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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, December 21, 2021

6:00 PM

Amended

Council Chambers

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - MATT JOHNSTON
COUNCIL MEMBERS:
CLINT BLACKHURST, ADAM CUSHING,
MARK HUMBERT, 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 Pollack led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Not Present: 1 - Councilmember Taddeo

2. APPROVAL OF REGULAR AGENDA

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

3. CONSENT AGENDA

A. Approval of the November 16, 2021 City Council Minutes

B. Approval of the November 22, 2021 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING SHEILA HARRELL AS AN AT-LARGE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM TO JANUARY 2023

Resolution No. 2021-105

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING LODGING TAX GRANTS AND ALLOCATIONS FROM THE LODGING TAX FUND IN THE AMOUNT OF TWO HUNDRED FIFTY-FIVE THOUSAND THREE HUNDRED EIGHTY FOUR DOLLARS (\$255,384) FOR CALENDAR YEAR 2021; DESIGNATING THE RECIPIENTS AND AMOUNTS OF SAID GRANTS AND ALLOCATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS WITH THE RECIPIENTS OF THE 2021 ALLOCATION ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No. 2021-106

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH BRIGHTON PLATTE VALLEY MEDICAL CENTER FOR CITY-OWNED REAL PROPERTY LOCATED AT 1735 SKEEL STREET, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

Resolution No. 2021-107

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

4. CEREMONIES

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

Dean Poorman, Brighton. Mr. Poorman expressed concern about flooding in his basement and the City not taking responsibility for it and four water main breaks in his neighborhood in the past month.

Michael Boutwell, Brighton. Mr. Boutwell expressed concern that the City closed its recycling bins and about the virus.

Mayor Mills called for a break at 6:15 p.m. for technology issues.

Mayor Mills reconvened the meeting at 6:25 p.m.

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE MARRONE TRUCKING SUBDIVISION, AN APPROXIMATE 20.003 ACRES OF LAND, IN SECTION 18, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; 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 6:26 p.m. and City Clerk Natalie Hoel verified the required postings and publications (December 6, 2021 on the City of Brighton website) for this public hearing were completed.

City Manager Michael Martinez introduced Assistant Director of Community Development Mike Tylka.

Assistant Director of Community Development Mike Tylka presented the Marrone Trucking Subdivision Final Plat and Development Agreement. The applicant is represented by Enviro Finance Group and the owners are Kenneth Marrone and Marrone EAT, LLC. This item is being processed under the former Land Use and Development Code that was in place prior to January 1, 2020 as this item was submitted to be processed before that date. The role of staff is to be an unbiased party to review the submitted applications to the City's adopted codes, policies, reports and standards and then to make a recommendation to City Council for their ultimate decision.

The old Land Use and Development Code brought the Final Plats to the City Council with the Development Agreement, this is different from the current process. The property is located east of Fulton Avenue approximately ¼ mile south from its intersection with Bromley Lane and is approximately twenty acres. There is heavier industrial to the west, and industrial zoned land to the north and east. The property was annexed in 2020 and was zoned as Light Industrial.

The designation as Industrial and platting it to an industrial subdivision aligns with a number of policies of the Comprehensive Plan. This includes building off of existing infrastructure surrounding the site, creates a job employment generating use adjacent to the Highway 85 corridor. This is planned to be two lots, just over five acres on the north and approximately fourteen acres on the south lot. There is a section of property that is owned by Walmart and either the City or applicant has been able to get an agreement with Walmart for the property to access the site. Prior to the annexation of the property, the applicant did create an access point at the northwest corner of lot 1. Another alignment sets forth future trail connectivity in the area and will be developed at the time of site plan for each lot. A future right-of-way for 148th Avenue will be done that aligns with the right-of-way to the south of the self-storage facility to connect to Sable Boulevard.

Staff finds that the proposal is in conformance with the zoning set forth in Section 17-40-210 of the former Land Use and Development Code. Staff feels it will facilitate orderly growth and expansion of the City and will allow future industrial users to take advantage of the major nearby transportation corridors. Three of the four neighboring sides are zoned for industrial users.

The Development Agreement calls for the dedication of water shares, no fee-in-lieu, the right-of-way for a future extension of 148th Avenue, construct necessary access points and others, if triggered, construct on-site trail segments with applicable Site Plans, install water and sewer lines for on-site service, and install necessary streetlights. The Development Agreement also outlines triggers for utility undergrounding along Fulton Avenue, the construction of Fulton Avenue and 148th Avenue if required, and sets that future stormwater maintenance agreements would be entered into at the time of site plan.

All public notices were done in accordance with the Land Use and Development Code.

Staff finds that the Final Plat lays out all of the appropriate easements for access including fire, utilities and drainage and grants a trail easement and right-of-way for the future 148th Avenue as requested by staff. The Final Plat substantially complies with the approved Preliminary Plat. The Development Review Committee has

reviewed the Final Plat and finds it is in line with all applicable standards and zoning districts. The Development Agreement is in line with the applicable Code section and with policies of the Comprehensive Plan. The Planning Commission approved the request unanimously with two conditions, staff has found those to be satisfied with the submission of the Final Plat.

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.

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 Blackhurst asked if Lot 1 would be used by the trucking company and asked what Lot 2 would be used for. Sarah Laverty explained that there is not a plan for Lot 2 at this time, it could be developed as one lot or they owner could come back to subdivide the lot. Councilmember Blackhurst stated it is good to see industrial in this area.

Mayor Mills closed the public hearing at 6:37 p.m.

Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, to approve Resolution 2021-108. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 3-8-90 OF THE BRIGHTON MUNICIPAL CODE REGARDING BIDDING PROCEDURES FOR CONTRACTS AND PROCUREMENT OF SUPPLIES AND SERVICES

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

City Manager Martinez explained that this is the final reading of the Ordinance.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to approve Ordinance 2378. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING BRIAN MOEN AS A LODGING PROVIDER MEMBER OF

THE LODGING TAX ADVISORY COMMITTEE WITH A TERM TO DECEMBER, 2024

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

City Manager Martinez explained that this was not brought to a Study Session because the Lodging Tax Advisory committee is short members and now has an appointment opportunity. This Resolution is to appoint Brian Moen, the General Manager of Candlewood Suites. Mr. Moen has been attending meetings.

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve Resolution 2021-109. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACKNOWLEDGING THE CERTIFIED ABSTRACT OF VOTES CAST FOR THE DECEMBER 7, 2021 SPECIAL RUN-OFF MUNICIPAL ELECTION FOR MAYOR

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

City Manager Martinez introduced City Clerk Natalie Hoel.

City Clerk Natalie Hoel explained that this Resolution acknowledges the certified abstract of votes cast for the December 7, 2021 Special Run-off Election for Mayor and answered questions from Council regarding:

- *The cost of the Run-off Election.*

Motion by Councilmember Cushing, seconded by Councilmember Watts, to approve Resolution 2021-110. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF ROCKY MOUNTAIN TURF SOLUTIONS AND APPROVING THE PROCUREMENT OF ADULT AND YOUTH SPORTS COMPLEX TURF CONVERSION, PROJECT #22-007191, TO ROCKY MOUNTAIN TURF SOLUTIONS FOR THE CONTRACT AMOUNT OF FOUR MILLION THREE HUNDRED EIGHTY-SIX THOUSAND FIVE HUNDRED DOLLARS, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

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

City Manager Martinez introduced Assistant Director of Parks and Open Space Kyle Sylvester and Parks Crew Leader Ryan Smith.

Assistant Director of Parks and Open Space Kyle Sylvester presented the Adult and Youth Sports Complex Turf Conversion project. The two complexes involved are the Pawlowski Field for youth sports and the Adult Sports Complex. The process was with the cooperative purchasing agreement through the OMNIA Partners. The total project cost for demo and installation of eight new artificial turf fields in the two complexes is \$4,386,500. Sufficient funds are available in the Parks and Recreation Capital Projects fund. The Adult Sports Complex consists of approximately fifteen acres of land and 9.5 acres of planting area will be converted to artificial turf. Pawlowski Field used for youth sports consists of 5.75 acres and 3.3 acres will be converted to artificial turf. One full-time employee maintains all of the athletic spaces in the City. Game preparation is done by the Recreation Center staff and the BYBSA. The current maintenance staffing hours include 1,200 hours for parks staffing and 1,300 hours for recreation staff and BYBSA for a total of 2,500 hours per year. The maintenance hours with the artificial turf is reduced to 400 hours for parks staff, 400 hours for recreation staff and BYBSA for a total of 800 hours per year. The water usage for the Adult Sports Complex is approximately 12 million gallons per year and the Pawlowski Fields use approximately 2 million gallons per year. The water savings after the turf conversion will be approximately 10.5 million gallons per season.

Parks Crew Leader Ryan explained that the contract would be awarded to Rocky Mountain Turf Solutions. AstroTurf has been in business since 1965 and Rocky Mountain Turf Solutions is the regional installer for the product. Crew Leader Ryan presented the details of the project. There is a thirty week timeline for construction and they can begin on January 10, 2022 if approved. Only two fields would be worked on at a time so the other two fields are available at all times. Work on the Pawlowski Fields would not begin until the Adult Sports Complex is completed, this would begin in August. There is a fifteen to twenty year product longevity.

Assistant Director Sylvester and Crew Leader Smith answered questions from Council regarding:

- The savings of gallons of water per year.
- The reason for the red clay look in fields instead of turf.
- The ability to have the turf look instead of the clay.
- The comparison of other products and bids from other companies.
- Confidence that the bidding process was vetted.
- This being the best product for the City's needs.
- Results of studies done for injuries with this product.
- There being a consistent bounce with this product.

Motion by Councilmember Watts, seconded by Councilmember Blackhurst, to approve Resolution 2021-111. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF ARROW J LANDSCAPE & DESIGN INC. AND APPROVING THE PROCUREMENT OF FOUNDERS PLAZA PHASE II CONSTRUCTION LANDSCAPING, PROJECT #21-006990, TO ARROW J LANDSCAPE & DESIGN INC. FOR THE CONTRACT AMOUNT OF SIX HUNDRED THIRTEEN THOUSAND EIGHT HUNDRED TEN DOLLARS (\$613,810), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

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

City Manager Martinez explained that Council directed staff to explore funding sources with BURA at the December 7, 2021 City Council meeting. BURA was unable to meet and will have a special meeting on December 29, 2021. Staff is asking for this item to be continued to the second meeting in January.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to continue the Resolution to January 18, 2022. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

No: 1 - Councilmember Cushing

Absent: 1 - Councilmember Taddeo

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING AND RE-CODIFYING CERTAIN SECTIONS OF TITLE 13 OF THE BRIGHTON MUNICIPAL CODE (FINAL READING)

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

City Manager Martinez explained this is the final reading of the Ordinance.

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Ordinance 2379. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

Resolutions

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT NO. 20-08.24 BETWEEN THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING DESIGN OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE BRIGHTON NORTH OUTFALL AT BASELINE OUTFALL FROM 19TH AVENUE TO THE PRESERVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY

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

City Manager Martinez introduced Stormwater Coordinator Scott Olsen.

Stormwater Coordinator Scott Olsen explained that there are two North Outfalls within the City of Brighton. The Denver Alignment just finished construction. This Resolution is for the First Amendment to the IGA with Mile High Flood District and is for the Baseline Alignment. Mile High Flood District is a quasi-governmental agency formed in 1969, they collect taxes from all parties in the district to provide funding back to the local jurisdictions for drainage and flood control projects. All citizens of Brighton living in Adams County pay this tax. An outfall system plan was created in 2006 and this outfall was conceptually designed in that plan. The City has updated the plan to bring it up to date and provide a feasible route for the outfall. The IGA was approved in September 2020 to provide contributions to the design of the outfall. The first amendment to the IGA will address moving forward with the construction. The original design and location have been amended to use an

open channel conveyance instead of a piped system, this will save money for the City and the development. There will be a detention pond to capture the high flows coming off of the developed areas. This plans for the drainage of some existing and future subdivisions. There will be a future connection for the Bridge Street Widening Project. City Council previously approved \$498,000 for the design of the project. Mile High Flood District has provided \$750,000 and the City has contributed \$4,500,000 for construction and these funds have been budgeted in the Stormwater Capital budget for 2022. The total cost for the project is \$5,748,000. Staff recommends approval of the First Amendment to the IGA.

Stormwater Coordinator Olsen answered questions from Council regarding:

- The bidding process.
- The ability for the Mile High Flood District to hire who they want to complete the work.
- Council reviewing the IGA.
- The ability to get a new IGA.
- This project affecting the flooding on Chavez Street and Telluride Street for the better.
- The option to tie into the project.
- This being pipes or including an open cut.
- The anticipated completion date of the entire project.
- Any anticipated road closures.

Motion by Councilmember Watts, seconded by Councilmember Blackhurst, to approve Resolution 2021-112. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

11. GENERAL BUSINESS

A. E-470 Hazmat Route Designation Discussion

City Manager Martinez explained that the laws have changed since this was last presented to City Council and announced that the Fire District has no issues with the hazmat route designation.

Emergency Management Coordinator Stephanie Hackett gave a brief overview of the request by the Colorado State Patrol to designate e-470 as a hazmat route.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to approve sending a letter to the Colorado State Patrol in support of designating E-470 as a hazmat route. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Absent: 1 - Councilmember Taddeo

B. Cancel the December 28, 2021 Study Session

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Johnston, to Cancel the December 28, 2021 Study Session. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

No: 1 - Councilmember Cushing

Absent: 1 - Councilmember Taddeo

C. Discussion of Vacant Council Seat Replacement

Members of City Council discussed filling the vacant Ward 3 Council seat by appointing Clint Blackhurst to fill the current vacant seat or holding a special election.

Peter Padilla, Brighton. Mr. Padilla agreed with many councilmembers that appointing current Ward 3 Councilmember Clint Blackhurst would be best for the City.

Councilmember Blackhurst stated he is willing to accept the appointment and serve for the remainder of the vacant term.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to appoint Clint Blackhurst effective January 4, 2022 to fill the vacant Council seat in Ward 3. Motion passed by the following vote:

Aye: 5 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Cushing, Councilmember Humbert, and Councilmember Watts

No: 1 - Councilmember Pollack

Absent: 1 - Councilmember Taddeo

Abstain: 1 - Councilmember Blackhurst

12. REPORTS

A. By the Mayor

Mayor Mills attended the EDC meeting, the NATA meeting, the AC Rep Legislative review, the Chamber luncheon, the Jane Talbot room dedication at Eagle View Adult Center, the Festival of Lights, the Swearing in Ceremony for Brighton Police Officers and read to 4th graders at Henderson Elementary.

B. By Department Heads

New Finance Director Catrina Asher introduced herself and gave a brief history of her background.

C. By the City Attorney

D. By the City Manager

City Manager Martinez thanked Councilmember Humbert for his knowledge and his kindness to staff during his service.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Watts attended the Jane Talbot room dedication at Eagle View Adult Center, the Senior Advisory Board meeting, a concert at the Armory, the Swearing in Ceremony for Brighton Police Officers and the Festival of Lights.

Councilmember Humbert attended a concert at the Armory.

14. EXECUTIVE SESSION

15. 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