

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, August 2, 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 Mills called the meeting to order at 6:01 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 Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Not Present: 1 - Councilmember Johnston

2. APPROVAL OF REGULAR AGENDA

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

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

Absent: 1 - Councilmember Johnston

3. CONSENT AGENDA

A. Approval of the June 28, 2022 City Council Minutes

B. Approval of the July 5, 2022 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A GRANT OF PERPETUAL EASEMENT AND RIGHT-OF-WAY TO UNION PACIFIC RAILROAD COMPANY OVER A PORTION OF REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY

Resolution No. 2022-84

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON, THE E-470 PUBLIC HIGHWAY AUTHORITY, AND ADAMS COUNTY COLORADO REGARDING E-470 AND SABLE BOULEVARD INTERCHANGE FUNDING AND CONSTRUCTION, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY, AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID IGA ON BEHALF OF THE CITY

Resolution No. 2022-85

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF JR ENGINEERING, LLC TO DESIGN A PUMP STATION AT LUTZ RESERVOIR FOR THE CONTRACT AMOUNT OF FIVE HUNDRED SEVENTY-EIGHT THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$578,327.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-86

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF BURNS & MCDONNELL ENGINEERING COMPANY, INC. TO IMPROVE KEN MITCHELL CELL NO. 3 FOR THE CONTRACT AMOUNT OF EIGHT HUNDRED FORTY-THREE THOUSAND NINE HUNDRED SIXTEEN DOLLARS (\$843,916.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-87

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, TO OPT IN THE UNDERGROUND DAMAGE PREVENTION SAFETY PROGRAM

Resolution No. 2022-88

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

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

Absent: 1 - Councilmember Johnston

4. **CEREMONIES**

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

Shelly Cunningham, Brighton, expressed concern regarding the increased traffic and safety issues on WCR 2.

Steve Runfola Expressed concern regarding the funds being spent on Founders Plaza and that he does not have a park in his neighborhood. Mr. Runfola is also concerned that Council may be looking at changing the Municipal Code regarding guns in the City.

6. **PUBLIC HEARINGS**

7. **ORDINANCES FOR INITIAL CONSIDERATION**

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RESCINDING AND REPLACING SECTION 3-8 CONTRACTS AND PURCHASES OF THE BRIGHTON MUNICIPAL CODE

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

Finance Director Catrina Asher, Assistant City Attorney Yasmina Shaush and Procurement and Contracts Manager Kelsey Archuleta presented the proposed changes to the Procurement Code.

Procurement and Contracts Manager Kelsey Archuleta presented the reorganized procurement process. The emergency procurement process will not change, the language is being clarified. City Council will be notified if the City Manager amends or suspends the traditional procurement policy.

Assistant City Attorney Yasmina Shaush explained how the changes to the Code created efficiencies in the process by use of consistent language and definitions, clearly defined exempt services, shift in management of Master Price agreements, no publication requirements in newspapers and amending current thresholds.

Finance Director Catrina Asher presented the history of the current thresholds and the proposed thresholds for purchases.

Shelly Cunningham, Brighton. Ms. Cunningham expressed concern regarding how the City processes low dollar amounts, P-card Policies, and rebates.

Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to amend the Micro-Purchase amount to \$15,000 and approve the Ordinance as amended. Motion passed by the following vote:

Aye: 5 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, and Councilmember Taddeo

No: 2 - Councilmember Pawlowski, and Councilmember Pollack

Absent: 1 - Councilmember Johnston

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE BRIGHTON RIDGE ZONING MAP AMENDMENT FOR AN APPROXIMATELY 103.57 ACRE PROPERTY, GENERALLY LOCATED IN A PORTION OF THE EAST HALF OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST, ALL OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Ordinance 2388. Motion passed by the following vote:

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

Absent: 1 - Councilmember Johnston

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF A PORTION OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 2ND AND 6TH AMENDMENTS TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 26TH AMENDMENT FOR THE APPROXIMATELY 18.9-ACRE PROPERTY, GENERALLY LOCATED TO THE SOUTH OF BRIDGE STREET, WEST OF INTERSTATE 76, EAST OF GOLDEN EAGLE PARKWAY, AND NORTH OF THE SPEER CANAL SOUTH OF LONGSPUR DRIVE, AND BEING A PART OF SECTION 11, TOWNSHIP 1 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 Ordinance into the record.

Motion by Councilmember Padilla, seconded by Mayor Pro Tem Cushing, to approve Ordinance 2389. Motion passed by the following vote:

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

Absent: 1 - Councilmember Johnston

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REPEALING ORDINANCE NO. 2257 AND REPEALING AND RE-ENACTING BRIGHTON MUNICIPAL CODE SECTION 1-16-10 REGARDING WARDS AND PRECINCTS**

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

Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve Ordinance 2390. Motion passed by the following vote:

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

Absent: 1 - Councilmember Johnston

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION, AND SETTING A PUBLIC HEARING FOR SEPTEMBER 20, 2022, TO DETERMINE IF THE PROPOSED APPROXIMATE 150.586 ACRE PARCEL, TO BE KNOWN AS THE SWINK PROPERTY ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION**

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

Senior Planner and Historic Preservationist Emma Lane presented the Swink Annexation Substantial Compliance. The property is generally located north of East Bromley Lane, south of Southern Street, west of South 50th Avenue and east of the South 45th Avenue alignment, consists of approximately 150.586 acres and is almost completely surrounded by current city limits. In order to proceed, City Council must find that the Annexation Petition is in compliance with the Colorado Statutes and consider a Resolution to set a public hearing. The area proposed to be annexed meets the 1/6 contiguity requirement for annexation. If annexed, this property will be urbanized in the near future and

the property is capable of being integrated as it is almost completely surrounded by the City and can adequately be served by city utilities. The property is zoned Adams County Agriculture 3. It is designated as Mixed Use Residential in the Comprehensive Plan and is within the City's growth boundary. Staff finds that the submitted Annexation Petition meets the requirements in the Colorado State Statutes for substantial compliance and that September 20, 2022 is an appropriate date for the public hearing. The proposed annexation complies with the Comprehensive Plan.

Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to approve Resolution 2022-89. Motion passed by the following vote:

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

Absent: 1 - Councilmember Johnston

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 13-6 OF THE BRIGHTON MUNICIPAL CODE TO CLARIFY THE APPROPRIATION OF GROUNDWATER BY THE CITY WHEN ANNEXING LAND TO THE CITY (FIRST READING)

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

Interim Utilities Director Marc Johns explained that this action would clean up the Municipal Code. This Ordinance ratifies Annexation Development Agreement prior to 1985 that acknowledged that the City would be appropriating groundwater upon annexing. A section was added to clarify that when property is annexed to the City, groundwater is annexed. It also removes the incorrect reference to the state statute.

City Attorney Alicia Calderón explained that the state statute referenced in the Code is not correct so it has been removed. The current Code did not reference what happened to the groundwater after 1985, so language has been added to clarify that groundwater when annexed becomes part of the City's groundwater.

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

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

Absent: 1 - Councilmember Johnston

11. GENERAL BUSINESS

A. Opioid Settlement Allocation Discussion

City Manager Michael Martinez explained that the City of Brighton stands to receive settlement funds from the opioid settlement with drug distributors. The City would receive \$10,940 for the first year and approximately \$97,000 would be received over eighteen years. Council could choose to opt-in and keep the share of local funds to use for opioid abatement and report how the funds are being used or opt-out and funds would be redirected to Adams County to a Regional Opioid Abatement Council that would be responsible for creating programs and all reporting requirements.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to redirect the local funds to the County Regional Opioid Abatement Council. Motion passed by the following vote:

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

Absent: 1 - Councilmember Johnston

12. REPORTS

A. By the Mayor

Mayor Mills attended the Highway 7 Coalition meeting, the NATA meeting, the ADCOG dinner, the State of the Town of Bennett, the City BBQ, the 27J Schools New Teachers luncheon and announced that Flix and Kicks is on Thursday.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez announced that Flix and Kicks is Thursday with a movie and a concert, the Water Treatment Plant groundbreaking was last week, there was a fire this afternoon, tomorrow is the new teacher luncheon.

E. By City Council

Councilmember Taddeo attended the City BBQ and the Water Treatment Plant groundbreaking.

Councilmember Pollack attended the City BBQ and the Water Treatment Plant groundbreaking.

Mayor Pro Tem Cushing attended the Water Treatment Plant groundbreaking and Flix and Kicks.

Councilmember Padilla explained that this is national Water Quality Month. Councilmember Padilla attended the Cultural Arts Committee meeting and the Airport Coordinating Committee meeting.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 7:24 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date