



Legislation Details (With Text)

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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, September 7, 2021

6:00 PM

Council Chambers

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 Cushing led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack,
Councilmember Taddeo, and Councilmember Watts

Not Present: 1 - Mayor Pro Tem Johnston

2. APPROVAL OF REGULAR AGENDA

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

3. CONSENT AGENDA

A. Approval of the August 3, 2021 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,

COLORADO, AUTHORIZING THE GRANT AGREEMENT WITH ADAMS COUNTY FOR GRANT FUNDING IN THE AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR THE HSV TARGET PROPERTY #1; ACKNOWLEDGING A GRANT MATCH FROM GREAT OUTDOORS COLORADO (GOCO) OF ONE MILLION FIVE HUNDRED TWENTY SEVEN THOUSAND DOLLARS (\$1,527,000.00); ACKNOWLEDGING THE PRIVATE CONSERVATION BUYER MATCH OF TWO MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$2,950,000.00); AUTHORIZING THE CITY'S MATCHING OBLIGATION OF ONE MILLION SEVEN HUNDRED THIRTEEN THOUSAND DOLLARS (\$1,713,000.00); AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT

Resolution No. 2021-62

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE GRANT AGREEMENT WITH ADAMS COUNTY FOR GRANT FUNDING IN THE AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$385,000.00) FOR THE FOUNDERS PLAZA PHASE 2 PROJECT; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00); AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT AGREEMENT

Resolution No. 2021-63

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REAPPOINTING CANDACE WERTH AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2026

Resolution No. 2021-64

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING GARY WARDLE AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2026

Resolution No. 2021-65

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

4. CEREMONIES

A. Swearing In of New Board and Commission Member

City Clerk Natalie Hoel swore in the new Board and Commission Members.

B. Patriot Day 20th Anniversary Proclamation

Councilmember Watts read the Proclamation into the record.

Motion by Councilmember Humbert, seconded by Councilmember Watts, to approve the Proclamation. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

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 THE SERVICE PLAN FOR BRIGHTON RIDGE METROPOLITAN DISTRICT NO. 1; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING AN INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO (CONTINUED FROM AUGUST 17, 2021)

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

The public hearing was opened on August 17, 2021 at 6:20 p.m. and City Clerk Natalie Hoel verified the required postings and publications (July 21, 2021 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Jane Bais DiSessa introduced Assistant Director of Community Development Mike Tylka.

Assistant Director of Community Development Mike Tylka explained that the next two items are two new Metropolitan Districts known as Brighton Ridge Metropolitan District No. 1 and No. 2 with Service Plans and Intergovernmental Agreements (IGA) for both. Assistant Director Tylka introduced Dalton Kelley with Butler Snow, the City's Metro District Counsel. District No. 1 is approximately 83 acres to the south of 120th Avenue, on both sides of Potomac Street and to the northwest of I-76. District No. 2 is just over 62 acres and is located to the north and south of the 27J Schools bus barn. The preliminary proposal submitted with these districts does comply with the Comprehensive Plan. Future subdivision plans and rezoning requests will be presented to Council before any development occurs. The documents were submitted and reviewed to the City's amended Model Service Plan. City Council has the authority to approve service plans for these metropolitan districts, or special districts that are organized within the City boundaries per Article 1, Title 32 of the Colorado Revised Statutes, known as the Special District Act.

Staff reviewed the submitted plans and they meet the statutorily required contents of a Service Plan. The four review criteria are as follows:

- There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.*
- The existing service in the area to be served by the proposed district is inadequate for present and projected needs.*
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.*
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.*

Public notice was done and the items were continued from August 17, 2021. No formal comments have been

received.

Staff finds that the proposal meets all statutory required items. The daytime population at build-out for District No. 1 is estimated to be 1,660 people and District No. 2 is estimated to be 500 people. District No. 2 would be a residential district with varying densities and District No. 1 would be a mixture of higher density with mixed-use and residential. The Service Plans outline the cost of the public infrastructure needed to build out those areas. District No. 1 is over 17 million dollars and District No. 2 is 9.5 million dollars. The Development Review Committee finds that the list of probable infrastructure costs is appropriate for these Districts. Staff is recommending approval of the Resolutions for both of the Service Plans and Intergovernmental Agreements.

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

Jennifer Tanaka with White Bear Ankele Tanaka & Waldron, representing the applicant. Ms. Tanaka explained that there are a number of regional improvements that these districts are intending to finance. These include improvements to the bridge and roadway of 120th Avenue, the completion of Potomac Street leading to the 27J Schools bus depot, the gateway monument at 120th Avenue and Sable Boulevard, the expansion of the Second Creek Trail system, enhancement of Second Creek and expand parks and open space. The Plans were submitted in full compliance of the newly amended Model Service Plan. Regarding financial powers, the aggregate mill levy cap is set at 60, net project funds are anticipated for District No. 1 to be just under 15 million dollars with cost of improvements just over 17 million dollars with the developer funding the shortfall for public infrastructure of 2.6 million dollars, this is in addition to any private infrastructure. District No. 2 has the same mill levy cap, the anticipated project funds are anticipated to be 5.9 million dollars, cost of improvements 9.5 million dollars with the developer funding the shortfall of 3.6 million dollars.

Shelby Turner with the underwriter Piper Sandler. Ms. Turner explained that they have modeled the development within the districts for Brighton Ridge Metropolitan Districts Nos. 1 and 2 and based on the development that has been assumed and the assumption of revenues. Ms. Turner believes that the bonds will be repaid over time and that there is sufficient revenue to pay off the indebtedness.

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.

Councilmember Jordinelli asked if in the presentation when referencing 120th and bridge the applicant was referring to a bridge on 120th Avenue. Travis Frasier with Redland explained that it was referring to the expansion of the bridge on 120th Avenue over second creek.

Councilmember Cushing asked if widening 120th Avenue is part of the improvements. Mr. Frasier explained that they are planning to widen 120th Avenue at full build-out from Southgate to the on-ramp at I-76. Councilmember Cushing asked if there is a target date when the bonds will be paid. Ms. Tanaka reported they would be paid within thirty years.

Mayor Mills asked if there would be improvements to Sable Boulevard with the improvements to the I-76 interchange. Mr. Frasier explained that the improvements would be to Sable Boulevard.

Councilmember Jordinelli asked if there would still be a bottleneck on 120th Avenue. Mr. Frasier explained that the widening would take place from the Village at Southgate and to the east. Councilmember Jordinelli asked how far west the widening would go. Mr. Frasier explained they would stop at the Southgate development. Councilmember Jordinelli asked if it would be a four-lane road. Mr. Frasier reported that it would be a three-lane road in conformance with the plan.

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

Motion by Councilmember Blackhurst, seconded by Councilmember Pollack, to approve Resolution 2021-66. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SERVICE PLAN FOR BRIGHTON RIDGE METROPOLITAN DISTRICT NO. 2; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING AN INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO (CONTINUED FROM AUGUST 17, 2021)

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

The public hearing was opened on August 17, 2021 at 6:35 p.m. and City Clerk Natalie Hoel verified the required postings and publications (July 21, 2021 in the Brighton Standard Blade) for this public hearing were completed.

Mayor Mills asked if the applicant would like to add anything to the presentation, she 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, there was none.

Mayor Mills closed the public hearing at 6:47 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Resolution 2021-67. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AMENDMENT NO. 1 TO FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 1; APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Mills opened the public hearing at 6:48 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 11, 2021 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Jane Bais DiSessa introduced Assistant Director of Community Development Mike Tylka.

Assistant Director of Community Development Mike Tylka explained that the next five items will be covered

with this presentation. These items are for The Lakes Metropolitan District Nos. 1, 3, 4, 5, and 6 Service Plans and Intergovernmental Agreements. These are all amendments to existing districts. Each of these districts was approved with a future inclusion area of the Farmlore subdivision and the remaining three phases of Indigo Trails. This includes area near Chambers Road, 19th Avenue, 140th Avenue, 144th Avenue and 136th Avenue. Each of these districts was originally approved with a director's parcel so they can expand and include areas within that boundary in the future.

City Council has the authority to approve service plans and amendments thereto for special districts under the Special District Act. The submissions to the City used the Model Service Plan adopted by City Council on August 17, 2021 and the applicant team is not asking for any deviation from the Model Service Plan for any of the amendments. The statutory requirements have not changed from the original Model Service Plan. Public notice was carried out and no public comments have been received by the Planning Division.

Eight items for amendment are being requested with these five proposals from their existing Service Plans. These amendments will bring it in line with the current Model Service Plan. These items include the timing of debt issuance, the maximum combined mill levy, and use of issued debt meeting requirements. Staff finds that these four requirements are met:

- There is sufficient and existing need for the projected service.
- The existing service in the area to be serviced by each of the respective Districts continues to be inadequate for present and projected needs.
- Each of the respective Districts is capable of providing economical and sufficient service to the area within its boundaries.
- The area included in each of the respective Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

The IGA's between the City and Districts have been updated and they also use the adopted Model Service Plan's template IGA that has the advanced notification provisions.

Staff recommends approval of the five items for the service plan amendments and their accompanying IGA's as it is believed that they are in line with the state statutory requirements and the Model Service Plan.

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

Bill Ankele with White Bear Ankele Tanaka & Waldron. Mr. Ankele explained that the primary purpose of these amendments is to bring the existing service plans approved in 2017 into congruence with the new Model Service Plan. An amendment was planned to pick up the compounding interest component that has been addressed by the City and that was incorporated into the new Model Service Plan. It seemed appropriate to pick up all of the changes in those amendments that had been updated in the service plans as originally approved. Care was taken to compare the old Model Service Plan with the new Model Service Plan and pick up all of the changes. These amendments will bring the service plans in full conformity with the current Model Service Plan. No other changes are being requested.

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.

Councilmember Cushing asked that more modern methods of publication be used since the notice was not posted on social media.

Councilmember Jordinelli asked if there was a cost to the applicant to make these amendments and if it was a simple process. Mr. Ankele explained that it was fairly easy and not problematic for the applicant.

Councilmember Blackhurst stated that the original service plans were approved in 2017 and asked if there is any way to tell how much longer it would be until something is developed in the area. Mr. Ankele explained that he is not on the development side of the project, there is a development process that is ongoing with the

City and a development agreement is being negotiated with the City. Assistant Director Tylka explained that the item for the Farmlore First Phase of development was before the Planning Commission and was continued to September 23, 2021. That is the first step toward getting to development. The applications have started and are going through the process. Mr. Ankele explained that part of the impetus for these amendments was that financing is being planned to allow them to commence public infrastructure with the Farmlore development. Councilmember Blackhurst stated that he knows this is market driven, but asked if the process could take five or eight years before development is seen in the area. Mr. Ankele reported that they are proceeding with the bond issue and the proceeds have to be spent in a few years.

Mayor Mills asked if there is infrastructure that needs to be completed before homes can be built. Mr. Ankele stated there would be.

Mayor Mills closed the public hearing at 6:58 p.m.

Motion by Councilmember Pollack, seconded by Councilmember Blackhurst, to approve Resolution 2021-68. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AMENDMENT NO. 1 TO FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 3; APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Mills opened the public hearing at 6:59 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 11, 2021 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Bais DiSessa explained that there is no additional presentation.

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, there was none.

Mayor Mills closed the public hearing at 7:00 p.m.

Motion by Councilmember Humbert, seconded by Councilmember Pollack, to approve Resolution 2021-69. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AMENDMENT NO. 1 TO FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 4; APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Mills opened the public hearing at 7:01 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 11, 2021 in the Brighton Standard Blade) for this public hearing were completed.

Mayor Mills asked if the applicant would like to add anything to the presentation, she 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, there was none.

Mayor Mills closed the public hearing at 7:02 p.m.

Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve Resolution 2021-70. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember
Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AMENDMENT NO. 1 TO SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 5; APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Mills opened the public hearing at 7:03 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 11, 2021 in the Brighton Standard Blade) for this public hearing were completed.

Mayor Mills asked if the applicant would like to add anything to the presentation, she 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, there was none.

Mayor Mills closed the public hearing at 7:03 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Resolution 2021-71. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AMENDMENT NO. 1 TO SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 6; APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Mayor Mills opened the public hearing at 7:04 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 11, 2021 in the Brighton Standard Blade) for this public hearing were completed.

Mayor Mills asked if the applicant would like to add anything to the presentation, she 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, there was none.

Mayor Mills closed the public hearing at 7:05 p.m.

Motion by Councilmember Jordinelli, seconded by Councilmember Taddeo, to approve Resolution 2021-72. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 3, TITLE 5, AND TITLE 8 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO LICENSING OF OUTDOOR VENDORS

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

City Manager Bais DiSessa introduced Long Range Planner Shannon McDowell.

Long Range Planner Shannon McDowell introduced Tax Audit Supervisor Ana LeScoeze. Planner McDowell presented the Outdoor Vending Code Amendment. There are some amendments to the Municipal Code relating to outdoor vendors operating in the City. A lot of feedback was received from local mobile vendors about the code. There was confusion about the dual approval requirements, the duration of the permit at 90 days being too short, enforcement of vendors was lacking and full vending in residential areas should be allowed. Staff is proposing the following changes:

- There is only one approval document, this is the business license. There will no longer be a*

temporary use permit required.

- *There will be a fee of \$60. This is the same fee that is being charged today, but it will be done by only one department.*
- *The permit duration will be through December 31st of each year.*
- *All vendors, even those working with the Special Events Division will follow the same process.*
- *Performance criteria for vending on private property will be added.*
- *Vending duration in the right-of-way will be increased from five hours to twelve hours.*
- *Vending in residential areas will be fifteen minutes or less per block, or for a longer period no more than three times per month.*

Outreach for this was done through an online survey, zoom meetings with vendors and business owners, direct conversations with interested parties and Study Sessions with City Council. Staff recommends approval of the proposed amendment.

Long Range Planner McDowell and Tax Auditor Supervisor LeScoeze answered questions from Council regarding:

- *The length of time to get a permit*
- *The ability to apply for a renewal prior to December 31st.*
- *The ability to have a food truck open on January 1st.*
- *The length of time a vendor can be on a street three times per month.*

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF THE 57 N. 10TH AVENUE PROPERTY ZONING REQUEST FROM THE “NEIGHBORLY HOUSING SERVICES” (PUD) TO THE R-2 (MIXED-DENSITY RESIDENTIAL) ZONE FOR THE APPROXIMATELY 0.1722 ACRE PROPERTY, GENERALLY LOCATED ON PART OF THE SOUTHEAST OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY ADAMS, STATE OF COLORADO

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

City Manager Bais DiSessa explained that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance.

Laurie Lozano Maier, Brighton. Ms. Lozano Maier asked if there will be a parking pad at this location. Community Development Director Holly Prather explained that there will have to be off-street parking.

Motion by Councilmember Cushing, seconded by Councilmember Watts, to approve Ordinance 2368. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,

Councilmember

Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 9-28-40(C) OF THE BRIGHTON MUNICIPAL CODE REGARDING OFFENSES

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

City Manager Bais DiSessa introduced Assistant City Attorney Lena McClelland.

Assistant City Attorney Lena McClelland explained that this is the final reading of the Ordinance and there is no presentation.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there was none.

Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve Ordinance 2369. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT FOR CITY-OWNED REAL PROPERTY LOCATED AT 1594 E. BROMLEY LANE (THE “MIGRANT WORKER HOUSE” AT THE BROMLEY/HISHINUMA FARM), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

City Manager Bais DiSessa introduced Finance Director Maria Ostrom.

Finance Director Maria Ostrom explained that this is the final reading of the Ordinance and there have been no changes since first reading.

Motion by Councilmember Pollack, seconded by Councilmember Taddeo, to approve Ordinance 2370. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT FOR CITY-OWNED REAL PROPERTY LOCATED AT 1594 E. BROMLEY LANE (THE “FARM” AT THE

BROMLEY/HISHINUMA FARM), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

City Manager Bais DiSessa introduced Finance Director Maria Ostrom.

Finance Director Maria Ostrom explained that this is the final reading of the Ordinance and there have been no changes since first reading.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there was none.

Motion by Councilmember Taddeo, seconded by Councilmember Humbert, to approve Ordinance 2371. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,
Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember
Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, DIRECTING THE CITY MANAGER TO IMPLEMENT A BUILDING PERMIT PHASING PLAN FOR NEW RESIDENTIAL DEVELOPMENTS IN THE CITY OF BRIGHTON

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

City Manager Bais DiSessa introduced Long Range Planner Shannon McDowell.

Long Range Planner Shannon McDowell knows that City Council has been concerned about growth and there is a concern about water in the summer months. Staff has prepared a proposed building permit phasing program. This would ask any new developer coming in with a subdivision plan approval or a development agreement approval to schedule out the number of units they would build each year throughout the full build-out of their subdivision. These would be separated by single-family and multi-family units.

Long Range Planner McDowell and Community Development Director Holly Prather answered questions from Council regarding:

- The staff having an opinion if this Resolution is approved or not.*
- Any recommendation from staff.*

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve the Resolution. The motion failed by the following vote:

Aye: 3 - Councilmember Cushing, Councilmember Humbert, and Councilmember Pollack

No: 5 - Mayor Mills, Councilmember Blackhurst, Councilmember Jordinelli,
Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

Mayor Mills called for a break at 7:31 p.m.

Mayor Mills reconvened the meeting at 7:41 p.m.

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A WATER LEASE AGREEMENT ("LEASE") FOR CITY-OWNED WATER AND WATER RIGHTS TO JIM MCCLAY OF MCCLAY FARMS (THE "LESSEE"), SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID WATER LEASE ON BEHALF OF THE CITY (FIRST READING)

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

City Manager Bais DiSessa introduced Utilities Director Brett Sherman.

Utilities Director Brett Sherman introduced Water Resources Engineer Austin Creswell.

Water Resources Engineer Austin Creswell presented the water resource leases for the next three items. Historically, Brighton has relied on acquiring shares in the Fulton Ditch and FRICO System. Water rights are getting very difficult and expensive to acquire. Brighton has had to expand geographically into other areas to continue to acquire water rights. In 2018, the City began to acquire rights in Bear Creek & Turkey Creek in Jefferson County and in 2020 began acquiring rights in the Lupton Ditch System. The rights acquired in the Lupton System amount to approximately 335 acre feet average yield.

A parcel of land was acquired with the Lupton System because the City will need to build some infrastructure to operate the water rights. A pond will be built to store water, release water and filtrate water. Rights have been acquired from the Sarchet property, the Coufal property and the Gee property, these are between eight and ten miles north of Brighton and west of the South Platte River. The timing of the new infrastructure for the Lupton water rights will depend on the rate of City growth. If there continues to be high growth, the shares will need to be taken to Water Court and changed soon, if growth slows down, it could be a few years before this needs to be done. The shares will need to be taken to Water Court for a change of use before they can be used. The amount of water the City would get is based on the historic consumptive use of the water. The consumptive use is affected by the crops grown, the evaporation rate, humidity, temperature, precipitation, soil type, topography, growing season, irrigation method and daylight hours. When going through a change of use case it is important to maintain some consistency in how the water rights are used. You want to use them on the same parcel of land and in the same manner so an extended history of use is developed that the Water Court recognizes.

The intent of the leases is not to make a profit, the City is not charging for the lease. The lessee will pay the City back for the assessments by the ditch companies. This is to maintain the historic designation, keep the consumptive use up and keep the value of the water rights up. The City will maintain the property and keep it from becoming an eyesore.

The first lease is for 70 shares of Lupton Meadows associated with the Coufal Property and will be leased to McClay Farms. Mr. McClay has historically leased this water from the previous owner. This is a continuation of the historic use of these shares. Mr. McClay will keep the consumptive use up, continue the historic location and manner of irrigation and reimburse the City for annual ditch company assessments. The second lease is for 1.25 shares of Lupton Bottom and 68.36 acre Coufal Property leased to Miller Farms. The lessee historically leased this land and water from the previous owner, will keep the consumptive use up, will continue the historic location and manner of irrigation and will reimburse the City for annual ditch company assessments. The third lease is for 80 shares of Lupton Meadows from the Sarchet Property leased to Farmer Vogl. Mr. Vogl will lease water from Brighton and the land from the current owner. Mr. Vogl will keep the consumptive use up, continue the historic location and manner of irrigation, and will reimburse the City for annual ditch company assessments. Mr. Vogl has agreed to sell 15 other shares of Lupton Meadows to a developer, who will provide those shares to Brighton for water dedication. Staff recommends approval of the

three water leases.

Water Resources Engineer Creswell answered questions from Council regarding:

- The need to dry up the water when the City changes the water.
- There being any gravel to be mined in this area.
- The ditches coming through Brighton.
- The need to pipe the water to Brighton.
- The timeframe for these shares to be changed over to City use.

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING AN AGRICULTURAL LEASE ("LEASE") FOR CITY-OWNED REAL PROPERTY LOCATED AT SECTION 34, TOWNSHIP 3, NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO (THE "PROPERTY"), TO JOSEPH MILLER; SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGRICULTURAL LEASE ON BEHALF OF THE CITY (FIRST READING)

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

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A WATER LEASE AGREEMENT ("LEASE") FOR CITY-OWNED WATER AND WATER RIGHTS TO RICHARD JAMES VOGL (THE "LESSEE"), SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID WATER LEASE ON BEHALF OF THE CITY (FIRST READING)

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

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Mills attended the Wall that Heals events, the 27J Schools joint meeting, the Touch a Truck event, the United Power 100,000 Meter Celebration, the Platte Valley Medical Center Farm to Table event, the ADCOG meeting, the Fire Chief Candidate meet and greet, and the Chamber After Hours event at Barr Lake. Mayor Mills will attend a Habitat for Humanity event tomorrow. Saturday is the 9/11 Anniversary event at City Hall.

B. By Department Heads

C. By the City Attorney

City Attorney Alicia Calderón announced that Lena McClelland will be leaving and the position has been posted.

D. By the City Manager

City Manager Bais DiSessa thanked Maggie DeMarco for her work on the 9/11 Remembrance video and thanked the Communications staff for their hard work on recent events.

IT Director David Guo introduced Assistant Director of IT Richard Blea and Community Development Director Holly Prather introduced new Assistant Community Development Director Mike Tylka.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Taddeo attended the Employee BBQ, the Wall that Heals events and the 27J Schools meeting.

Councilmember Watts thanked the events staff and all of the volunteers for their hard work on the Wall that Heals events. Councilmember Watts attended the Flix and Kicks event and the Touch a Truck event.

Councilmember Humbert attended the Parks & Recreation Advisory Board meeting and announced that the Full Moon Bike Ride is September 20th, Bike to Work day is September 22nd and the Birding Festival at Barr Lake is Saturday.

Councilmember Cushing attended the Wall that Heals events.

Councilmember Jordinelli attended the Wall that Heals events, the Cultural Arts and Public Arts Committee meetings.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:31 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date