

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, March 21, 2023

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - CLINT BLACKHURST
COUNCIL MEMBERS:
TOM GREEN, MATT JOHNSTON,
PETER PADILLA, JAN PAWLOWSKI,
MARY ELLEN POLLACK, ANN TADDEO

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 Green led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

2. APPROVAL OF REGULAR AGENDA

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

3. CONSENT AGENDA

A. Approval of the February 21, 2023 City Council Minutes

B. Approval of the February 28, 2023 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT FOR CO-RESPONDER SERVICES BETWEEN THE CITY OF BRIGHTON AND COMMUNITY REACH CENTER, INC.

Resolution No. 2023-25

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE DISTRIBUTION OF FUNDS RECEIVED FROM THE SALE OF THE DENVER BRONCOS; FINDING A PUBLIC PURPOSE FOR THE USE OF THOSE FUNDS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENTS

Resolution No. 2023-26

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF MUSCO SPORTS LIGHTING, LLC FOR THE ADULT SPORTS COMPLEX LED LIGHTING PROJECT FOR THE CONTRACT AMOUNT OF EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$825,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-27

F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ANDREW SWORD AS A MEMBER OF THE DISTRICT PLAN COMMISSION WITH A TERM TO JANUARY 2026

Resolution No. 2023-28

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

4. CEREMONIES

A. Swearing In of New Board and Commission Member

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

B. National Ag Day Proclamation

Mayor Mills read the Proclamation into the record.

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

C. Almost Home, Inc. 30th Anniversary Proclamation

Councilmember Padilla read the Proclamation into the record.

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

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

Tom Lampo, Thornton. Mr. Lampo prayed for the city.

Magdalena DelVillar, Brighton. Ms. DelVillar expressed concern regarding Council pay and benefits and lack of attendance at meetings and board and commission meetings, the need to address not having family members serving together on City Council and not receiving calls back from the Mayor.

Julie Ratliff, Brighton. Ms. Ratliff expressed a need for dedicated pickleball courts in the city.

Jac Cuney, Brighton. Mr. Cuney spoke in support of a dedicated sales tax for the Police Department and the need for pickleball courts in the city.

Kevin Murray, Brighton. Mr. Murray expressed concern regarding the rezoning for the Amprius lithium-ion battery factory and the safety codes for this type of operation.

Jessie Williams, Brighton. Ms. Williams expressed concern regarding the safety, property values and pollution regarding the rezoning at the K-Mart Distribution Center.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2 OF THE BRIGHTON MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS

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

City Attorney Alicia Calderón presented the Ordinance to clean up the Municipal Code related to City Council serving on Boards & Commissions. The changes include removing non-profits and boards that no longer exist. Removing the specificity from Parks and Recreation board members to allow easier recruitment of members. Make City Council appointees on city boards non-voting members. Add an at-large resident member to the Lodging Tax Advisory Committee to make an odd number. Change the Board of Appeals to a Hearing Officer.

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING DISCONNECTION PROCEDURES BY AMENDING CHAPTER 17 ARTICLE 2 OF THE BRIGHTON MUNICIPAL CODE

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

Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Padilla, to approve Ordinance 2410. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 6-4-900 OF THE BRIGHTON MUNICIPAL CODE RELATING TO MINIATURE GOAT KEEPING

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

Motion by Councilmember Pollack, seconded by Councilmember Pawlowski, to approve Ordinance 2411. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 9 OF THE BRIGHTON MUNICIPAL CODE TO UPDATE HARASSMENT LANGUAGE, INCREASE THE VALUE LIMIT FOR THEFTS, CLARIFY TRESPASS, AND ADD COMPARABLE STATE LANGUAGE FOR INTERFERING WITH A POLICE OFFICER**

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

Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Padilla, to approve Ordinance 2412. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

- D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO UNITED POWER, INC. OVER A PORTION OF REAL PROPERTY GENERALLY LOCATED IN A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20 TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY**

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

Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve Ordinance 2413. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

Recuse: 1 - Councilmember Green

- E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO UNITED POWER, INC. OVER A PORTION OF REAL PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY**

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

Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Pawlowski, to approve Ordinance 2414. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

Recuse: 1 - Councilmember Green

- F. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF A PORTION OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 3RD AMENDMENT TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 28TH AMENDMENT FOR THE APPROXIMATELY 0.852 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST BRIDGE STREET, WEST OF NORTH 42ND AVENUE, EAST OF THE NORTH 40TH AVENUE ALIGNMENT AND SOUTH OF PIONEER PLACE SITUATED WITHIN THE BUFFS LANDING DEVELOPMENT, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Motion by Councilmember Taddeo, seconded by Councilmember Green, to approve Ordinance 2415. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ROCKY MOUNTAIN TURF SOLUTIONS FOR THE WATER TOWER PARK TURF PROJECT FOR THE CONTRACT AMOUNT OF TWO MILLION SEVEN HUNDRED THIRTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$2,736,500.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

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

Parks Manager Ryan Smith presented the Water Tower Park Artificial Turf Conversion project for the three fields. This will save approximately 1.8 million gallons of water per season. The project should be completed in four months. Staff recommends accepting the quote of Rocky Mountain Turf Solutions for \$2,736,500 submitted under the OMNIA Partners Cooperative Agreement.

Damon Balcerak with Brighton Youth Rugby Association. Mr. Balcerak is in favor of this project as the rugby program in Brighton has grown and they are looking for new places to play.

Motion by Councilmember Green, seconded by Councilmember Pollack, to approve Resolution 2023-29. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF MUSCO SPORTS LIGHTING, LLC FOR THE WATER TOWER PARK PROJECT FOR THE CONTRACT AMOUNT OF FIVE HUNDRED FIFTEEN THOUSAND DOLLARS (\$515,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

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

Parks Manager Ryan Smith presented the Water Tower Park Sports Lighting project. There are not currently any lights at the location, eight total lights will be installed. This will be the first outdoor lighted facility for football, soccer, and rugby in the city. The lights will be directionally accurate to reduce light pollution outside of the playing fields. Staff recommends accepting the quote by Musco Sports Lighting for \$515,000 under the Sourcewell Cooperative Agreement.

Motion by Councilmember Taddeo, seconded by Councilmember Pawlowski, to approve Resolution 2023-30. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ATOZ RECREATION, LLC FOR THE WATER TOWER PARK PLAYGROUND PROJECT FOR THE CONTRACT AMOUNT OF THREE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED DOLLARS (\$393,700) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

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

Parks Manager Ryan Smith presented the Water Tower Park playground project. The new playground will feature ADA Accessible pour-in-place surfacing, age inclusive playground, shade structures and sensory panels. The project would be completed in approximately two months to be finished in August. Staff recommends accepting the bid from AtoZ Recreation LLC for \$393,700.

Motion by Councilmember Pollack, seconded by Councilmember Taddeo, to approve Resolution 2023-31. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF PSI CONSTRUCTION MANAGEMENT, INC. AND APPROVING THE PROCUREMENT OF THE WATER TOWER IMPROVEMENT-IRRIGATION, PROJECT #23-001b, FOR THE CONTRACT AMOUNT OF FOUR HUNDRED TWENTY THOUSAND FIVE HUNDRED DOLLARS (\$420,500.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

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

Parks Manager Ryan Smith presented the Water Tower Park Irrigation Replacement project. After the artificial turf improvements, the park will have 3.5 irrigated acres for trees and passive areas. The City of Brighton Parks and Open Space standards and specifications will be followed for the irrigation project. Staff recommends accepting the bid from PSI Construction Management Inc. for \$420,500.

Motion by Councilmember Padilla, seconded by Councilmember Pollack, to approve Resolution 2023-32. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF IDEAL FENCING CORPORATION, LLC FOR THE WATER TOWER FENCING PROJECT FOR THE CONTRACT AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$135,850.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

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

Parks Manager Ryan Smith presented the Water Tower Park Fencing project. The fence will surround the entire complex and connect to the Maintenance Building and the fence around the Water Towers. The playground will be outside the fence and left open year-round. Staff Recommends accepting the bid of Ideal Fencing Corporation LLC for \$135,850.

Motion by Councilmember Pawlowski, seconded by Councilmember Padilla, to approve Resolution 2023-33. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF FCI CONSTRUCTORS, INC. FOR THE MUNICIPAL SERVICE CENTER PHASE 2 FOR THE AMOUNT OF TWENTY-SIX MILLION ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED FOURTEEN DOLLARS (\$26,151,414.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT AMENDMENT ON BEHALF OF THE CITY**

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

Director of Fleet and Facilities Patrick Rome presented the Municipal Service Center Phase 2 project. The building is located at North Main Street and Denver Street and will host four city departments, a Police substation, and a lobby for customer service. The contract amendment is for \$26,151,414 for FCI's Guaranteed Maximum Price.

Motion by Councilmember Padilla, seconded by Councilmember Pollack, to approve Resolution 2023-34. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Mills attended the Chamber luncheon, a ribbon cutting at Simply Pizza, the Pennock Center event, and the United Power candidate forums. The Study Session is canceled next week for the NLC conference.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez thanked all the directors involved in the MSC project for their hard work.

E. By City Council

Councilmember Taddeo attended the Chamber luncheon, and the Legacy Foundation meeting. The Historic Preservation Commission Gala is on May 20th, Help for Homes is May 6th, and the Single Hauler Trash community meetings are coming up.

Councilmember Pawlowski attended the DRCOG meeting, the Rocky Mountain Partnership meeting, and the Chamber luncheon.

Councilmember Padilla reported that the Almost Home 30th Anniversary Gala is April 28th at the Armory.

13. EXECUTIVE SESSION

Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Pawlowski, to go into Executive Session at 7:42 p.m. to provide legal advice on specific questions about possible negotiations related to options associated with state statutes pursuant to C.R.S. Section 24-6-402(4)(b) and City Charter Section 5.4(C)(3). Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Johnston

Mayor Mills reconvened the meeting at 8:28 p.m.

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:28 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date