EIGHT THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE CONTRACT AMENDMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

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

Utility Project Engineer and Project Manager Matt Amidei presented the Water Treatment Plant Expansion & Denitrification Design Services Phase II – 30% project. The City released an RFP and RFQ for an Engineering Consultant in 2019 and Brown & Caldwell was awarded the contract. At the time, staff divided the project into phases due to the complexities of the project, to limit the unknowns and to ensure the contingencies are narrowed down to reduce the overall cost. The contract approval was presented to Council in September 2019 but only allocated budget for Phase I. There is now a need for a contract amendment for the Phase II budget that would get the design to 30%. The Phase II Scope of Services being considered tonight is for 30% construction documents, 30% specifications and the Engineers probable cost at 30%. The Phase II 100% will be presented to City Council in early 2021. Once the GMP is established, the Phase III scope of services will be presented and include construction oversight and inspections services, final acceptance testing, as-builts and start-up and commissioning.

After finishing Phase I, Brown & Caldwell presented fourteen alternatives for a treatment plant that would bring the City into compliance and expand the treatment capacity. The Single Treatment Plant (Alternative A-1) would get the City to a 20 MGD treatment plant, a single-treatment train concept. This plan does include decommission of the RO Plant. The South Platte Wells water will go through a denitrification reactor to remove high nitrate levels and would then be blended with the Beebe Wells single treatment process. This alternative allows the City to expand either the South Platte or the Beebe Wells. This would allow the City to look for potential groundwater sources in the South Platte and the Beebe Draw Basin to reach the 20 MGD capacity.

The Single Treatment Plant (Alternative A-2) is the same process as A-1, but it would only get the City to 14 MGD capacity. Staff wants to ensure that the choice is the most cost effective, but also incorporate the best long-term approach. The downfall to this approach is that the City would have to return in 10 to 15 years for the approval of the remaining equipment if growth continues at its current pace.

Staff will be coming back multiple times in the next few years to amend the existing contract for approval of the remainder of Phase II, the purchase of long lead time equipment, the CMAR GMP, Phase III and the possibility of hiring an owner's representative or consultant for any ancillary services that may come up during the project. Staff recommends awarding the Phase II 30% Design Services Project to Brown Caldwell for \$3,268,492. Utility Project Engineer Amidei answered questions from Council regarding:

- The ability to award the entire project to Brown & Caldwell at one time..
- The reason for the amendment to the contract.
- The funds being budgeted for this project.

Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve Resolution 2020-89. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

11. GENERAL BUSINESS

A. Review of COVID Statistics

Economic Development Director Michael Martinez presented the COVID numbers in the City, County and State and presented information regarding the types of COVID testing available and their reliability. City Council and staff discussed these items and made a recommendation to staff for a testing site in Brighton.

Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Johnston, to move forward with Option #3 with the addition of a second day of testing per week for Brighton residents and anyone working in Brighton, and to authorize staff to spend up to \$350,000 for testing programs and to allow funds to be spent on existing programs that are already in place. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

12. REPORTS

A. By the Mayor

Mayor Mills received a compliment from a resident regarding the staff at the Recreation Center. Mayor Mills attended the NATA meeting, the CML Virtual conference, a tour of the Wells Pre-Cast Facility, the Multi Chamber event and the Flix and Kicks event.

B. By Department Heads

C. By the City Attorney

City Attorney Jack Bajorek updated City Council regarding the DIA litigation and final judgment.

D. By the City Manager

The joint meeting with 27J Schools is September 29, 2020. The AMC Theater is now open in Brighton with limited capacity. Three options for an interchange at Sable Boulevard will be presented at the E-470 meeting tomorrow, they use much less right-of-way and this is the first step to getting the interchange approved.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Cushing attended the NATA meeting and the Flix and Kicks event.

Councilmember Humbert attended the tree-planting event at Colorado Park, the Housing Authority meeting, the Wells Concrete tour, the Chamber of Commerce tour and the CML virtual conference. The Full Moon Bike Ride is September 30th.

Councilmember Jordinelli attended the Lodging Tax Advisory Committee meeting.

Councilmember Taddeo attended the Wells Facility tour and the Chamber event. Flix and Kicks is Thursday.

Councilmember Watts attended the CML virtual conference, the BURA meeting and the Brighton Fire Rescue District meeting.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:25 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:

Natalie Hoel
Natalie Hoel, City Clerk

October 16, 2020
Approval Date