

City of Brighton

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



Meeting Minutes

Tuesday, February 15, 2022

6:00 PM

Council Chambers

City Council

**MAYOR - GREGORY MILLS
MAYOR PRO TEM - ADAM CUSHING
COUNCIL MEMBERS:
CLINT BLACKHURST, MATT JOHNSTON,
PETER PADILLA, JAN PAWLOWSKI,
MARY ELLEN POLLACK, ANN TADDEO,
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: 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the January 18, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING CURRENT ALTERNATE VALERIE WOLF AS AN AT-LARGE MEMBER OF THE PLANNING COMMISSION WITH A TERM TO JANUARY 2026

Resolution No. 2022-10

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING KATHRYN LEDONNE AS A WARD 2 MEMBER OF THE PLANNING COMMISSION WITH A TERM TO JANUARY 2026

Resolution No. 2022-11

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JOAN COX AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY TO FILL AN UNEXPIRED TERM TO AUGUST 2025

Resolution No. 2022-12

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RE-APPOINTING KATYA MISSAGHI AS AN AT-LARGE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD AND BIKE BRIGHTON SUB-COMMITTEE WITH A TERM TO JANUARY 2026

Resolution No. 2022-13

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A CONSTRUCTION, OPERATIONS, AND REIMBURSEMENT AGREEMENT WITH BROOKFIELD RESIDENTIAL (COLORADO), LLC FOR THE CONSTRUCTION AND REIMBURSEMENT OF A PARKING LOT AND OTHER CITY IMPROVEMENTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

Resolution No. 2022-14

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FARM MAINTENANCE AGREEMENT WITH BOOTS AND SHORTY FOR CITY-OWNED REAL PROPERTY LOCATED AT 1594 E. BROMLEY LANE, BRIGHTON, COLORADO 80601, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID FARM MAINTENANCE AGREEMENT ON BEHALF OF THE CITY

Resolution No. 2022-15

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE ADAMS COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT AND ADMINISTRATIVE PERSONNEL, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY, AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID IGA ON BEHALF OF THE CITY

Resolution No. 2022-16

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

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

4. CEREMONIES

- A. Swearing In of New Board and Commission Members

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

- B. School Resource Officer Appreciation Day Proclamation

Councilmember Blackhurst read the Proclamation into the record.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to approve the Proclamation. Motion passed by the following vote:

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

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

Roni Sue Garman, Brighton. Ms. Garman asked for the results from the traffic study and where and when the construction traffic would take place during the Mountain View Estates construction.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING VIA PLANNED DEVELOPMENT OF THE MOUNTAIN VIEW ESTATES SUBDIVISION, FILINGS 1 AND 2, FROM R-1 AND R-1-B TO THE MOUNTAIN VIEW ESTATES PLANNED DEVELOPMENT, GENERALLY LOCATED TO THE NORTH OF BRIDGE ST., SOUTH OF BASELINE RD., WEST OF TELLURIDE ST., AND EAST OF THE BRIGHTON LATERAL DITCH, AND LOCATED IN A PORTION OF THE WEST HALF OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

City Manager Michael Martinez explained that City staff and the applicant met to discuss the requests by City Council at the last meeting. City Manager Martinez introduced Associate Planner Nicholas Di Mario.

Associate Planner Nicholas Di Mario presented on items of concern expressed at the public hearing of the Mountain View Estates Planned Development that took place on February 1, 2022. The property is generally located north of Bridge Street, south of Baseline Road, west of Telluride Street and east of the Brighton Lateral Ditch and is approximately 165.7 acres in size. Planner Di Mario will provide an overview of the traffic improvements for the Mountain View Estates Filings 1 and 2 Subdivision and the requirement of utilizing non-potable water lines for the purpose of irrigating parks, landscape tracts, and common open spaces. This requirement is included in the draft Ordinance. A traffic conformance memo was submitted as required. This memo was studied in relation to the original traffic impact study. The purpose of the memo is to estimate the trip generation potential for the currently proposed residential land use and compare it to the residential trip generation potential for the previously proposed land use. The land use under which the traffic impact study was completed has not changed. The current platted subdivision has seven less units today than was planned for in the original study. The original study yielded the need for required improvements as stated in the existing Development Agreement. The proposed has the potential to generate 121 fewer vehicle trips on the average weekday. Fewer vehicle trips would enter and exit during a normal day. The trip generation potential is expected to be lower for the established residential land use so no further analysis should be needed.

The Transportation Master Plan classifies Telluride Street (North 35th Avenue) and Longs Peak Street as a collector streets. The primary function of collector streets is to provide circulation within neighborhoods and transitions to surrounding areas and to provide access to major and minor arterial roadways. North 35th Avenue will curve through the subdivision and the County portion of Telluride Street adjacent to Horizon Farms will be maintained. The collector streets consist of two lanes, a center turn lane, two bike lanes and a sidewalk on each side. The required improvements to Telluride Street and Longs Peak Street will occur through the entire subdivision.

The requirement to utilize a non-potable water line for park, tract and common area open space irrigation has been included in the draft Ordinance. All non-potable infrastructure will be reviewed and required during the civil construction document phase. Staff recommends approval of the Ordinance.

Planner Di Mario, Community Development Director Holly Prather and City Attorney Alicia Calderón answered questions from Council regarding:

- *There being time of day limits on construction traffic.*
- *The non-potable system being in addition to the xeric landscaping.*
- *The differences in this presentation to the last presentation.*
- *The applicant having spoken with any Councilmember since the last meeting.*
- *Staff having spoken with any Councilmember since the last meeting.*
- *The exact language from the motion at the previous meeting regarding a traffic study.*
- *The ability to move forward with this item and discuss any questions at final reading.*
- *The ability for Council to see this again at time of construction.*

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

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

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PLACEMENT OF A PLAQUE ON MEMORIAL PARKWAY RECOGNIZING JIM JEAGER FOR HIS SERVICE TO THE BRIGHTON COMMUNITY

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

City Manager Martinez introduced Parks and Recreation Director Travis Haines.

Parks and Recreation Director Travis Haines explained that this request to place a plaque on the Memorial Parkway recognizing Jim Jeager was approved unanimously at the Parks and Recreation Advisory Board meeting on December 1, 2021. Director Haines introduced Bob Grant and Bill Alsdorf.

Bob Grant and Bill Alsdorf spoke about Jim Jeager and his service to the Brighton community throughout his life in the City of Brighton.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to approve Resolution 2022-17. Motion passed by the following vote:

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

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THAT CERTAIN “PARTIAL RELEASE, REASSIGNMENT, AND ASSUMPTION OF THE VESTAS BRIGHTON NORTH CAMPUS SUBDIVISION, FILING NO. 1 DEVELOPMENT AGREEMENT” (“ASSIGNMENT”), AND AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT FOR THE CITY

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

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

Assistant Director of Community Development Mike Tylka presented the Partial Release, Reassignment, and Assumption of the Vestas Brighton North Campus Subdivision, Filing No. 1 Development Agreement. The buyer is Clayton Properties Group II represented by Charlie Alexander

and the seller is Vestas. The Clayton Properties Group is looking to purchase a parcel of land that is currently owned by Vestas. The property is Lot 1, Block 2 of the Vestas Brighton North Campus Subdivision Filing 1, and is located north of the current Vestas facility on WCR 6. The property was annexed in 2009 and platted in 2010. The Development Agreement does lock in successors and assigns to improvements that the property would warrant. The Development Agreement warrants that the piece of land that the buyer is looking to purchase improve WCR 6 adjacent to their site and the remaining improvements to the site are curb and gutter and a 10' wide trail. When the trail is built, this triggers Wells Denver to build the 10' wide trail on the northern side of WCR 6. This agreement essentially assigns the Development Agreement obligations to the buyer. Staff feels that the terms of the agreement are met. The buyer agrees to assume the obligations associated with the property while the seller retains responsibility for any other outstanding obligations. Staff recommends approval of the Resolution.

Assistant Director Tylka, City Attorney Alicia Calderón and Charlie Alexander, President with ACRE Development answered questions from Council regarding:

- Representatives from both companies being present.
- The consequences if City Council does not approve this request.
- The sale price of the property.
- A railroad spur being added.
- Any other benefits to the City of Brighton.
- The timeframe for the spur development to be done.

Motion by Councilmember Pollack, seconded by Councilmember Pawlowski, to approve Resolution 2022-18. Motion passed by the following vote:

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

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE QUOTE OF LUCERO CONCRETE, LLC AND APPROVING THE PROCUREMENT OF SOUTH OUTFALL TRAIL REPLACEMENT, PROJECT #21-006816M.1 (“PROJECT”), TO LUCERO CONCRETE, LLC FOR THE AMOUNT OF ONE HUNDRED SIXTEEN THOUSAND FOUR HUNDRED TWENTY FIVE DOLLARS (\$116,425.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE TASK ORDER TO THE ORIGINAL 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.

Assistant Director of Parks and Open Space Kyle Sylvester presented the South Outfall Trail Replacement Project. This project will replace 1,350 feet of asphalt along the South Outfall Trail. The asphalt surface is in poor condition and will be replaced with a 9 ft. wide trail constructed of new concrete. Lucero Concrete will complete the work for \$116,425 and the project will be completed in two weeks.

Assistant Director Sylvester answered questions from Council regarding:

- The date the multi-term contract with Lucero Concrete was signed.
- The contract being approved last year.
- The consideration of the fence being replaced.
- Lucero Concrete being a local contractor.
- City Council reviewing the multi-term contracts each year.

Motion by Councilmember Johnston, seconded by Councilmember Pollack, to approve Resolution 2022-19. Motion passed by the following vote:

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

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF IDEAL FENCING CORP. AND AWARDING THE CONTRACT FOR GUARDRAIL TREATMENT, PROJECT #21-007123, TO IDEAL FENCING CORP. IN THE AMOUNT OF NINETY ONE THOUSAND NINE HUNDRED EIGHTY ONE DOLLARS AND TWENTY FIVE CENTS (\$91,981.25), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO 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 Staff Engineer Gerardo Martinez.

Staff Engineer Gerardo Martinez presented the Guardrail Treatment Project. Staff has identified two locations needing improvement to create a safer roadway, 168th Avenue and North Main Street. There was \$225,000 budgeted for this project. An RFP was issued on December 7, 2021 and one bid was received by Ideal Fencing Corp. for \$91,981.25. The project could be completed by the end of April if there are no delays in receiving materials. Staff recommends approval of the contract.

Staff Engineer Martinez answered questions from Council regarding:

- The completion date in April being an estimated time.*

Motion by Councilmember Blackhurst, seconded by Councilmember Pollack, to approve Resolution 2022-20. Motion passed by the following vote:

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

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Padilla, to cancel the March 15, 2022 City Council meeting for the NLC Conference and schedule a Special City Council Meeting on March 22, 2022. Motion passed by the following vote:

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

12. REPORTS

A. By the Mayor

Mayor Mills attended the Metro Mayors Caucus meeting, the Chamber luncheon and the retirement celebration for Captain Al Sharon and Sergeant Rick Stolte.

B. By Department Heads

Finance Director Catrina Asher reported that the City was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association.

C. By the City Attorney

D. By the City Manager

City Manager Martinez announced that the City Council Visioning Session will be held on March 4th at the Recreation Center.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Padilla attended the Cultural Arts Commission meeting and the Airport Coordinating Committee meeting.

Councilmember Pawlowski attended the E-470 meeting.

Councilmember Blackhurst attended the Youth Commission meeting.

Mayor Pro Tem Cushing attended the Capital Facility Fee Foundation meeting and a concert at the Armory.

Councilmember Watts attended the Senior Advisory Board meeting, the Brighton Fire Rescue District meeting and NLC meetings.

Councilmember Taddeo attended the Chamber luncheon, the Historic Preservation Commission meeting and a concert at the Armory.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Padilla, to go into Executive Session at 7:54 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the Litigation Process and CIRSA Litigation Cases. Motion passed by the following vote:

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

Mayor Mills reconvened the meeting at 8:41 p.m.

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:42 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date