

# City of Brighton

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



## Meeting Minutes

**Tuesday, March 3, 2020**

**7:00 PM**

**Amended**

**Council Chambers**

## City Council

**MAYOR - GREGORY MILLS**

**MAYOR PRO TEM - MATT JOHNSTON**

**COUNCIL MEMBERS:**

**CLINT BLACKHURST, ADAM CUSHING, MARK HUMBERT,  
KRIS JORDINELLI, MARY ELLEN POLLACK, TIM WATTS**

**1. CALL TO ORDER**

*Mayor Mills called the meeting to order at 7:00 p.m.*

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

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

**B. Roll Call**

**Present:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**2. APPROVAL OF REGULAR AGENDA**

*Mayor Pro Tem Johnston added Item 11B, Release of the Draft Forensic Audit.*

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

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**3. CONSENT AGENDA**

**A. Approval of the February 4, 2020 City Council Minutes**

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN OIL AND GAS LEASE (NO SURFACE OCCUPANCY) WITH GREAT WESTERN OIL AND GAS COMPANY FOR +/- 10.2 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTION 17 IN TOWNSHIP 1 SOUTH, RANGE 66 WEST IN ADAMS COUNTY, COLORADO; FINDING THAT THE TERMS OF SAID LEASE ARE REASONABLE AND THAT IT IS IN THE BEST INTEREST OF THE CITY TO ENTER INTO SAID LEASE; AUTHORIZING THE MAYOR TO EXECUTE SAID LEASE ON BEHALF OF THE CITY; AND AUTHORIZING THE ACTING CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID LEASE**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE CHANGE ORDER #3 OF PAONIA INC. AND APPROVING THE AMENDMENT #3 TO THE CONTRACT FOR FIBER INSTALLATION PROJECT, PROJECT #18-028, TO PAONIA INC. UP TO THE REQUESTED AMOUNT OF \$57,191.00, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE AMENDMENT #3 TO THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

**Resolution No: 2020-22**

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE QUOTE OF ABBA TECHNOLOGIES INC. AND AWARDING THE CONTRACT FOR ANNUAL MAINTENANCE RENEWAL FOR HPE HARDWARE, PROJECT #20-006225, TO ABBA TECHNOLOGIES INC. UP TO THE AMOUNT OF \$69,886.47, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Resolution No: 2020-23

- E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF EIGHT SMALL TRACTS LOCATED WITHIN BRIGHTON CROSSING TO THE BRIGHTON CROSSINGS OPERATIONS BOARD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEED THEREOF

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT (“IGA”) BETWEEN THE CITY OF BRIGHTON, THE COLORADO DEPARTMENT OF TRANSPORTATION, ADAMS COUNTY, BOULDER COUNTY, THE CITY AND COUNTY OF BROOMFIELD, THE CITY OF LAFAYETTE, THE CITY OF THORNTON, AND THE TOWN OF ERIE FOR STATE HIGHWAY 7 (SH7) PRELIMINARY AND ENVIRONMENTAL ENGINEERING FUNDING FROM BRIGHTON TO BOULDER AND AUTHORIZING THE MAYOR TO EXECUTE SAID IGA ON BEHALF OF THE CITY

Resolution No: 2020-24

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING LIANE WAHL AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION WITH A TERM TO JANUARY 2024

Resolution No: 2020-25

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JOHN MORSE AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION TO FILL AN UNEXPIRED TERM TO JANUARY 2021

Resolution No: 2020-26

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

Aye: 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

#### 4. CEREMONIES

- A. Swearing In of New Board and Commission Member

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

**B. Inclusion Day Proclamation**

*Mayor Mills read the Proclamation into the record and presented it to Michelle from Brighton High School, recently recognized as a Unified Champion School.*

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

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**C. Recognition of the Adams County Mayors and Commissioners Youth Award Nominees**

*Youth Services Manager Tawnya Russell introduced Amari Guerrero, Leeann Mulleavey, Charlie Terry, Angel Mollel, Benjamin Erger, Fiona Mackendrick, Zachary Vigil, Kezia McDonald-McNeal, Shane Brashers, Sydney Storey and Dagan Augustine, all nominees for the Adams County Mayors and Commissioners Youth Awards.*

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

*Rex Bell, Brighton. Mr. Bell asked City Council to volunteer to help the food banks in the City of Brighton.*

*Michael Boutwell, Brighton. Mr. Boutwell announced that he is getting involved in the City and is running for the open Ward 2 City Council seat.*

**6. PUBLIC HEARINGS****7. ORDINANCES FOR INITIAL CONSIDERATION****A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REPEALING ARTICLE 2-24 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE RESERVE POLICE OFFICERS UNIT**

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

*Acting City Manager Marv Falconburg introduced Chief of Police Paul Southard.*

*Chief of Police Paul Southard explained that this Ordinance would repeal Municipal Code Section 2-24. In 1968, the Brighton Municipal Code was created and it created the Brighton Police Department Reserve Unit. The unit was established to provide additional officers to protect the City and at the time reserve officers outnumbered the full-time officers. Over time, the unit has varied in size and consisted of nine officers at the end of 2019. In the past, reserve units were commonplace in Colorado as many smaller cities and sheriff offices supplemented their patrol force with volunteers. Over time, the Police Officers Standards and Training Board (POST) began updating training for peace officer certification. Initially, academy training was nearly non-existent. This progressed as training academies and POST gradually lengthened programs to the current level of nearly 4-6 months. In addition to academy training, POST required a minimum of 24 hours of continuing training each year. Of these 24 hours, 12 hours has to be skills related, like firearms, driving and use of force/arrest control. In 2019, the reserve officers struggled to comply with this requirement. Many were still working toward completing this task near year-end. Staff time was diverted from other tasks in order to facilitate completion of this training. Failure to complete the training would result in the loss of POST training grant funds for the department. The training deficiency was the impetus for a discussion about the reserve unit and its current state. Command staff members submitted their recommendation for moving forward with disbanding the unit based on the following concerns:*

- Full-time officers receive ongoing training in a variety of formats to include in-service training, briefing training, daily training bulletins, and outside training. This amount of training and content is nearly impossible to replicate for reserve officers.
- The skill set necessary for an officer in today's law enforcement environment is not compatible with the original intent of the founders of the unit.
- Historically, a Police Sergeant has managed the reserve unit as an ancillary assignment. Currently, sergeants are responsible for numerous ancillary duties along with their primary job responsibilities.
- Given the current circumstances surrounding modern policing, the department's existing priorities and objectives make it difficult to justify diverting resources from more pressing programs and ongoing supervisory responsibilities.
- The department lacks adequate time and resources to devote to the needs of the reserve program due to daily demands.

Early in its existence, the Reserve Unit was staffed by local citizens. This is no longer the case. Of the nine members at the end of 2019, only two were residents of the City of Brighton. With the retirement of one of them, only one member is a resident. Failure to train police officers adequately places the City of Brighton at risk. While the City and the police Department value its volunteers, the risk of liability outweighs the benefit. In addition to risk, a cost/benefit approach to the question must be considered. In 2019, two members put in zero hours patrol time and overall the unit put in an average of 4.53 hours per month, per person. At minimum, the sergeant assigned as a liaison put in five hours per month. The police departments of Broomfield, Thornton and Northglenn do not have Police Reserve units. Commerce City's unit was disbanded seven years ago. Westminster's unit was disbanded fifteen years ago. Federal Heights and Adams County are the only north metro departments with a reserve unit. Based on this information and discussion among the command staff of the Brighton Police Department, staff is recommending retiring the reserve unit.

Joe Negri, Erie. Mr. Negri expressed concern regarding the disbanding of the reserve unit and explained that the training is not an issue and the unit is a benefit to the City.

Dave Shuler, Thornton. Mr. Shuler explained that the reserve unit has more experience than most of the full-time officers and the unit is a benefit to the City, especially during citywide events.

Christopher Schoeneck, Brighton. Mr. Schoeneck expressed concern regarding the disbanding of the reserve unit and asked staff to find a way to resolve the issues with the unit without having to disband the unit.

Sean Connell, Westminster. Mr. Connell feels that a new graduate from the academy would be more of a risk than a reserve officer and feels getting rid of the unit would be a waste of a resource.

Chief of Police Southard explained that there was a push to get the required training done and it was not completed until the last day of the year, which put the POST funds in jeopardy. The reserve officers were paid to help the school resource officers. Chief Southard spoke with Mr. Schoeneck several years ago regarding the disbanding of the reserve unit because of the same issues being discussed tonight. The reserve officers asked if training could be completed on the weekends, this would require paying another officer overtime to cover those days. These do not seem like big issues to overcome, but with eighty sworn staff, there are sergeants not only doing their supervisory duties, they also have other duties they are responsible for doing. This makes it difficult for them to commit the extra time to the reserve unit. These issues affect the entire department. Chief of Police Southard and City Attorney Jack Bajorek answered questions from Council regarding:

- Any other option than to disband the program.
- Anything to be done to keep the program.
- The Ordinance mandating the reserve unit.
- The ability for officers to cover shifts better if not doing the training.
- The feedback from other cities.
- Other cities having brought back their reserve unit.
- The ability to redraft the Ordinance to keep the reserve officers.
- It being harder to create a new Ordinance than delete the unit.
- The decision to be made by the Chief of Police.
- Leaving the Ordinance in place and take the unit to zero.

**Motion by Councilmember Pollack, seconded by Councilmember Jordinelli, to approve the Ordinance. The motion failed by the following vote:**

**Aye:** 2 - Councilmember Jordinelli, and Councilmember Pollack

**No:** 6 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, and Councilmember Watts

## **8. ORDINANCES FOR FINAL CONSIDERATION**

### **A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING FOUR LEASE AGREEMENTS 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**

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

*Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Watts, seconded by Councilmember Cushing, to approve Ordinance 2332. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## **9. RESOLUTIONS**

### **A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF GREENPLAY LLC AND AWARDING THE CONTRACT FOR PARKS & RECREATION MASTER PLAN UPDATES, PROJECT #20-011, TO GREENPLAY LLC IN THE AMOUNT OF \$159,999.00, 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.*

*Acting City Manager Falconburg introduced Interim Parks and Recreation Director Travis Haines.*

*Interim Parks and Recreation Director Travis Haines presented the Parks and Recreation Master Plan Update. Formal proposals were requested to review the Parks and Recreation Master Plan from 2008, review and update the Greenways and Trails Master Plan from 2004, and review and update the Brighton Open Space Plan from 2001. The three master plans will be integrated with the Comprehensive Plan and the Transportation Master Plan. GreenPlay would utilize four stages of public engagement throughout their process. These include information gathering, needs assessment, staff and stakeholder discussions, six public meetings and interactive online tools. They will complete an inventory of every asset in the City parks with a GIS tracking system and look at the quality, quantity and functionality of the City parks system. Recommendations will be made related to demographics, history and trends. Findings and Visioning will be completed and feedback will be given to staff, stakeholders and City Council. The City's recreation programs will be analyzed along with staffing levels and maintenance recommendations. Marketing and communications for the Recreation Center and Eagle View Adult Center and financial resources would be reviewed. A parks impact fee*

study will be completed. A strategy will be discussed for future farmland acquisitions and it will incorporate farmland in the District Plan into the Open Space Maser Plan. Draft recommendations will be presented with a summary of findings. The final plan will be reviewed with staff and City Council and another public meeting will be held to get any final input. It will then be up to staff to implement the final Master Plans. These plans typically focus on a five-year plan for operations, a ten-year plan for capital projects and improvements and a twenty-year strategic vision. The information will be specific to Brighton and will include unique neighborhood and pocket parks. GreenPlay has completed over 550 projects for local, state and national private organizations. The project will take eight months to complete. Staff recommends approval of the contract to GreenPlay, LLC for \$159,999.00, the most responsive and responsible bidder. Interim Director Haines answered questions from Council regarding:

- The contractor looking at all parks as inclusive parks.
- The need for inclusive play equipment in parks.
- The plan addressing the location and need for a soccer complex.
- The ability to stick to the cost of the bid.
- The timeframe for completion.
- The timeframe to begin the project.
- Any comments on a new facility for sports in the City.

**Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve Resolution 2020-27. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## **10. UTILITIES BUSINESS ITEMS**

## **11. GENERAL BUSINESS**

### **A. Discussion of Process to Hire a City Manager**

*Mayor Mills and City Council members discussed the process for hiring a City Manager and agreed that this item should be placed on the agenda at the next City Council meeting.*

### **B. Discuss Release of the Draft Forensic Audit**

*City Council discussed the release of the draft Forensic Audit.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve the release of the draft Forensic Audit. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## **12. REPORTS**

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

*Mayor Mills attended the dinner for the Mayors and Commissioners Youth Award nominees, the Brighton Visitors Center opening, the NATA meeting, the Pennock Center Healing Hearts event, the Vision and Planning session and read to students at Pennock Elementary. The National League of Cities conference is next week.*

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

*Infrastructure Director Michael Woodruff updated Council on the opening of Chapel Hill Road and the closing of Baseline Road.*

**C. By the City Attorney**

**D. By the City Manager**

*Acting City Manager Falconburg presented Council with the agenda for the Visioning session. The Forensic Audit is on the agenda for March 17<sup>th</sup>.*

*Emergency Management Coordinator Stephanie Hackett gave an update on the Coronavirus outbreak.*

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

*Councilmember Cushing attended the NATA meeting and the 27J Community Summit.*

*Mayor Pro Tem Johnston attended the E-470 meeting.*

*Councilmember Humbert interviewed students for Youth Services, attended the Adams County Mayors and Commissioners Youth Awards dinner, the Visitors Center opening, the Pennock Center Healing Hearts event, the Downtown Partnership meeting, the Eagle View Spaghetti Dinner and read to students for Dr. Seuss Day.*

*Councilmember Watts read to students for Dr. Seuss Day, attended the BURA meeting and the Fire District meeting.*

*Councilmember Jordinelli attended the Pennock Center Healing Hearts event, the Chamber ribbon cutting and the 27J Community summit.*

**14. EXECUTIVE SESSION**

**15. ADJOURNMENT**

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to adjourn at 9:38 p.m. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts



**CITY OF BRIGHTON, COLORADO**

*Gregory Mills*  
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Gregory Mills, Mayor

**ATTEST:**

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

*April 21, 2020*  
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Approval Date