

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, June 7, 2022

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - ADAM CUSHING
COUNCIL MEMBERS:
CLINT BLACKHURST, MATT JOHNSTON,
PETER PADILLA, JAN PAWLOWSKI,
MARY ELLEN POLLACK, ANN TADDEO

1. CALL TO ORDER

Mayor Pro Tem Cushing called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Not Present: 1 - Mayor Mills

2. APPROVAL OF REGULAR AGENDA

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

3. CONSENT AGENDA

A. Approval of the May 3, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE LAND ACQUISITION SERVICES FOR AG PRESERVATION AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO EXECUTE THE AMENDMENT

Resolution No. 2022-63

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE 2022 FEE RESOLUTION

Resolution No. 2022-64

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE RESTRICTION OF WATER USE FOR IRRIGATION AND OUTDOOR WATER USE PURPOSES

Resolution No. 2022-65

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A DONATION TO THE SISTER CITY OF ZIEBICE

Resolution No. 2022-66

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

4. CEREMONIES

A. LGBTQ+ Pride Month Proclamation

Councilmember Padilla read the Proclamation into the record.

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

B. Juneteenth Celebration Day Proclamation

Mayor Pro Tem Cushing read the Proclamation into the record.

Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve the Proclamation. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

C. Men's Health Month Proclamation

Councilmember Blackhurst read the Proclamation into the record.

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

D. Dr. Susan Hamstra Day Proclamation

Councilmember Pawlowski read the Proclamation into the record.

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

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

Randy Cleveland, Brighton. Mr. Cleveland asked that City Council make sure that the residents on Sable Boulevard are heard regarding the widening of Sable Boulevard.

Kitty LeDonne, Brighton. Ms. LeDonne expressed concern that jets are flying so low over Brighton.

Kevin Wieland, Brighton. Mr. Wieland encouraged Council to appoint a Councilmember from Ward 1.

John Reed, Brighton. Mr. Reed stated that the Brighton Police Department violated his rights and wants the body cam footage released.

Norman Brown, Brighton. Mr. Brown expressed concern that a decision was not made at the meeting on May 24, 2022 regarding the Ward 1 vacancy.

Stephanie Brown, Brighton. Ms. Brown conducted a poll of Ward 1 residents and stated that all thirty signatures that she received would like to have the Council appoint someone to serve in the vacant Ward 1 seat to save money.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 10 OF THE BRIGHTON MUNICIPAL CODE; ADOPTING THE MODEL TRAFFIC CODE FOR COLORADO, 2020 EDITION; SETTING FORTH DELETIONS, MODIFICATIONS AND ADDITIONS THERETO; STATING VIOLATIONS AND PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCE PROVISIONS IN CONFLICT THEREWITH; AND OTHER DETAILS RELATED THERETO (FINAL READING)

Mayor Pro Tem Cushing opened the public hearing at 6:42 p.m. and City Clerk Natalie Hoel verified the required postings and publications (May 5 and May 12, 2022 in the Brighton Standard Blade) for this public hearing were completed.

Public Works Director Mike Woodruff explained that this item will adopt the Model Traffic Code by reference. The eScooter Micromobility language is being adopted. A change was made to fire hydrant parking restrictions to allow parking up to five feet within a fire hydrant and Fines and Fees Structures was omitted from the Model Traffic Code since the City has its own fees in the Municipal Code. An autonomous vehicle operation was incorporated into the Model Traffic Code.

Mayor Pro Tem Cushing asked if there was comment from the public, there was none.

Mayor Pro Tem Cushing asked if any correspondence had been received, there was none.

Mayor Pro Tem Cushing closed the public hearing at 6:45 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Ordinance 2383. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN ACCOUNTS IN THE CAPITAL FUND AND LODGING TAX FUND AND APPROPRIATING MONEY FOR EXPENDITURES IN THE AMOUNT OF TWO HUNDRED THIRTY-FIVE THOUSAND SEVEN HUNDRED SIXTY-ONE DOLLARS (\$235,761.00) FOR THE HISTORIC CITY HALL BATHROOMS REMODEL GRANT AND ADDITIONAL LODGING TAX GRANTS

Mayor Pro Tem Cushing read the title of the Resolution into the record.

Mayor Pro Tem Cushing opened the public hearing at 6:46 p.m. and City Clerk Natalie Hoel verified the required postings and publications (May 26, 2022 in the Brighton Standard Blade) for this public hearing were completed.

Budget and Performance Manager Kayla Barber-Perrotta presented the Second Amendment to the 2022 Budget. This amendment is being driven by the additional Lodging Tax Grant award and the Community Development Block Grant (CDBG) award. The Lodging Tax Grant was awarded by Council on May 3, 2022 for \$15,000 to BCAC for artist plaque installation. This amendment ensures that the additional \$15,000 is appropriated in the Lodging Tax Fund to execute the grant. The CDBG award will be hitting the Capital Fund. The County awarded the City the grant for the bathroom installation at Historic City Hall and a contract was awarded for that project by City Council. This is an administrative follow-up to ensure the City has the proper appropriation to spend. This action would increase the budget by \$236,000.

Mayor Pro Tem Cushing asked if anyone in the audience had questions or comments, there was none.

Mayor Pro Tem Cushing asked if any correspondence had been received, there was none.

Mayor Pro Tem Cushing closed the public hearing at 8:04 p.m.

Motion by Councilmember Pawlowski, seconded by Councilmember Padilla, to approve Resolution 2022-67. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2-25 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE BRIGHTON YOUTH COMMISSION

Mayor Pro Tem Cushing read the title of the Ordinance into the record.

Youth Commission Members Diana Hernandez, Andrea Donlucas, Corrina Vanderpull presented the changes to the Municipal Code regarding the Youth Commission. The Youth Commission is an advisory body to the City Council on all matters dealing with youth in the City and is charged with developing policies, programs and services that empower, support and inform youth in the community. The Youth Commission programs include Youth on City Boards, SPEAK Week, Development Opportunities and the Youth Corps of Volunteers. The changes include increasing the number of students that can serve on the Youth Commission, changing the criteria for members to include members who live in the city limits, within the 27J Schools District boundary, or if they can show they have significant ties to the City. The language regarding Terms of office will be simplified as the details are outlined in the policy. Additions to the Organization and Polices include absences and vacancies being addressed in policy or procedures and stating that ten Youth Commission members may be appointed to other City boards and commissions.

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

Aye: 6 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

No: 1 - Councilmember Pollack

Absent: 1 - Mayor Mills

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2-10 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE CITY OF BRIGHTON CODE OF ETHICS AND CREATING A PROCESS FOR REVIEW OF COMPLAINTS

Mayor Pro Tem Cushing read the title of the Ordinance into the record.

City Attorney Alicia Calderón presented the update to the Ethics Code. The Code needs to be updated to include all elements required in Article XXIX of the State Constitution. City Attorney Calderón explained the definition of a gift. An Independent Ethics Counsel is being added to the Code. An attorney will be appointed to oversee the complaint investigation and enforcement process in response to ethics complaints. Hearing procedures are being added to the Code that comport with due process and sanctions are being added to the Code.

Motion by Councilmember Johnston, seconded by Councilmember Blackhurst, to amend the Ordinance to require a supermajority for the vote of the Special Counsel and Hearing Officer. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pollack, and Councilmember Taddeo

No: 2 - Councilmember Padilla, and Councilmember Pawlowski

Absent: 1 - Mayor Mills

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

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE CONTRACT WITH ARROW-J LANDSCAPE AND DESIGN, INC. FOR THE CHANGE ORDER AMOUNT OF FORTY-SIX THOUSAND ONE HUNDRED FIFTY-FIVE DOLLARS (\$46,155.00)

Mayor Pro Tem Cushing read the title of the Resolution into the record.

Assistant Director of Parks and Open Space Kyle Sylvester presented the change order for the Founders Plaza Phase II Safety Railing project. The work would include the fabrication and installation of a safety railing along the north planter bed adjacent to Bridge Street. The work would be completed the second week in August. Arrow J Landscape & Design, Inc. was awarded the contract to complete Phase II as the result of a formal solicitation. Staff recommends awarding the contract to Arrow J Landscape & Design, Inc. for \$46,155 and there is sufficient budget in the Parks Capital Fund.

Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve Resolution 2022-68. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONFIRMING THE CITY OF BRIGHTON'S PARTICIPATION IN THE LINK PROGRAM IN CALENDAR YEAR 2022; APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION AND FUNDING OF JUVENILE ASSESSMENT SERVICES BY THE LINK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE IGA ON BEHALF OF THE CITY

Mayor Pro Tem Cushing read the title of the Resolution into the record.

Chief of Police Paul Southard presented an overview of the services provided by the Link for juvenile offenders and their families to receive valuable resources.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-69. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. Schedule a Special City Council Meeting on June 14, 2022 at 6:00 p.m.

Motion by Councilmember Johnston, seconded by Councilmember Pawlowski, to schedule a Special City Council Meeting on June 14, 2022 at 6:00 p.m. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

B. Cancel the June 14, 2022 Study Session

Motion by Councilmember Johnston, seconded by Councilmember Padilla, to cancel the June 14, 2022 Study Session. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

C. Cancel the June 21, 2022 City Council Meeting for the CML Conference

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to cancel the June 21, 2022 City Council Meeting for the CML Conference. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

D. Schedule a Special City Council Meeting on June 28, 2022 at 6:00 p.m.

Motion by Councilmember Johnston, seconded by Councilmember Padilla, to schedule a Special City Council Meeting on June 28, 2022 at 6:00 p.m. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

E. Cancel the June 28, 2022 Study Session

Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to cancel the June 28, 2022 Study Session. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

12. REPORTS

A. By the Mayor

Mayor Pro Tem Cushing attended Summerfest.

B. By Department Directors

Interim Utilities Director Marc Johns updated Council on the raising of the water storage tank.

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez thanked everyone for their hard work on the Summerfest event.

E. By City Council

Councilmember Padilla announced that yesterday was the 78th Anniversary of D-Day. Councilmember Padilla attended Summerfest and the Cultural Arts commission meeting.

Councilmember Pawlowski attended the E-470 Board meeting and Summerfest.

Councilmember Blackhurst attended Summerfest.

Councilmember Taddeo attended Summerfest, the Historic Preservation Commission Gala and thanked staff for fixing a water leak.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Johnston, seconded by Councilmember Padilla, to adjourn the meeting at 7:55 p.m. Motion passed by the following vote:

Aye: 7 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Mayor Mills

CITY OF BRIGHTON, COLORADO

Adam Cushing, Mayor Pro Tem

ATTEST:

Natalie Hoel, City Clerk

Approval Date