

# City of Brighton

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



## Meeting Minutes

**Tuesday, January 18, 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 6:05 p.m.*

**A. Pledge of Allegiance to the American Flag**

*Councilmember Padilla led the recitation of the Pledge of Allegiance to the American Flag.*

**B. Roll Call**

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

**Not Present:** 1 - Councilmember Pollack

**2. APPROVAL OF REGULAR AGENDA**

*Councilmember Johnston asked that Item 3D be moved to Item 9B.*

**Motion by Councilmember Johnston, seconded by Mayor Pro Tem Cushing, to approve the Regular Agenda as amended. 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

**Absent:** 1 - Councilmember Pollack

**3. CONSENT AGENDA**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A MINI-GRANT AGREEMENT WITH ADAMS COUNTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) FOR THE HIGH SCHOOL SENIORS BEAUTIFICATION PROJECT AT DONELSON PARK; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00); AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE AGREEMENT**

**Resolution No. 2022-02**

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH THE GREATER BRIGHTON CHAMBER OF COMMERCE FOR CITY-OWNED REAL PROPERTY LOCATED AT 269 EAST BRIDGE STREET, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT**

**Resolution No. 2022-03**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING OFFICIAL REPRESENTATIVES AND ALTERNATES OF THE CITY COUNCIL TO CERTAIN BOARDS AND COMMISSIONS**

**Resolution No. 2022-04**

- 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 TO ENTER INTO AN AGREEMENT WITH THE BRIGHTON URBAN RENEWAL AUTHORITY FOR REPAYMENT OF THE COSTS OF THIS PROJECT**

*This Item was moved to Item 9B.*

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) GRANT APPLICATION IN THE AMOUNT NOT TO EXCEED \$25,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND UPON AWARD THEREOF, TO CONDUCT GOOD FAITH NEGOTIATIONS FOR FINALIZING A REASONABLE GRANT AGREEMENT WITH DOLA FOR CONSIDERATION BY THE CITY COUNCIL**

**Resolution No. 2022-06**

**Motion by Councilmember Watts, seconded by Councilmember Padilla, to approve the Consent Agenda as amended. 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

**Absent:** 1 - Councilmember Pollack

#### **4. CEREMONIES**

- A. Recognition of Colorado Parks and Recreation Association State Award Recipients**

*Parks and Recreation Director Travis Haines recognized Assistant Director of Parks and Open Space Kyle Sylvester, winner of the Colorado Parks & Recreation Association Parks Section Professional of the Year and Recreation Center Facilities Coordinator Amanda Aburto, winner of the Colorado Association of Recreational Athletics Professional of the Year.*

- B. Presentation of Check to the Senior Advisory Board**

*Assistant Director of Recreation Jeffrey Hulett presented a check in the amount of \$14,000 from the proceeds of the Turkey Trot to the Senior Advisory Board.*

- C. Dr. Stephen F. Cardos Day Proclamation**

*Mayor Mills read the Proclamation into the record.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to approve the Proclamation. 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

Absent: 1 - Councilmember Pollack

**D. Swear In Council Members to Various Boards and Commissions**

*City Clerk Natalie Hoel swore in the City Council to their positions on various Boards and Commissions appointed by Resolution 2022-04.*

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

*Kitty LaDonne, Brighton. Ms. LaDonne expressed concern regarding responsible growth and demographics related to medical care and possible uses for the Armory.*

**6. PUBLIC HEARINGS**

**7. ORDINANCES FOR INITIAL CONSIDERATION**

**8. ORDINANCES FOR FINAL CONSIDERATION**

**9. RESOLUTIONS**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE EXERCISE OF EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PURPOSE OF ACQUIRING EASEMENTS FOR STORM WATER DRAINAGE, RETAINING WALL ADJACENT TO NORTH GOLDEN EAGLE PARKWAY, AND OTHER IMPROVEMENTS, AND CONSTRUCTION OF THE SAME**

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

*City Manager Michael Martinez introduced City Attorney Alicia Calderón.*

*City Attorney Alicia Calderón explained that the power of eminent domain for a Metro District requires that the local governing body gives the Metro District permission to exercise that power. The Metro District is seeking to use this power for a specific project. All the City can do is agree or not agree, but ultimately the decision as to whether or not eminent domain is appropriate is a court process set out specifically in the State Statutes. Council is only allowing the Metro District to proceed with that process if they choose.*

*Mikaela Rivera, Counsel for Brighton Crossing Metropolitan District No. 7. Ms. Rivera asked City Council to consent to the potential use of eminent domain if necessary. In addition to City Council consent, Adams County's consent was also required. The County Commissioners have already voted on this item and given consent for eminent domain if necessary. Approval of this Resolution does not mean that condemnation is eminent. It is the preference of the District to negotiate a mutually acceptable agreement with the landowner United Water and Sanitation District. Negotiations are ongoing and will not end if consent is granted by City Council. Eminent domain will be a useful tool if needed, condemnation is a last resort. Ms. Rivera presented the specifics of the project, a drainage easement for a swale that will connect regional detention pond 308 to the Speer Canal and a smaller easement for a retaining wall that will allow for the realignment of North Golden Eagle Parkway. This is needed for all of the regional development.*

*Mikaela Rivera, Sue Siebel with Dewberry and Deputy City Manager Marv Falconburg answered questions from Council regarding:*

- The reason United decided to withhold the pond that was planned.*
- The pond owned by United Water currently holding stormwater.*
- The property belonging to Brookfield and not United Water.*
- The reason the easements were not secure prior to development.*
- The responsible party if the easement is not secured and there is a serious drainage problem.*

**Motion by Councilmember Johnston, seconded by Councilmember Padilla, to approve Resolution 2022-07. 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

**Absent:** 1 - Councilmember Pollack

- 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 TO ENTER INTO AN AGREEMENT WITH THE BRIGHTON URBAN RENEWAL AUTHORITY FOR REPAYMENT OF THE COSTS OF THIS PROJECT**

*This item was moved from Item 3D.*

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

*City Manager Michael Martinez explained that the Brighton Urban Renewal Authority has agreed to refund the City for its portion of the project. Adams County has the largest portion of cost for the project. The City will pay for this and will be reimbursed by BURA.*

*Parks and Recreation Director Travis Haines answered questions from Council regarding:*

- *There being a safety mechanism between the wall and the street.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to approve Resolution 2022-05. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Taddeo, and Councilmember Watts.

**No:** 2 - Mayor Pro Tem Cushing and Councilmember Johnston

**Absent:** 1 - Councilmember Pollack

## **10. UTILITIES BUSINESS ITEMS**

### **Resolutions**

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF GARNEY CONSTRUCTION AND APPROVING THE PROCUREMENT OF SACWSD INTERCONNECT DESIGN BUILD, PROJECT #21-007095, TO GARNEY CONSTRUCTION FOR THE CONTRACT AMOUNT OF THREE MILLION FIVE HUNDRED TWENTY-NINE THOUSAND DOLLARS (\$3,529,000.00), 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 Utilities Director Brett Sherman and Assistant Director of Utilities Marc Johns.*

Assistant Director of Utilities Marc Johns explained that the interconnect project would run a water line to tie into the water system at 120<sup>th</sup> Avenue and Peoria Street, run south and tie into the South Adams distribution system at 112<sup>th</sup> Avenue and Peoria Street. Water will be acquired from Denver Water, transported through the South Adams system to get to the City. The project was budgeted at \$1,075,000, the project cost came in at \$3,529,000 so additional funds will be needed in the amount of \$2.454 million. Staff is recommending awarding the contract to Brown & Caldwell / Garney for \$3,529,000 contingent on the approval of the budget amendment that will be presented on February 1, 2022.

Assistant Director Johns and Director Sherman answered questions from Council regarding:

- Combining design and construction phase in the same proposal.
- The ability to get this in place before peak usage this year.
- This being consistent with the request for conservation action to supplement water during peak usage.
- This water being fully treated like Thornton water.
- The treatment of the water having the same quality standards as the City of Brighton.
- The reason this has not been done in the past.
- There being a possibility that this would not solve the peak water issue.
- There being any water loss through the transfer from Denver Water.
- The amount of water that could be provided to the City with unlimited water treatment capacity.
- The ability to use more water in the summer if less water is used in the winter.
- The reason Brown & Caldwell is being preferred.
- The City being able to capture water in the cells from the South Platte River.

**Motion by Councilmember Padilla, seconded by Councilmember Johnston, to approve Resolution 2022-08. 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

**Absent:** 1 - Councilmember Pollack

## **11. GENERAL BUSINESS**

## **12. REPORTS**

### **A. By the Mayor**

*Mayor Mills attended the ribbon cutting at Freddy's and the Retirement of John Hicks at Platte Valley Medical Center.*

### **B. By Department Heads**

### **C. By the City Attorney**

### **D. By the City Manager**

## **13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Councilmember Taddeo attended the Chamber luncheon.*

*Councilmember Watts attended the ribbon cutting at Freddy's.*

*Councilmember Blackhurst attended the Youth commission meeting.*

*Mayor Pro Tem Cushing attended the ribbon cutting at Freddy's and the Eye for Art reception.*

*Councilmember Pawlowski attended the Chamber luncheon.*

**14. EXECUTIVE SESSION**

**A. Motion by Mayor Pro Tem Cushing, seconded by Councilmember Johnston, to go into Executive Session at 7:52 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding an Economic Development Prospect. 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

**Absent:** 1 - Councilmember Pollack

*Mayor Mills reconvened the meeting at 8:42 p.m.*

**B. Motion by Mayor Pro Tem Cushing, seconded by Councilmember Johnston, to go into Executive Session at 8:43 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 Litigation. 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

**Absent:** 1 - Councilmember Pollack

*Mayor Mills reconvened the meeting at 9:18 p.m.*

**15. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 9:18 p.m.*

**CITY OF BRIGHTON, COLORADO**

  
\_\_\_\_\_  
Gregory Mills, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Natalie Hoel, City Clerk

  
\_\_\_\_\_  
Approval Date