

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, March 1, 2022

6:00 PM

Amended

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 6:00 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Johnston 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

Mayor Mills arrived at 6:34 p.m.

2. APPROVAL OF REGULAR AGENDA

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

Aye: 8 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Mills

3. CONSENT AGENDA

A. Approval of the February 1, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF NORTH LINE GIS FOR THE CONTRACT AMOUNT OF FIVE-THOUSAND SIX HUNDRED FORTY DOLLARS (\$5,640.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-21

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

Aye: 8 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Mills

4. CEREMONIES

A. Recognition of Barr Lake Youth Volunteers

Barr Lake Park Manager Michelle Seubert recognized seven youth volunteers that have helped with various tasks and activities over the past year.

B. Women's History Month Proclamation

Councilmember Pollack read the Proclamation into the record.

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

Aye: 8 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Mills

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, AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND, CAPITAL FUND, PARKS CAPITAL FUND, WATER FUND, WASTEWATER FUND, AND CEMETERY FUND; AND APPROPRIATING MONEY FOR EXPENDITURES IN THE AMOUNT OF \$5,177,162 FOR THE MUNICIPAL SERVICE CENTER AND MUNICIPAL WATER RATE CHANGES

Mayor Pro Tem Cushing read the title of the Resolution into the record.

Mayor Pro Tem Cushing opened the public hearing at 6:17 p.m. and City Clerk Natalie Hoel verified the required postings and publications (February 17, 2022 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Michael Martinez introduced Budget and Performance Manager Kayla Barber-Perrotta.

Budget and Performance Manager Kayla Barber-Perrotta explained that Council is required to approve all budget and spending. The two items driving this budget amendment are Council's direction to adjust what the City is paying for its water from the municipal rate to a commercial rate and the accelerated MSC design project. Some of the supplies for the MSC project can be ordered at this time since the City is facing supply chain delays.

The municipal water rate change will impact the budget by approximately \$920,953. Most of this comes from the General Fund to water parks and the Wastewater Fund. The second item is the Municipal Service Center. The purchase of the materials will have an approximate \$4,256,209 impact on the budget from the Capital Fund, Parks Capital Fund, Water Fund and Wastewater Fund. Staff is asking for approval of the first amendment to the 2022 budget which allocates an additional 5.2 million dollars. This brings the total City budget for 2022 to \$160.3 million.

Mayor Pro Tem Cushing asked if anyone in the audience had questions for the applicant, there was none.

Mayor Pro Tem Cushing asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor Pro Tem Cushing asked if anyone in the audience wished to speak against the request, there was none.

Mayor Pro Tem Cushing asked if any correspondence had been received, there was none.

Mayor Pro Tem Cushing asked if there were questions from City Council.

Councilmember Padilla thanked staff for accelerating the MSC project and asked if this is to move funds into the 2022 budget since the project has been accelerated and not that the cost of the project is changing. Manager Barber-Perrotta stated that is correct, but the cost of the project has increased to 25 million dollars. Councilmember Padilla stated that one of the funding and bond requirements is to make sure that the City is paying the correct rate for water.

Councilmember Blackhurst is excited for these two items and moving up the construction of the MSC will make employees more efficient and appreciates staff getting this done. This is the first Council and Staff that have come up with a way for the City to pay a comparable rate for its water. Councilmember Blackhurst asked if any cuts had to be made in other line items to come up with the funding for this. Manager Barber-Perrotta explained that the offset is the replacement of turf and the MSC is pulling from existing fund balance.

Mayor Pro Tem Cushing feels it is an honest way for the City to budget and pay for its own water at a comparable rate.

Mayor Pro Tem Cushing closed the public hearing at 6:25 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-22. Motion passed by the following vote:

Aye: 8 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Mills

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER AND WASTEWATER FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO

Mayor Pro Tem Cushing read the title of the Ordinance into the record.

City Manager Martinez introduced Finance Director Catrina Asher and Revenue Manager Ana Le Scoezec.

Finance Director Catrina Asher explained that the purpose of this is to ensure that the rates the City is charging internally and externally are set at levels that support the cost of providing the services that the City is using. The current rate structure includes a municipal water rate that is separate from other rates in the structure. This began in 2017, prior to that the City was not charging itself for water usage. The municipal wastewater rate has been established for at least ten years and is equal to the residential rate. The municipal utility is an Enterprise and is funded by fees and not taxes to fund operating and maintenance costs. The development fees fund growth and expansion. Staff is proposing to remove the Municipal Water Rate as a stand-alone item and charge the City equal to a commercial user. The fiscal impact is approximately \$900,000 in revenue to the Water Fund and \$900,000 of expense to the other funds including the General Fund in 2022. For Wastewater, the recommendation is to remove the Municipal Rate and charge internal usage at a commercial rate. The fiscal impact is \$10,000 in 2022

Director Asher answered questions from Council regarding:

- Apartment units being commercial or residential.
- Apartments being charged once or the individual apartments being charged.

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

Aye: 8 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Mills

Mayor Pro Tem Cushing called for a break at 6:33 p.m.

Mayor Mills reconvened the meeting at 6:37 p.m.

8. ORDINANCES FOR FINAL 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 Martinez introduced Associate Planner Nicholas Di Mario.

Associate Planner Nicholas Di Mario presented the City's construction regulations as they relate to the Mountain States Planned Development. Limiting construction traffic access can be achieved by conditioning building and other permits to only use certain access points. The Public Works Standards and Specifications regulate the construction activities related to public infrastructure including utility lines, roadway expansions and improvements. They also define regular working hours as 7:00 a.m. to 7:00 p.m. of the same day, Monday through Friday and 8:00 a.m. to 4:00 p.m. of the same day, Monday through Friday for work done on or within arterial streets.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to approve Ordinance 2380. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Councilmember Watts

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ENGAGEMENT OF BOND COUNSEL**

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

City Manager Martinez introduced Finance Director Catrina Asher.

Finance Director Catrina Asher presented the Agreement with Butler Snow, LLP, they provide bond counsel services to municipal governments. This would be related to a future borrowing for funding the

Water Treatment Plant, this was included in the budget for this year. This engagement letter allows the City to work with Butler Snow as the plan is developed and they would work as bond counsel during that debt issuance. The City has worked with Butler Snow in the past.

Director Asher and City Attorney Calderón answered questions from Council regarding:

- *There being a conflict of interest because Butler Snow represents the City in other areas.*
- *Butler Snow continuing to help the City throughout the process.*

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-23. 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 LODGING TAX GRANTS AND ALLOCATIONS FROM THE LODGING TAX FUND IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR CALENDAR YEAR 2022; DESIGNATING THE RECIPIENTS AND AMOUNTS OF SAID GRANTS AND ALLOCATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS WITH THE RECIPIENTS OF THE 2022 ALLOCATION 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 Martinez explained that Items 9B and 9C will be presented together. City Manager Martinez introduced the Lodging Tax Committee Vice-Chair Wilma Rose, Budget and Performance Manager Kayla Barber-Perrotta and Management Analyst Erik Berg.

Lodging Tax Committee Vice-Chair Wilma Rose presented a history of the Lodging Tax Grants. The available tax is divided with 40% going to the Brighton Economic Development Corporation, 40% to the Brighton Cultural Arts commission and the remaining 20% to other groups not falling under the other two groups. The 2022 grant awards are distributed with \$100,000 to the EDC, \$100,000 to the BCAC, the Office of Youth Services Image Summit \$30,000 and Brighton Youth Commission SPEAK Week \$15,000. The Lodging Tax Committee is asking that the grants for 2022 in the amount of \$250,000 be awarded and the timeframe to spend the remaining funds from the grants in 2020 and 2021 be extended to December 31, 2022 since a lot of programs were not able to be done because of closures due to the pandemic.

Vice-Chair Rose, City Manager Martinez, Manager Barber-Perrotta, Management Analyst Erik Berg and Youth Services Manager Tawnya Russell answered questions from Council regarding:

- *The Image Summit and SPEAK Week be cut or reduced if the funds were not allocated by the Lodging Tax.*
- *The funds going back to Lodging Tax or staying in Youth Services if not spent.*
- *The funding for Youth Commission programs being pulled from other areas in the budget if the grant were not approved.*
- *The accounting process still taking place even though this is a grant.*
- *The budget for the Brighton Youth Commission.*
- *The number of residents impacted by the Youth Commission budget.*
- *The need for outside funds even with the Youth Commission budget.*
- *The grant providing another revenue source to offset costs.*
- *Youth Services having applied for the grant funding.*
- *The funds being returned or stay in Youth Services if they are not spent.*
- *The advertising process letting the community know that funds are available.*
- *The Council representative on the Lodging Tax Advisory Committing having a vote.*

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-24. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Taddeo, and Councilmember Watts

No: 2 - Mayor Pro Tem Cushing, and Councilmember Pollack

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, EXTENDING THE TIMEFRAME FOR USE OF THE LODGING TAX GRANTS AND ALLOCATIONS FROM THE LODGING TAX FUND AWARDED IN 2020 AND 2021 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT EXTENSIONS WITH THE RECIPIENTS LISTED IN RESOLUTION 2019-119 AND 2021-106 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 Martinez explained that the unallocated funds for 2020 and 2021 will be spent by December 31, 2022.

Vice-Chair Rose explained that the funds for the Founders Plaza are for the mural on the wall after it is fixed.

Vice-Chair Rose and City Attorney Calderón answered questions from Council regarding:

- *There being any TABOR issues with returns for the unspent funds.*
- *This being any different than a reserve.*
- *There being a topic chosen for the mural at Founders Plaza.*
- *The date when it was determined that the City Council representative would not have a vote.*
- *The use of funds for City departments.*
- *The Municipal Code stating that the City Council representative would be a voting member.*

Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve Resolution 2022-25. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Taddeo, and Councilmember Watts

No: 1 - Councilmember Pollack

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Mills attended the Highway 7 Coalition meeting, the NATA meeting, the CML Policy Committee meeting and the CML Legislative workshop.

B. By Department Heads

Utilities Director Brett Sherman updated City Council on the sinkhole at Longspeak Street and North 7th Avenue.

C. By the City Attorney

D. By the City Manager

City Manager Martinez met with the Interim County Manager about regional projects including the E-470 IGA.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Cushing attended the DRCOG meeting and the RTD meeting.

Councilmember Blackhurst attended the Brighton Fire Rescue District meeting.

Councilmember Pawlowski attended the E-470 meeting.

Councilmember Padilla attended the State Wrestling Tournament.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Pawlowski, to go into Executive Session at 8:16 p.m. for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees regarding the City Attorney's Evaluation. 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 8:53 p.m.

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:54 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date