



City of Brighton

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



Meeting Minutes - Draft

Tuesday, December 7, 2021

5:30 PM

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 5:31 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 6 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Cushing, Councilmember Humbert, Councilmember Pollack, and Councilmember Watts

Not Present: 2 - Councilmember Blackhurst, and Councilmember Taddeo

2. APPROVAL OF REGULAR AGENDA

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to approve the Regular Agenda as presented. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

3. CONSENT AGENDA

A. Approval of the November 2, 2021 City Council Minutes

B. Approval of the November 4, 2021 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING LEASE AGREEMENTS WITH ALMOST HOME, AMERICAN HIGHLAND CATTLE ASSOCIATION, ROCKY MOUNTAIN QUARTER HORSE ASSOCIATION, COLORADO HORSE COUNCIL, AND COLORADO THOROUGHBRED BREEDERS FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENTS ON BEHALF OF THE CITY

Resolution No. 2021-96

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A CONTRACT FOR THE MUNICIPAL PROSECUTOR

AND AUTHORIZING THE CITY ATTORNEY TO SIGN

Resolution No. 2021-97

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

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

4. CEREMONIES

A. Recognition of the Name That Snowplow Contest Winners

Director of Communications and Engagement Kristen Chernosky and Director of Public Works Michael Woodruff recognized the winners of the Name that Snowplow Contest winners.

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

6. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE PRAIRIE CENTER VILLAGE V, FILING NO. 1 DEVELOPMENT AGREEMENT FOR THE PRAIRIE CENTER VILLAGE V SUBDIVISION FILING NO. 1 DESCRIBED AS PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION 21 TOWNSHIP 1 SOUTH, RANGE 66 WEST, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE SAID FIRST AMENDMENT ON BEHALF OF THE CITY, AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

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

Assistant Director of Community Development Mike Tylka explained that Item 6B was continued twice to allow staff and the applicant team time to complete this item. There is an agreement in place for Prairie Center Village V and this action would amend that agreement. This agreement sets forth specific improvements and dedications associated with the Village V Development Agreement. There are two areas as part of this application, the first is the Village V areas where there are two developable sites. The other area are the Lutz Parcels, they are joined together because the Village V Agreement allowed some of the open space dedications to be met through the future planned dedication of the Lutz Parcels as these are going to be part of regional open space. The amendment addresses open space dedications to the City and the drainage and stormwater currently going into the Lutz Reservoir. This amendment would send that to a realigned system so the reservoir can be used for a future non-potable system. The Village V Agreement was approved in 2015.

The Lutz Parcel 1 is approximately 36.72 acres and would be dedicated to the City no later than December 31, 2022 to be maintained as open space. The Lutz Parcel 2 is the reservoir and consists of 20.34 acres and the agreement goes through three different benchmarks for the timing to remove the stormwater. First the City and the developer would agree on a route by March 31, 2022. After the alignment is approved construction design will be completed. By the end of 2022, staff will work with the developer to get the reservoir parcel

turned over. Nothing in this amendment alters the Comprehensive Funding Agreement for the Prairie Center Development. There is a portion of the trail in Tract C that is unfinished, this amendment realigns that to ensure the trail is in place prior to there being a substantial number of residents moving into Lot 3. This amendment sets forth the water dedications for Lots 3 and 4 and the City will receive raw water dedications for those parcels, no fee-in-lieu.

The Comprehensive Plan calls for continuing support of the development of Prairie Center with a mix of housing, retail and other amenities. No public notice was required, but staff posted a notice on the City's website and to social media. Staff has reviewed this amendment and recommend approval.

Assistant Director Tylka answered questions from Council regarding:

- The number of residents that will be in the area prior to the sidewalks being built.

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve the Resolution 2021-98. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING A SUBDIVISION PLAN FOR AN APPROXIMATELY 9.92 ACRE PROPERTY, GENERALLY LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, COMMONLY KNOWN AS THE INSPIRADA SUBDIVISION (PUBLIC HEARING, CONTINUED FROM OCTOBER 19, 2021 AND NOVEMBER 16, 2021)

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

The public hearing was opened on October 19, 2021 at 6:24 p.m. and was continued from October 19, 2021 and November 16, 2021. Deputy City Clerk Erin Kelm verified the required postings and publications (September 28, 2021 on the City of Brighton website) for this public hearing were completed.

Assistant Director of Community Development Mike Tylka explained that 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. Assistant Director Tylka presented the Inspirada Subdivision Plan. The Applicant is Prosper Land & Development and the owner is THF Prairie Center Development, LLC. The property is located southeast of the intersection of South 27th Avenue and Red Tail Way and to the northeast of the intersection of South 27th Avenue and Peregrine Drive and is approximately 9.92 acres in size. The property was annexed in 1986, was platted as part of the Village V subdivision and zoned as part of the Prairie Center Mixed Use PUD.

The Comprehensive Plan designates this area as Mixed-use Residential to support a variety of densities in the housing options in close proximity to commercial areas. This would be a different option to the other two developed parcels in the area. This aligns with the Comprehensive Plan with new growth to support areas of existing infrastructure. It will also work to create a distinctive neighborhood with many housing options in the area. There will be a total of 77 lots with a minimum lot size of 3,200 sq. ft. The proposal includes landscape tracts, guest parking as the internal roadway will be private alley maintained, and a regional trail.

Staff finds that the proposal aligns with the Comprehensive Plan and supports visions of managing growth policy given that it will be built into the existing infrastructure and the variety of residential densities. The proposal is in compliance with the Land Use and Development Code and meets all requirements for the zoning district. The block and street pattern layout will provide connectivity with the surrounding developments

and the sidewalk connections will create a more walkable environment. The proposed documents do meet all of the City's requirements for the buildable lots and with the approval of the First Amendment to the Village V Development Agreement, the open space and public land dedications are in line. The developer is looking to satisfy the raw water dedication. The developer has agreed to the 27J Schools Capital Facility Fee Foundation and the applicable items. The developer will complete this in one phase. The stormwater and drainage impacts were identified and staff finds that they will be mitigated with the accepted engineering and design work that has been submitted. The Traffic Impact Study was reviewed by Public Works and they found that the existing roadway network has the capacity for the trips generated by the project. Staff finds that the application does not deter from any development possibilities or the City and its residents from not meeting the policies of the Comprehensive Plan. The proposal is in line with the public infrastructure plans in the area. The Development Review Committee finds the application is in line.

Public notice was conducted in accordance with the Code. As the item was continued twice, the updates were noticed on social media. A neighborhood meeting was held on February 24, 2021.

The Planning Commission approved the application unanimously on September 23, 2021.

Staff is recommending approval and finds that the application is in compliance with the requirements for a Subdivision Plan as described in the Land Use and Development Code and is in compliance with the zoning district regulations as outlined in the applicable zone district.

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

Shane Rugg, Director of Land for Prosper Land & Development. Mr. Rugg introduced Thomas Kopf with Matrix Design Group.

Thomas Kopf, Director of Community Design with Matrix Design Group. Mr. Kopf explained that these homes are within walking distance of some very important amenities. These include a future elementary school, a future high school, a municipal park facility, a community park, and the Prairie Center retail center. The smaller neighborhood clusters help to create a sense of community with multiple view corridors through the major parks and open spaces for residents to gather. There will be no fence canyons along 27th Avenue or any of the adjacent streets. Instead, there is an additional setback on 27th Avenue that will be landscaped and the fronts of the homes will face those streets. This creates a more welcoming environment. The turf areas will be minimized and drought tolerant landscaping will be planted. The parking areas will be in close proximity to the front doors of homes and there will be easy access from the parking areas to the mail kiosks, parks spaces and gathering areas. Some highlights include 62 on street guest parking in front of homes, 1.715 acres of open space and 61% of the homes face the common areas. The landscape concept will reinforce the Prairie Center feel and guidelines and help to reduce water use.

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.

Mayor Pro Tem Johnston asked if there was a reason there was not one parking space added for each home for those without a garage. Mr. Kopf explained that each unit will have a two-car attached garage and there will be additional guest parking spaces on and off the street. Mayor Pro Tem Johnston asked why there is not a guest parking space per home. Mr. Kopf explained that guest parking is typically much less than what is being provided. With single-family homes, guest parking is typically provided on the street in front of the homes, this would provide an additional 33 parking spaces within the community. Mayor Pro Tem Johnston is concerned with the streets being full and asked how many bedrooms would be in the homes. Mr. Rugg explained that he is the developer and this would be sold to a home builder, but would assume there would be one to three bedrooms. The two parking per garage and the additional parking exceeds the required parking as stated in the Code. Mayor Pro Tem Johnston asked if there was a reason more parking could not be added per home. Mr. Rugg stated that they would be adding more parking spaces where available without taking

away open space and still meeting ADA requirements. Mr. Kopf stated that if you combine the 62 spaces in front of homes along Red Tail and Peregrine with the 33 onsite spaces, there is more than one guest space per home. Mayor Pro Tem Johnston asked if staff feels comfortable with the parking spaces. Assistant Director Tylka explained that the parking does meet the parking requirement as set forth in the PUD. Staff worked with Mr. Rugg and Mr. Kopf to determine where more guest parking could be placed, staff feels the parking meets and exceeds the parking requirements of the Code and the PUD. Mayor Pro Tem Johnston asked what the return is on the water dedication. Utilities Director Brett Sherman explained that the water resources department determined that the amount of water the developer was offering is sufficient. Director Sherman explained that the water is approximately \$27,000 per acre foot.

Councilmember Cushing is happy to see different options in housing. Councilmember Cushing asked if there is any indication that the HOA would require the homeowner to use their garages for parking and not storage and then parking on the street. Mr. Kopf stated that has not been contemplated. Councilmember Cushing asked if the homeowners would be allowed to park in the guest parking. Mr. Rugg stated this may be considered during the process of setting up the HOA.

Mayor Mills closed the public hearing at 6:31 p.m.

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve the Resolution 2021-99. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING THE FISCAL YEAR 2022 BUDGET, AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS SPECIFIED BELOW IN THE AMOUNT OF \$155,140,018, FOR THE CITY OF BRIGHTON, COLORADO, FOR THE FISCAL YEAR 2022 (PUBLIC HEARING)

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

Mayor Mills opened the public hearing at 6:32 p.m. and Deputy City Clerk Erin Kelm verified the required postings and publications (November 24, 2021 and December 1, 2021 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Martinez introduced Interim Finance Director Kayla Barber-Perrotta.

Interim Finance Director Kayla Barber-Perrotta gave a brief overview of the 2021 accomplishments and the process that has taken place throughout the year to get to the final budget consideration.

Budget and Performance Analyst Traci McLean explained that there have been a few changes from the proposed budget. The re-appropriation across all funds has been done, staff and salary adjustments have been completed, Irrigation Replacement and Turf Conversion and online customer services options have been added, the Sable Boulevard and E-470 intersection design was moved to 2022 at the request of Council, and a non-potable rate study is being recommended. The proposed budget is \$155,140,018. Capital Outlay is making up the majority of the budget at just under 50%. This is due to the Municipal Service Center and the Water Treatment Plant projects. This trend will most likely continue through 2023.

Interim Director Barber-Perrotta explained that the Mill Levy is something that must be adopted by Council annually in order to set the property tax collection for the City for the coming year. Staff is recommending that the Mill Levy be set at 6.65 mills as it has been for the last two decades. The 2021 mill levy is projected to result in just over 4 million dollars in revenues for the 2022 budget.

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.

Mayor Pro Tem Johnston explained that City Council and staff had a full day budget session to get to this point and is excited about the projects that will be completed next year and thanked City Manager Martinez for his hard work to get this done. Mayor Pro Tem Johnston asked if other municipalities are recommending to hold their mills and not request an increase. Interim Director Barber-Perrotta stated there is no need to increase the mill levy at this time.

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

Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve Resolution 2021-100. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2021, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF BRIGHTON, COLORADO, AND SETTING THE MILL LEVY AT 6.650 MILLS FOR THE 2022 BUDGET YEAR

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

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve the Resolution 2021-101. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

7. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN ACCOUNTS IN THE CEMETERY FUND AND APPROPRIATING MONEY FOR EXPENDITURES IN THE AMOUNT OF \$35,000 FOR GENERAL OPERATING OF THE CEMETERY FUND

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

Mayor Mills opened the public hearing at 6:46 p.m. and Deputy City Clerk Erin Kelm verified the required postings and publications (November 24, 2021 and December 1, 2021 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Martinez introduced Interim Finance Director Kayla Barber-Perrotta.

Interim Finance Director Kayla Barber-Perrotta presented the First Amendment to the 2021 budget for the

Cemetery Fund. The current 2021 budget is \$138,197,981 and the Cemetery Fund is \$744,381. The need for this amendment is because this is one of the smaller funds in the City. There has been higher than anticipated inflation, turnover of a long-time employee and PTO payout, and a longer, hotter irrigation season requiring more water usage. Staff believes that if this fund continues current operating trends will end up about \$20,000 over the initial budget. Staff is requesting \$35,000 in case there are any emergencies between now and the end of the year, there would not be time to notice another public hearing. Any remaining funds would return to fund balance at the end of the year. This would bring the Cemetery Fund to \$779,381 and would bring the total City budget for 2021 to \$138,232,981.

Mayor Mills asked if anyone in the audience had questions for the applicant.

Alfred Nickerson, Brighton. Mr. Nickerson does not feel a budget should be increased one line item at a time to be approved by City Council. The correct amount should be requested at the beginning of the budget process. Mr. Nickerson asked about handicap parking in new subdivisions and asked about the budget for maintenance.

Interim Director Barber-Perrotta stated that the City Charter requires City Council approval for budget changes and increases.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Johnston asked if the policy has changed for the payout of paid time off. Interim Director Barber-Perrotta explained that the City has always been required to pay an employee for unused PTO when they leave. With the way the market is right now, the City is experiencing higher levels of that occurring. These costs have been able to be absorbed in other funds because they are larger, this has not happened in the Cemetery fund because it is so small and there are so few projects. Mayor Pro Tem Johnston asked if much of what is in there part of that. Interim Director Barber-Perrotta believes about \$40,000 has been offset. Mayor Pro Tem Johnston asked for clarification that the PTO policy has recently changes to add caps and require time to be taken. Mayor Pro Tem Johnston does not feel that budget amendments should be done in the future and asked what would happen if Council does not approve this. Interim Director Barber-Perrotta explained that the 2022 budget does include a \$40,000 contingency. This proposal is pulling from fund balance, staff is not asking for additional revenues. Staff tries to determine as close as possible what will be needed. You do not want to over budget because that opens the City up to potential fraud. In other cities she has worked, they typically do four or five budget amendments per year, this is a perfectly normal part of the budget process. This is only the second budget amendment that has been brought to Council since Interim Director Barber-Perrotta has been with the City. Spending was dialed back in other areas of the Cemetery fund so the budget amendment was smaller than the PTO payout.

City Manager Martinez explained that changes are being made to the internal structure so there is a better handle on the budgets more frequently. This will improve the amount of oversight the City Manager has over the budget.

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

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to approve the Resolution 2021-102. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

8. ORDINANCES FOR INITIAL 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 Resolution into the record.

City Manager Martinez introduced Interim Finance Director Kayla Barber-Perrotta.

Interim Finance Director Kayla Barber-Perrotta explained that the process is not being changed, how we get to the process is being changed. Over the past few years, the City has operated under a streamlined procurement process when it comes to certain capital items. This has been done through a series of waivers passed by Council through Resolution 01-107 pertaining to certain capital equipment and Resolution 2020-32 pertaining to software and hardware renewals. There has been recent changes in leadership in the City Attorney's office and the Finance Department. Staff is working more collaboratively to look at all processes and programs to ensure they are executed properly and efficient. The first area relates to the procurement process. Changes to the Code should be done by changing the Code, not layering on exceptions through Resolutions. Staff is asking to take the processes outlined in the two Resolutions and implement it into the Code through an Ordinance. Resolution 01-107 streamlines the process for certain operating and capital equipment. This has historically been used for vehicle purposes and utilities renewals each year. City Council gave administrative authority to the City Manager in certain scenarios to sign those contracts. If a contract award is over \$50,000 it must come before Council to be approved. In these cases, if the item was already approved through the budget process, followed procurement code and is in budget, Council gives the City Manager authority to sign those contracts. Resolution 2020-32 extended this streamlined process to software renewals and maintenance contracts. This has been helpful with software contracts and vehicle purchases with supply chain issues.

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

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

Mayor Mills called for a break at 7:08 p.m.

Mayor Mills reconvened the meeting at 7:22 p.m.

9. ORDINANCES FOR FINAL CONSIDERATION

10. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING ALL PUBLIC IMPROVEMENTS ASSOCIATED WITH A MAJOR SUBDIVISION AND APPROVING A SUBDIVISION PLAN AGREEMENT, FOR AN APPROXIMATELY 167.53 ACRE PROPERTY, GENERALLY LOCATED IN SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, COMMONLY KNOWN AS FARMLORE NORTH SUBDIVISION (RESOLUTION CONTINUED FROM NOVEMBER 16, 2021)**

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

City Manager Martinez introduced Senior Long Range Planner Shannon McDowell.

Senior Long Range Planner Shannon McDowell explained that this item is coming back after a public hearing on November 16, 2021 due to concerns that City Council had at that time. This is the Farmlore North Major

Subdivision Plan and Subdivision Plan Agreement. The applicant and property owner is Mick Richardson with Brighton Lakes, LLC. At the hearing on November 16, 2021, Council asked staff and the applicant to incorporate two revisions, first to require City Council approval for use of eminent domain and second to add a pedestrian connection to the City. The applicant asked for the paragraph regarding eminent domain in the Subdivision Plan Agreement to be removed. This eliminates the mention of eminent domain from the Agreement. A new paragraph will be added to address the pedestrian connection that was requested by City Council. City staff identified four potential alignments: along Chambers Road, along the Fulton Ditch, along 144th Avenue and through the Prairie Lakes Open Space. All four are in areas that have not yet developed. Significant grading could occur on those sites causing a permanent trail to be torn up and replaced when development occurs. Staff would be requesting an asphalt trail at least eight feet wide so snowplow operations could be facilitated. The Chambers Road and 144th Avenue alignments could possibly fit within an existing right-of-way. There is no existing easement or right-of-way for the other two proposed locations. The Fulton Ditch trail is about 2 ½ times the length of the other trails. The Prairie Lakes alignment has a water ditch that goes through the narrow strip of land, this could be problematic in locating a trail, so the ditch may need to be relocated. There is a roadside ditch on 144th Avenue that would have to be navigated and one property has some dense trees along the road and would need to be removed. Staff recommends the Chambers Road trail, it is the most shovel ready project that could be accomplished with Phase 1. Staff and the developer have worked diligently since April 2020 and feel this is a good project. The project meets all of the requirements of the Land Use and Development Code and the Comprehensive Plan. The amended Agreement requires the Chambers trail to be built in Phase 1. Staff is recommending acceptance of the Major Subdivision Plan and approval of the Subdivision Plan Agreement.

Senior Planner McDowell answered questions from Council regarding:

- The location of a light or ability to cross at 12th Avenue where the trail connects to Bromley Lane.*
- The location of bus stops in the development for school children.*

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Johnston, to approve as amended the Resolution 2021-103. Motion passed by the following vote:

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

No: 1 - Councilmember Cushing

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

B. 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 introduced Director of Parks and Recreation Travis Haines.

Director of Parks and Recreation Travis Haines presented the Founders Plaza Phase II Construction Landscaping Project to accept the bid of Arrow J Landscape & Design in the amount of \$613,810 to complete the construction of Phase II. Parks staff with Norris Design held a public input meeting at Founders Plaza in late 2020 to receive input from citizens, City Council and City staff. Norris Design then began working on the

Phase II design. In March 2021, the Parks staff applied for an Adams County Open Space grant for \$385,000, this is 55% of the total project cost. In July, the City was given the funds for the grant. Director Haines presented the improvements for Phase II. The area originally planned for a play area has been changed to a seating area. Three bids were received for the project and the bid of Arrow J Landscape & Design came in \$86,190 below budget at a cost of \$613,810. Staff recommends accepting the bid of Arrow J Landscape & Design, the most responsive and responsible proposer. The City's portion of the cost will be \$276,214.50 and the grant covering up to 55% of the cost is \$337,595.50. Staff has worked with the design team to place a 42" safety railing fence cap on top of the wall at the north end of the facility.

Director Haines and City Manager Martinez answered questions from Council regarding:

- The dirt remaining at the plaza.
- The amount spent and the amount of grants received.
- These improvements including doing something with the Wells Fargo wall.
- The reason the pour in place surface was eliminated.
- The type of picnic tables that will be installed.
- The design for the mural on the Wells Fargo wall.
- The length of time to complete the project.
- The food truck parking being part of the design.
- Any way to have a permanent stage area.
- There being a skating rink planned.
- Any sod or turf being installed.
- The trees being in the way of any performance.
- The cost to finish this phase.
- The possibility of other entities paying for this project.
- Continuing this item taking away from the grant that was received.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to continue the Resolution to December 21, 2021. Motion passed by the following vote:

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

No: 1 - Councilmember Cushing

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF NARANJO CIVIL CONSTRUCTORS, INC AND APPROVING THE PROCUREMENT OF DOWNTOWN MAIN STREET PEDESTRIAN AND BIKE IMPROVEMENTS, PROJECT # 21-007042, TO NARANJO CIVIL CONSTRUCTORS, INC. FOR THE CONTRACT AMOUNT OF TWO HUNDRED TWENTY THOUSAND, SEVEN HUNDRED FIFTY TWO DOLLARS AND FORTY CENTS (\$220,752.40), 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 Public Works Engineer Noe Martinez.

Public Works Engineer Noe Martinez presented the Downtown Main Street Pedestrian and Bike Improvements Project. The City applied for the Revitalizing Main Street - Small Multimodal and Economic Resiliency Grant developed by the Colorado Department of Transportation (CDOT) funded by S.B. 1

Multimodal Options Fund and S.B. 110 Build Back Better. The mission of the grant is to improve safety and create new community spaces to encourage healthy activity and mobility in Colorado's towns and cities. Staff looked at ways to make improvements including pedestrian improvements, traffic calming measures and the installation of infrastructure for mobility and active living. Staff has three options to choose from. The first option is for a pedestrian improvement, this would be a raised pedestrian crossing, which helps reduce vehicle speeds and provides the pedestrian in the field of vision of the oncoming vehicles. All ADA requirements will be followed and there will be minimum impact to emergency vehicles. This lowers pedestrian crashes by 45%. The second option is for flashing beacons, which have been implemented in other locations in the City. This enhances the crossing and notifies the vehicle of their intent to cross. The third option is to install infrastructure for bike racks in the Downtown area. Bike racks could be installed at the movie theater, the RTD parking lot, and other locations on Main Street. This would be installed on public right-of-way so it does not impact pedestrian traffic. There will be three raised colored pedestrian crossings on Main Street. Six rapid flashing beacons would be added and bicycle racks would be added to eight locations. The intent of the project is to promote pedestrian safety and encourage active transportation in the Downtown area. The RFP was issued on October 12, 2021 and two firms submitted proposals. The proposals were evaluated and Naranjo Civil Constructors, Inc. is the recommended contractor for \$220,752.40. The grant award is \$137,911.82, so the City's portion would be \$82,840.58. There is sufficient appropriation available for this project. Staff recommends approval of the contract to Naranjo Civil Constructors, Inc. for \$220,752.40.

Public Works Engineer Martinez, Public Works Engineering Manager Christopher Montoya and City Manager Martinez answered questions from Council regarding:

- There being any way to ride a bicycle Downtown without any bike lanes.
- The impact to the grant if the bicycle racks are not included in the grant.
- This grant only being used for Main Street Downtown.

Failed for lack of a motion.

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACKNOWLEDGING THE CERTIFIED ABSTRACT OF VOTES CAST FOR THE NOVEMBER 2, 2021 COORDINATED ELECTION

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

City Manager Martinez introduced Deputy City Clerk Erin Kelm.

Deputy City Clerk Erin Kelm explained that this Resolution certifies the abstract of votes cast for the November 2, 2021 Coordinated Election.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to amend the Resolution 2021-104. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

11. 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 (FIRST READING)

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

City Manager Martinez introduced Utilities Director Brett Sherman.

Utilities Director Brett Sherman stated that this is a housekeeping item. Traditionally the Water Dedication has been in the same section of the Code as the Plant Investment Fees. This should be in its own section of the Code, 13-4-10, so the implementation dates of the water dedication are clear.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to amend the Ordinance. Motion passed by the following vote:

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

Absent: 2 - Councilmember Blackhurst, and Councilmember Taddeo

12. GENERAL BUSINESS

A. Vistas at Donelson Park - Public Comment

City Attorney Alicia Calderón explained that there are designated times for public comment during regular City Council meetings for those items not on the agenda. Time for this matter has been set aside as Item 12A. Each person will be allowed five minutes to speak. This item was moved to the end of the agenda due to a large business agenda, which is permitted by City Council Rules. The comments should be focused on concerns about the project and information that you want anyone speaking tonight to hear about the project. It should not be about individuals involved in the project. City Council can receive this public comment because the appeal that is pending will be heard and decided by the Planning Commission per the Municipal Code. City staff involved in the appeal process will not be able to comment on the appeal and will not be able to answer any questions specifically about the project. The City Attorney or staff can answer questions about procedure.

Mayor Mills reminded everyone to be respectful.

George Ryan, Brighton. Mr. Ryan feels he was lied to because he was told the location for the Vistas at Donelson Park would be an extension of the townhomes. Mr. Ryan made the appeal. Mr. Ryan received a pamphlet and a video about the project.

Matthew Hilgard, Brighton. Mr. Hilgard was told there would be townhomes on the lot, not twelve apartment buildings. Mr. Hilgard expressed concern regarding traffic in the area.

Laura Dawson, Brighton. Ms. Dawson expressed concern regarding the parking, traffic and quality of life if these apartments are built.

Wayne Bobo, Brighton. Mr. Bobel expressed concern about traffic in the area and property values.

Amanda Black, Brighton. Ms. Black expressed concern regarding her son and the added traffic in the area from the apartments that will be located directly behind her home.

Kelly Schulte, Brighton. Ms. Schulte expressed concern regarding the lack of parking approved for the site, the loss of the sunset views, concern for her son and the need to have traffic studies done for the area.

Brenda McGee, Brighton. Ms. McGee expressed concern about the increase in traffic and she does not agree with apartments in this area.

Ron Walt, Brighton. Mr. Walt expressed concern that he was told there would be townhouses in the area. Mr. Walt is concerned about drag racing in the neighborhood, rats, trash and parking at his home.

Shawn Miller, Brighton. Mr. Miller expressed concern about traffic and safety, crime and do not feel there should be apartments in the neighborhood.

Jan Ryan, Brighton. Ms. Ryan expressed concern about traffic and neighborhood walkers and the apartments will make it unsafe in the neighborhood.

Michael Olfort, Brighton. Mr. Olfort expressed concern about traffic, congested roads, parking, and increased crime.

Deanne Miller, Brighton. Ms. Miller likes the mountain view and sunset and wants the apartments moved somewhere else.

Mike Gonzales, Brighton. Mr. Gonzales expressed concern regarding pest issues, traffic, congestion, and crime in the area.

Betty Bobo, Brighton. Ms. Bobo wants to know if this Council is overlooking the concerns of the neighborhood and asked that the area be rezoned.

Members of City Council discussed this item and thanked the residents for coming to the meeting.

Mayor Mills called for a break at 9:43 p.m.

Mayor Mills reconvened the meeting at 9:53 p.m.

City Clerk Natalie Hoel announced the unofficial results of the Special Run-off Municipal Election for Mayor. Gregory Mills received 2,751 votes and Laurie D. Lozano Maier received 2,340, 5,091 votes were received.

B. Tri County Health Mask Mandate Discussion

City Council discussed this item.

Motion by Mayor Mills, seconded by Councilmember Humbert, to hire a consultant and explore the possibilities of having our own health department or multi-jurisdictional health department. Motion passed by the following vote:

Councilmember	Aye:	5 -	Mayor Mills, Mayor Pro Tem Johnston, Councilmember Humbert, Pollack, and Councilmember Watts
	No:	1 -	Councilmember Cushing
	Absent:	2 -	Councilmember Blackhurst, and Councilmember Taddeo

13. REPORTS

A. By the Mayor

B. By Department Heads

C. By the City Attorney

D. By the City Manager

City Manager Martinez thanked everyone for their hard working putting the Tree Lighting ceremony together and announced that the Festival of Lights is Saturday.

14. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Watts attended the Youth Commission meeting.

Councilmember Humbert reported that the Friends of the Brighton Historic Museum has been formed.

Councilmember Cushing attended the tree lighting event and attended a ceremony at Main Street Creatives.

15. EXECUTIVE SESSION

16. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:24 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Erin Kelm, Deputy City Clerk

Approval Date