



City of Brighton

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



Meeting Minutes - Draft

Tuesday, December 20, 2022

6:00 PM

Council Chambers

City Council

**MAYOR - GREGORY MILLS
MAYOR PRO TEM - ADAM CUSHING
COUNCIL MEMBERS:
CLINT BLACKHURST, TOM GREEN,
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 Green led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

2. APPROVAL OF REGULAR AGENDA

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Mayor Pro Tem Cushing

3. CONSENT AGENDA

A. Approval of the November 10, 2022 City Council Minutes

B. Approval of the November 15, 2022 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO BUILDING TECHNOLOGY SYSTEMS, INC. FOR ON-CALL HVAC SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-141

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Pollack, to approve the Consent Agenda as presented. Motion passed by the following vote:

Councilmember **Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

4. CEREMONIES

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

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS AND ENACTING NEW SECTIONS OF THE BRIGHTON MUNICIPAL CODE IN CHAPTER 17, LAND USE & DEVELOPMENT CODE, RELATED TO BUILDING TYPES, ACCESSORY STRUCTURES, COMMON OWNERSHIP COMMUNITIES, SITE DESIGN, SIGNS, AND CORRECTION OF ERRORS

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

Senior Long Range Planner Shannon McDowell presented the Land Use Code Amendments. The proposed changes include:

- *Article 5 - Neighborhood Design Standards*
 - *Add a building type for Senior Living*
 - *Correct errors related to building types and uses in specific zones*
 - *Reduce the rear setback for an attached garage that is alley loaded*
 - *Modify accessory building allowances to correspond with building permit thresholds and lot size rather than home size*
 - *Accessory building standards for public and civic uses*
 - *Add new development pattern for rental communities*
 - *Add standards for manufactured home developments existing prior to January 1, 2020*
 - *Make minor corrections throughout*
- *Article 6 - Non-residential Design Standards*
 - *Add a building type for Lodging*
 - *Eliminate maximum lot sizes for commercial/industrial uses*
 - *Modify accessory building allowances to correspond with building permit thresholds*
 - *Add accessory building standards for public and open space uses*
 - *Provide more flexibility for building material requirements for civic building types and publicly owned buildings*
 - *Make minor corrections throughout*
- *Article 7 - Access and Parking Standards*
 - *Increase the parking requirement for Multi-family residential uses*
 - *Decrease the parking requirement for warehouse uses, adding a variable requirement based on size*
 - *Make minor corrections throughout*
- *Article 8 - Landscaping & Site Design Standards*
 - *Allow flexibility for landscaping on public sites*
 - *Add buffers between new development and lands not within the city boundary*
 - *Add buffers between new development and lands zoned PL and O*

- Add standards for open fencing along narrow open spaces
- Make minor corrections throughout
- Article 9 - Sign Standards
 - Allow banners on fences and between two poles
 - Add display sign for pedestrian- or vehicle-oriented spaces
 - Remove art and mural references
 - Make minor corrections throughout and clarification to ensure figures and text match
- Article 11 - Definitions
 - Add Display Sign
 - Delete Mural and Works of Art
 - Correct errors where definitions had been unintentionally combined

The Planning Commission reviewed the project and unanimously recommended approval. The Development Review Committee reviewed the project and recommended approval. Staff recommends approval of the Code Amendments.

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

8. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PLAN FOR ALL PUBLIC IMPROVEMENTS ASSOCIATED WITH THE BRIGHTON RIDGE SUBDIVISION, AN APPROXIMATELY 103.57 ACRE PROPERTY, GENERALLY LOCATED SOUTH OF EAST 120TH AVE ALONG BOTH SIDES OF POTOMAC STREET, 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 (CONTINUED FROM NOVEMBER 15, 2022)

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

Senior Planner and Historic Preservationist Emma Lane presented the continuation of the Brighton Ridge Subdivision Plan. The applicant is Travis Frazier of Redland, and the property owner is Walk Off LLC. City Council held a public hearing for this item on November 15, 2022 and voted to continue the item with a request to update the Resolution to include a final date by which the construction of improvements to East 120th Avenue shall be completed. The proposed deadline for completion of the improvements to East 120th Avenue is eight years from the approval of the first final plat. This timeline is based on the estimated timelines of the floodplain restoration, the East 120th Avenue bridge design and construction, and the completion of the first two phases of development. This condition shall be placed on the Subdivision Plan document to be recorded upon City Council acceptance.

Jessica Schriver, Brighton. Ms. Schriver expressed concern with traffic on 120th Avenue, the one entrance into the development, capacity of schools, and grocery stores in the area.

Brian Peoples, Brighton. Mr. Peoples expressed concern regarding traffic in the area, where the apartments and townhomes will be located and if they will be low-income properties.

Inna Chausenko, Brighton. Ms. Chausenko expressed concern regarding traffic, the lack of grocery stores in

the area, the lack of jobs in the area and public transportation.

Stevan Sanchez, Brighton. Mr. Sanchez expressed concern with traffic, school capacity, apartments in the area and the need for retail.

Dawn Trujillo, Brighton. Ms. Trujillo expressed concern regarding the safety of having one entrance into the development for emergency services and school safety.

Gursev Bajwa, Commerce City. Mr. Bajwa expressed concern regarding traffic and the developer being required to complete the roadway improvements, not the city.

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Resolution 2022-142. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Councilmember Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

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

Mayor Mills called for a break at 7:45 p.m.

Mayor Mills reconvened the meeting at 7:55 p.m.

9. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 13 ARTICLE 4 OF THE BRIGHTON MUNICIPAL CODE RELATING TO WATER DEDICATION (FIRST READING)

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

Assistant Director of Utilities Scott Olsen presented the Water Dedication and Fee in Lieu Ordinance clean-up. There is a need for clarifications and minor modifications to the process to ensure consistency and clarity. The goals of the clean-up are:

- *Allow for flexibility for small developments to pay fee-in-lieu due to the inability to purchase small amounts of raw water*
- *Protect the City's raw water resources into the future*
- *Account for inflation in the cost of raw water resources*
- *Allow for innovation and sustainable practices by reducing water dedication requirements for implementing water conservation measures*
- *Provide clarity by creating an Administrative Policy to address the content of the Water Resource Report, administration of water conservation measure implementation and the water dedication/fee-in-lieu payment process*
- *Provide clarification on the timing of water dedication and payment of fee-in-lieu*

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor

Mayor Mills attended the ADCOG meeting, the NATA meeting, the Festival of Lights parade, the EDC Annual meeting, the Chief of Police open house, the Metro Mayors Caucus event and the Cultural Gala.

B. By Department Directors

C. By the City Attorney

City Attorney Alicia Calderón announced that Yasmina Shaush has been promoted to Deputy City Attorney.

D. By the City Manager

City Manager Michael Martinez reported that the City of Brighton will provide shelter for homeless members of the community over the next few days. The Strategic Planning session will take place in February, 2023.

E. By City Council

Councilmember Padilla attended the ADCO Opioid Abatement Council meeting, the Cultural Arts Committee meeting, and the Festival of Lights parade. Almost Home has a severe weather program in place.

Councilmember Pawlowski attended the DRCOG meeting, the Parks and Recreation Advisory Board meeting and the E-470 meeting.

Councilmember Blackhurst attended the Festival of Lights parade.

Mayor Pro Tem Cushing attended the Festival of Lights parade.

Councilmember Pollack attended the Festival of Lights parade and the Chief of Police open house.

Councilmember Green attended the Wreaths Across America event and the Cultural Gala.

Councilmember Taddeo attended the Festival of Lights parade and the Brighton Housing Authority meeting.

12. EXECUTIVE SESSION

13. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:20 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date