

General Information:
Office: 303-655-2150
Aherrera@brightoncdc.org

Authority Members

Chair

Candace Werth

Vice-Chair

Jac Cuney

Treasurer

Janet Hepp-Struck

Commissioners

Barbara Lambert

Wayne Scott

Mark Rawlings

Paul Greaves

Adrienne Roman

City Council

Tim Watts

Executive Director

Michael Martinez



City Hall 500 South 4th Avenue
Brighton, CO 80601

BURA Regular Meeting
February 17th, 2021 | 4:30 p.m.
Virtual Meeting via Zoom

Please click on the following link to join
the meeting:

<https://us02web.zoom.us/j/81848323591>

Meeting ID: 818 4832 3591
One tap mobile
+16699009128,81848323591# US (San Jose)
+12532158782,,81848323591# US (Tacoma)

Dial by your location
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
Meeting ID: 818 4832 3591

A G E N D A

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **APPROVAL OF THE URA REGULAR MEETING AGENDA:**
Recommended motion "...to approve the February 17th, 2021 Regular Meeting Agenda."
5. **APPROVAL OF THE JANUARY 20th, 2021 BURA MEETING MINUTES:**
Recommended motion "...to approve the January 20th, 2020 BURA regular meeting minutes."
6. **APPROVAL OF THE February 3rd, 2021 BURA SPECIAL MEETING MINUTES:**
Recommended motion "...to approve the January 20th, 2020 BURA special meeting minutes."
7. **PUBLIC COMMENT: Public Comment is reserved for comments on any issues or items pertaining to BURA business except those for which a formal public hearing is scheduled.**
8. **ACTION ITEMS:**
 - A.) Resolution No. 0217-21A recommended motion "...approving an amendment to the fiscal year 2021 budget and authorizing supplemental appropriations."
 - B.) Resolution No. 0217-21B recommended motion "...a resolution approving the third amendment to the agreement for disposition and development agreement with Evergreen Devco, Inc."

9. EXECUTIVE SESSION:

Under C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators regarding 36 South Main Street.

10. DISCUSSION ITEMS:

A.) Downtown Update- Gary Montoya

11. EXECUTIVE DIRECTOR REPORT: Michael Martinez

12. COMMUNICATIONS FROM THE CHAIRMAN AND/OR COMMISSIONERS:

13. NEXT BURA MEETING:

**March 17th, 2021 BURA REGULAR MEETING
Virtual on Zoom| 4:30 PM**

14. ADJOURNMENT:



BRIGHTON URBAN RENEWAL AUTHORITY
500 South 4th Avenue Brighton CO 80601

Meeting Minutes from January 20th, 2021 (Remote Meeting via Zoom)

1. CALL TO ORDER:

Chairperson Candace Werth called the meeting to order at 4:33 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

Commissioners Present: Candace Werth, Jac Cuney, Janet Hepp- Struck, Barbara Lambert, Tim Watts, Wayne Scott, Adrienne Roman, Paul Greaves, Mark Rawlings
Commissioners Absent: None

Staff Present: Michael Martinez, Aaron Herrera, Gary Montoya and BURA Legal Counsel Hilary Graham

Media Present: None

4. APPROVAL OF THE URA MEETING AGENDA:

Commissioner Cuney moved to approve the January 20th, 2021 regular meeting agenda, the motion was seconded by Commissioner Rawlings.

Voice vote: Motion carried unanimously

5. APPROVAL OF THE DECEMBER 16th, 2020 BURA REGULAR MEETING MINUTES:

Commissioner Cuney moved to approve the December 16th, 2020 BURA Meeting Minutes. The motion was seconded by Commissioner Rawlings.

Voice vote: Motion carried unanimously

6. PUBLIC COMMENT:

None

7. EXECUTIVE SESSION:

An executive session was conducted *Under C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators regarding the Disposition and Development Agreement with Evergreen Devco, Inc., for the South Main Street development.*

Commissioner Roman made a motion to enter executive session at 4:39 p.m. The motion was seconded by Commissioner Lambert.

Voice vote: Motion carried unanimously.

The executive session concluded at 5:54 p.m.

No action was taken in executive session. The regular meeting resumed at 5:55 p.m.

8. ACTION ITEMS:

A.) Commissioner Cuney moved to approve Resolution No.0120-21A. Commissioner Hepp- Struck seconded.

Voice vote: Motion carried unanimously.

B.) Commissioner Hepp- Struck moved to approve Resolution No. 0120-21B, Commissioner Rawlings seconded.

Voice vote: Motion carried unanimously.

C.) Commissioner Scott moved to keep Candace Werth as Chair, Jac Cuney as Vice Chair and Jan Hepp- Struck as treasurer for 2021. Commissioner Rawlings seconded.

Voice vote: Motion carried unanimously.

9. DISCUSSION ITEMS:

A.) Gary Montoya gave a downtown update and mentioned that a fire recently damaged a few businesses downtown off Bridge and S Main Street. Next, he said new banners should be installed on the green light poles in the near future. He also mentioned that the Downtown Partnership Committee continues to meet monthly. Gary also thanked United Power for donating \$13,000 to purchase the holiday tree at Founder's Plaza.

B.) Aaron Herrera discussed the two remaining projects at the Brighton Depot which include landscaping and building a pedestrian walkway over the Fulton Ditch. He suggested that BURA could complete these projects with its 2021 Armory Campus Integration budget.

C.) Michael Martinez discussed the \$70,000 of funds dedicated for the downtown stabilization grant. Gary Montoya added that he would need about \$40,000 for beautification, marketing, Christmas lights, banners and etc. Michael Martinez

stated that BURA could use the remaining \$30,000 to address downtown business needs as they arise.

10.) EXECUTIVE DIRECTOR REPORT:

Michael welcomed the new BURA Commissioners to the group and thanked them for serving their community. He also mentioned that we'd give them a URA 101 training session in the near future. He also said city council would be considering removing the moratorium on marijuana businesses in Brighton.

11.) COMMUNICATIONS FROM THE CHAIRPERSON AND/OR COMMISSIONERS:

Commissioner Werth welcomed Commissioner Roman and Commissioner Greaves to the BURA board and thanked them for their willingness to serve. Next, Commissioner Watts mentioned the possibility of having a youth commission member serving on the BURA board in some fashion. Michael Martinez advised the board he'd look into the possibility and discuss this proposal with Hilary and the city attorney.

12. NEXT BURA MEETING:

**March 17th, 2021 4:30 pm
Virtual on Zoom**

13. ADJOURNMENT

Chairperson Werth adjourned the meeting at 6:46 p.m.



BRIGHTON URBAN RENEWAL AUTHORITY
500 South 4th Avenue Brighton CO 80601

Meeting Minutes from February 3rd, 2021 (Remote Meeting via Zoom)

1. CALL TO ORDER:

Chairperson Candace Werth called the meeting to order at 4:38 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

Commissioners Present: Candace Werth, Jac Cuney, Janet Hepp- Struck, Barbara Lambert, Tim Watts, Adrienne Roman, Paul Greaves
Commissioners Absent: Wayne Scott and Mark Rawlings

Staff Present: Michael Martinez, Aaron Herrera, Gary Montoya and BURA Legal Counsel Hilary Graham

Media Present: None

4. APPROVAL OF THE URA MEETING AGENDA:

Commissioner Hepp- Struck moved to approve the February 3rd, 2021 special meeting agenda, the motion was seconded by Commissioner Lambert.

Voice vote: Motion carried unanimously

5. PUBLIC COMMENT:

None

6. EXECUTIVE SESSION:

An executive session was conducted *Under C.R.S. Section 24-6-402(4)(a) for discussions related to the purchase, acquisition, lease, transfer, or sale of real property within the downtown urban renewal area.*

Commissioner Cuney made a motion to enter executive session at 4:41 p.m. The motion was seconded by Commissioner Hepp- Struck.

Voice vote: Motion carried unanimously.

The executive session concluded at 5:41 p.m.

No action was taken in executive session. The regular meeting resumed at 5:42 p.m.

7. EXECUTIVE DIRECTOR REPORT:

Michael advised the board that the Greater Brighton Fire Protection District has formally requested to draw down their share of funds from the Vestas TIF Sharing agreement for capital purchases.

8.) COMMUNICATIONS FROM THE CHAIRPERSON AND/OR COMMISSIONERS:

Commissioner Werth told the board about her presentation to city council regarding the South Main loan payback. Commissioner Cuney thanked Candace for the presentation and mentioned that there was an article about the loan repayment in the Brighton Blade newspaper. Next, Councilman Watts advised the board that city council recently voted to allow goats and to repeal the moratorium on marijuana businesses in Brighton. Finally, Commissioner Watts mentioned his recent appointments to two National League of Cities boards.

9. NEXT BURA MEETING:

**March 17th, 2021 4:30 pm
Virtual on Zoom**

10. ADJOURNMENT

Chairperson Werth adjourned the meeting at 6:04 p.m.

**BRIGHTON URBAN RENEWAL AUTHORITY
NOTICE OF PUBLIC HEARING ON AN AMENDMENT TO THE BUDGET AND
APPROPRIATIONS FOR FISCAL YEAR 2021**

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Brighton Urban Renewal Authority will hold a public hearing at Brighton City Hall, 500 South 4th Avenue, Brighton, Colorado 80601 on February 17, 2021, at 4:30 p.m. to consider adoption of a budget amendment for fiscal year 2021 and related appropriations. Copies of such 2021 budget amendment and appropriations have been filed in the office of the Executive Director of the Brighton Urban Renewal Authority located at Brighton City Hall, 500 South 4th Avenue, Brighton, Colorado 80601, where the same are open for public inspection. Any interested person may file any objections at any time prior to the final adoption by the Board of Commissioners.

By Order of the Board of Commissioners
Brighton Urban Renewal Authority

/s/ _____

BRIGHTON URBAN RENEWAL AUTHORITY

**A RESOLUTION APPROVING AMENDMENT TO THE FISCAL
YEAR 2021 BUDGET AND AUTHORIZING SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2021**

RESOLUTION NO. 0217-21A

WHEREAS, the Brighton Urban Renewal Authority (“BURA) adopted its budget for fiscal year 2021 on November 18, 2020;

WHEREAS, pursuant to the Local Government Budget Law of Colorado, C.R.S. § 29-1-101, *et seq.*, BURA may amend a previously adopted budget;

WHEREAS, the BURA Board of Commissioners finds that an adjustment to the 2021 fiscal year budget is necessary and could not have been reasonably foreseen at the time of the adoption of the 2021 budget; and

WHEREAS, on February 17, 2021, the BURA Board of Commissioners held a properly-noticed public hearing on the proposed amendment to the fiscal year 2021 budget and interested persons were given an opportunity to register objections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Brighton Urban Renewal Authority, as follows:

Section 1. Amend the 2021 BURA Budget which is authorized at \$5,847,371, to \$8,416,330, an increase of \$2,568,959 to cover the loan payoff of the S. Main property, and appropriate those funds in Core BURA (Fund 61).

Section 2. These appropriations will come from fund balance in Core BURA (Fund 61).

Section 3. The Executive Director is hereby directed to file an original or certified copy of this Resolution with the Division of Local Governments in the Department of Local Affairs.

ADOPTED this 17th day of February , 2021.

**BRIGHTON URBAN RENEWAL
AUTHORITY**

Candace Werth, Chair

ATTEST:

Michael Martinez, Executive Director

AMENDMENT NO. 3 TO AGREEMENT FOR DISPOSITION AND DEVELOPMENT

1.0 PARTIES. The parties to this Amendment No. 3. (this “Amendment No. 3”) dated as of _____, 2021, are the BRIGHTON URBAN RENEWAL AUTHORITY, a body corporate and politic of the State of Colorado (the “Authority”), and EVERGREEN DEVCO, INC., a California corporation (the “Developer”). The Authority and the Developer are sometimes referred to individually as a “Party” and collectively as the “Parties.”

2.0 RECITALS. The Recitals and Exhibit C attached to this Amendment No. 3 are incorporated and made a part of this Amendment No. 3.

2.1 Agreement for Disposition and Development. The Parties entered into an Agreement for Disposition and Development dated as of April 6, 2018 (the “Original Agreement”), as amended by that certain Amendment No. 1 to Agreement for Disposition and Development (the “1st Amendment”), and that certain Amendment No. 2 to Agreement for Disposition and Development (the “2nd Amendment”). The Original Agreement, as amended by the 1st Amendment and by the 2nd Amendment, is collectively, the “Agreement”. The Parties desire to further modify the Agreement in accordance with this Amendment No. 3.

2.2 Capitalized Terms. Unless stated otherwise, all capitalized terms shall have the same meaning in this Amendment No. 3 as defined in the Agreement.

3.0 AGREEMENT. In consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows.

4.0 REVISED EXHIBIT C. Exhibit C, as attached to the Agreement, is replaced in its entirety by Exhibit C attached to and made a part of this Amendment No. 3. All references to Exhibit C in the Agreement and this Amendment No. 3 shall mean Exhibit C as attached to this Amendment No. 3.

5.0 ENTIRE AGREEMENT. The Original Agreement, Amendment No. 1, Amendment No. 2, and this Amendment No. 3 shall be read and construed together as the same instrument so that, except as expressly amended by Amendment No. 1, Amendment No. 2, and this Amendment No. 3, all rights, remedies, terms, conditions, covenants and agreements of the Agreement shall remain in full force and effect. To the extent that any other term or condition of the Original Agreement is based upon or contingent upon the amended term or condition of this Amendment No. 3, including a milestone for performance, such term or condition is hereby conformed to this Amendment No. 3. Except as amended herein, and except as is necessary to conform the terms and conditions of the Original Agreement, Amendment No. 1 and Amendment No. 2 to this Amendment No. 3, the Original Agreement, as amended, is ratified and affirmed.

6.0 COUNTERPARTS. This Amendment No. 3 may be executed in counterparts, each of which when executed shall be deemed to be an original.

IN WITNESS WHEREOF, this Amendment No. 3 is executed by the Parties of the date in Section 1.0.

BRIGHTON URBAN RENEWAL AUTHORITY

ATTEST:

By: _____
Candace Werth, Chair

Michael Martinez, Secretary/Executive Director

DEVELOPER:
EVERGREEN DEVCO, INC., a California
corporation

By: _____
Name: _____
Its: _____

Exhibit C
 SCHEDULE OF PERFORMANCE – DEVELOPER CONSTRUCTED IMPROVEMENTS

<u>Event</u>	<u>Date or Time</u>
1. Authority acquires necessary interests in Property from CDOT	Complete
2. Developer determines the Environmental and Soils Conditions are reasonably satisfactory to Developer	Complete
3. Developer determines user commitments are reasonably satisfactory to Developer (“User Commitment Date”)	May 17, 2021
4. Developer delivers evidence of Developer Financing to Authority	May 17, 2021
5. Developer delivers Design Development Documents to City & Authority	May 17, 2021
6. Developer obtains approval of Design Development Documents from City & Authority	On or before 9 months after Item No. 5
7. Developer obtains approval of Developer Financing by Authority	On or before 9 months after Item No. 4
8. Closing	On or before 30 days after the later of Item Nos. 6 and 7
9. Commencement of Construction by Developer	On or before 90 days after Item No. 8
10. Completion of Construction by Developer	On or before 12 months after Item No. 9

BRIGHTON URBAN RENEWAL AUTHORITY

**A RESOLUTION APPROVING AMENDMENT NO. 3 TO
AGREEMENT FOR DISPOSITION AND DEVELOPMENT WITH
EVERGREEN DEVCO, INC.**

RESOLUTION NO. 0217-21B

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Brighton Urban Renewal Authority as follows:

Section 1. Amendment No. 3 of the Agreement for Disposition and Development with Evergreen Devco, Inc., is approved in substantially the form attached hereto, subject to final approval by the Authority's attorney, and the Authority chair is authorized to sign the same on behalf of the Authority.

ADOPTED this ___ day of February 2021.

**BRIGHTON URBAN RENEWAL
AUTHORITY**

Candace Werth, Chair

ATTEST:

Michael Martinez, Executive Director