

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, April 6, 2021

6:00 PM

Virtual Meeting

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - MATT JOHNSTON
COUNCIL MEMBERS:
CLINT BLACKHURST, ADAM CUSHING,
MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,
ANN TADDEO, TIM WATTS

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:02 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Jordinelli led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Councilmember Humbert arrived at 6:03 p.m.

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the March 2, 2021 City Council Minutes

B. Approval of the March 9, 2021 City Council Minutes

Motion by Councilmember Cushing, seconded by Mayor Pro Tem Johnston, 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 Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Councilmember Humbert

Councilmember Humbert had technical issues.

4. CEREMONIES

A. Child Abuse Prevention Month Proclamation

Mayor Mills read the Proclamation into the record.

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

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

B. Sexual Assault Awareness Month 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: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

C. National Crime Victims' Rights Week Proclamation

Mayor Mills read the Proclamation into the record.

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

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

D. Autism Acceptance Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Cushing, seconded by Mayor Mills, to approve the Proclamation. Motion passed by the following vote:

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

E. Adams County Mayors and Commissioners Youth Awards

Youth Services Manager Tawnya Russell introduced the nominees for the Adams County Mayors and Commissioners Youth awards, Christian Vallejos, Kaylee Myers, Cennya Benish, Landin Jeffrey, AnnaLee Montoya, Ashley Settergren, Andrew Morales and Patricia Weti.

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

Tracie Morris, Brighton. Ms. Morris expressed concern regarding Councilmembers turning their cameras off during meetings, pointing fingers and speaking about past Councils. Ms. Morris encouraged Councilmembers to be better as a Council and better as a City.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING TWO OIL AND GAS LEASES WITH GREAT WESTERN OIL AND GAS COMPANY FOR +/- 4.7933 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTION 18 IN TOWNSHIP 1 SOUTH, RANGE 66 WEST IN ADAMS COUNTY, COLORADO AND +/- 9.343 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTION 31 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 CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID LEASES**

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

City Manager Jane Bais DiSessa explained that this is the final reading of the Ordinance and there have not been any changes since first reading.

Deputy City Manager Marv Falconburg answered questions from Council regarding:

- The location of the property.*

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

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Ordinance 2361. Motion passed by the following vote:

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

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF JR ENGINEERING, LLC AND AWARDING THE CONTRACT FOR BRIDGE STREET WIDENING DESIGN SERVICES PROJECT #20-006515, TO JR ENGINEERING, LLC IN THE AMOUNT OF EIGHT HUNDRED TWENTY EIGHT THOUSAND EIGHT HUNDRED FORTY FIVE DOLLARS (\$828,845.00), 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.

City Manager Bais DiSessa introduced Public Works Director Mike Woodruff.

Public Works Director Mike Woodruff introduced Public Works Engineering Manager Christopher Montoya.

Public Works Engineering Manager Christopher Montoya presented the Bridge Street Widening Design Services Project. This is a former state highway that was taken over by the City in 2011. Bridge Street became part of the City's transportation network and is identified in the Master Transportation Plan as an arterial roadway. This is an important east/west connection and extends to Boulder. The proposed section of roadway is the only section that is not fully built out. It has several lane configurations, is missing sidewalks and does not have the full roadway development seen to the east to I-76. This segment is approximately 1.3 miles and consists of 330,000 sq. ft. of roadway. There are

signals, minor bridge structures and drainage infrastructure that are major components of this project. It will take approximately 1,600 hours of dedicated time along with subcontractors and consultants to facilitate this work. Engineering Manager Montoya presented the existing conditions on Bridge Street in the proposed project area. The major components of the project include widening sections of the roadway, updating traffic signals, updating a bridge structure, reconstructed drive accesses, sidewalks, landscaping, land acquisition, and added streetlights. There are two proposed designs and features. One is an interim section with a cost analysis. The project would have a continuous sidewalk on one side, utilizing existing soils for drainage, adding additional pavements to complete a uniform section with five total lanes with the center lane acting as a turn pocket area. The full buildout being evaluated would have complete sidewalks on each side, a potential median and five lanes. The estimated completion time for the project is one year. The North Outfall project is a critical component of this project and will be incorporated into the timeframe, as this project would potentially need to tie into the drainage outfall. This would allow all the impervious area being created in the runoffs to be collected and moved appropriately and efficiently and would ensure the water quality is in clean and acceptable condition in accordance with state laws. A Request for Proposal was issued on November 10, 2020 and three proposals were received on December 18, 2020. Staff determined a more defined scope was needed and requested amended proposals on March 3, 2021, three amended proposals were submitted on March 11, 2021. Staff evaluated the proposals and compiled scores. JR Engineering scored the highest with 292.9 out of 300. The sequence of activities for the project include data collection, concept planning, design and construction documents and construction solicitation. Staff recommends awarding the contract to JR Engineering, LLC as the most responsive and qualified bidder for \$828,845. The award amount is within the budgeted amount allocated for this project. Engineering Manager Montoya and Director Woodruff answered questions from Council regarding:

- Another traffic signal being added to the roadway.
- The reason for the large difference in the bids received.
- There being a need for more money for the project in the future.
- The estimate for the construction.
- The widening of the roadway west to 22nd Avenue.
- Improvements being planned for 40th Avenue and Tower Road.

Motion by Councilmember Humbert, seconded by Councilmember Jordinelli, to approve Resolution 2021-25. Motion passed by the following vote:

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

10. UTILITIES BUSINESS ITEMS

Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF HRS WATER CONSULTANTS, INC. AND APPROVING THE PROCUREMENT OF WATER MASTER PLAN PHASE I, UNDER CONTRACT #20-006452M, TO HRS WATER CONSULTANTS, INC. FOR THE CONTRACT AMOUNT OF TWO HUNDRED SEVENTY FOUR THOUSAND SIX HUNDRED TEN DOLLARS \$274,610.00, 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 Bais DiSessa introduced Utilities Director Brett Sherman.

Utilities Director Brett Sherman presented the Water Master Plan Phase I project. The last Master Plan was completed in 2017. Staff has identified some additional needs that should be included. The Master Plan identifies the future capital projects needed and deficiencies in the system. This Master Plan will help understand the following:

- Is there enough groundwater to meet the full buildout?
- Will the plant need to accommodate surface water?
- Can this water be used for the non-potable system?
- If a new well is drilled, will the new well influence or reduce the yield of an existing well?

HRS Water Consultants have specialized in groundwater studies and have an extensive background and model in aquifers in this area. They are well versed in this facet of engineering. HRS will study the wells in the Beebe Draw and South Platte water sources, the City's raw water sources for treatment. There was a formal solicitation for on-call hydrogeological engineering services last year and several proposals were received. Four of the firms were identified as highly specialized in various areas and placed under on-call contracts for their experience, staff size, ability to respond and technical competency. The Utilities team determined that HRS Consultants was the most responsive and responsible firm for the groundwater study. They have vast knowledge of the water issues in Colorado and in our area so the award to HRS was determined to be in the best interest of the City. Staff recommends accepting the proposal of HRS Water Consultants for completion of the Water Master Plan Phase I project for \$274,610. Director Sherman and Assistant Director of Utilities Brad Dallam answered questions from Council regarding:

- There being potential concern of continuity if a different contractor is chosen.
- Staff analyzing the availability of augmentation when a potential well location is considered in the South Platte and Beebe Draw basins.
- The City having a surplus or deficit of augmentation water.
- 100% of the augmentation water coming from the lakes at the Platte River.
- An analysis being done for the availability of augmentation water in these basins.

Motion by Councilmember Blackhurst, seconded by Councilmember Jordinelli, to approve Resolution 2021-26. Motion passed by the following vote:

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

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF SEMA CONSTRUCTION, INC. AND APPROVING THE PROCUREMENT OF 124th RESERVOIR RIPRAP EROSION PROTECTION, PROJECT #21-006662, TO SEMA CONSTRUCTION, INC. FOR THE CONTRACT AMOUNT OF \$1,170,000.00, 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 Bais DiSessa introduced Utilities Director Brett Sherman and Assistant Director of Utilities Brad Dallam.

Assistant Director of Utilities Brad Dallam presented the 124th Reservoir Riprap Erosion Protection Project. The 124th reservoir water storage pond is located at the southwest corner of Highway 85 and 124th Avenue. This serves as an augmentation pond for the water resource operations. The reservoir has been suffering from erosion from the east and south due to high winds and this erosion is putting Highway 85 and the Fulton Ditch at risk. Once the riprap has been installed on the east side, it can create a rebound effect that would affect the west side and put the Fulton Ditch at risk. Staff pursued an expedited schedule from Council previously because Metro was going to install a sanitary sewer on the south side of the reservoir and staff was hoping to take advantage of the dewatering activities. Metro indicated that they would not be constructing their sanitary sewer until the fall of 2022. A part of the economy that has taken a hit is the dirt movers and this portion of construction is more competitive.

Staff informed the bidders that if the proposals were more cost effective at this time, instead of waiting until 2022, staff would recommend approval of the project now. Seventeen bids were received and came in significantly below the engineers estimate, even with the cost of dewatering. Staff is recommending approval of the contract for the installation of the riprap to SEMA Construction, Inc. and a concurrent approval of the contract with Engineering Analytics, Inc. to provide engineering support and construction management during the project. The installation of riprap is an art and staff would like to have representation onsite from the design engineers that understand the installation of riprap. The proposal from Engineering Analytics, Inc. is \$76,628. Staff is recommending the approval of the contract from SEMA Construction, Inc. for \$1,170,000 and approval of the contract for the engineer's oversight from Engineering Analytics, Inc. for \$76,628. Assistant Director Dallam answered questions from Council regarding:

- The reason for the delay on the sewer project by Metro.
- Metro having to fix the riprap if they disturb anything during the sewer project.
- The clay lining not holding up and is now leaking.
- The new riprap solving the leaking problem.
- The riprap solution being cheaper than lining the pit.
- The amount of savings by completing this project early.

Motion by Councilmember Jordinelli, seconded by Councilmember Blackhurst, to approve Resolution 2021-27. Motion passed by the following vote:

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

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ENGINEERING ANALYTICS, INC. AND APPROVING THE PROCUREMENT OF 124th RESERVOIR RIPRAP EROSION PROTECTION CONSTRUCTION OVERSIGHT, PROJECT #21-006662, TO ENGINEERING ANALYTICS, INC. FOR THE CONTRACT AMOUNT OF \$76,628.00, 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.

Utilities Director Brett Sherman answered questions from Council regarding:

- Any money saved on this project.

Motion by Councilmember Taddeo, seconded by Councilmember Humbert, to approve Resolution 2021-28. Motion passed by the following vote:

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

Mayor Mills called for a break at 7:44 p.m.

Mayor Mills reconvened the meeting at 7:55 p.m.

11. GENERAL BUSINESS

A. Review of COVID Statistics

Assistant City Manager Michael Martinez updated City Council on the current COVID statistics, vaccinations and current health orders.

B. City of Brighton Recovers Potential Fraud

City Manager Bais DiSessa reported that the City was a victim of a cyber-crime last week that nearly resulted in a loss of \$348,000. Thanks to the prompt response of staff and the bank, all funds were recovered and no loss occurred. There was no indication that the system defenses failed. Staff will remain vigilant and continue with cyber training to combat these daily threats from cyber criminals. A press release went out explaining the situation.

Commander Frank Acosta reported on the Police Department's findings and reported that they are working closely with staff and is speaking with the FBI regarding this case.

Patrick O'Brien, Brighton. Mr. O'Brien thanked City staff for their work on this. It is unsettling that the news stories portrayed this situation as a scandal before the facts were known and hopes that there will be more diligent fact checking in the future, so the City is not put in a bad light.

City Council discussed the situation and thanked staff for their quick response to the situation and getting the information to Council and the public.

12. REPORTS**A. By the Mayor**

Mayor Mills attended the 27J Schools joint meeting and the NATA meeting. The Colorado Religious Freedom Event takes place next Tuesday.

B. By Department Heads**C. By the City Attorney****D. By the City Manager**

City Manager Bais DiSessa explained that staff is looking at several potential grants for roads and the Water Treatment Plant expansion project. City Manager Bais DiSessa and Mayor Mills met with a representative from DIA and she is looking to develop better communication with the City and give an update on the improvements at the airport. She will be coming to Brighton to learn more about the City and Economic Development.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Humbert attended the Housing Authority meeting.

Councilmember Blackhurst attended the Youth Commission meeting.

Councilmember Cushing spoke about the idea of providing internet.

Councilmember Watts reported that the SPEAK Week Walk will take place on May 1st, and volunteers are needed for the Wall that Heals event. Councilmember Watts attended the BURA meeting.

Councilmember Taddeo encouraged people to volunteer to help with the food bank at Historic City Hall this weekend and asked for volunteers for the Help for Homes event on June 12, 2021. The Wall that Heals t-shirts are being sold.

Councilmember Jordinelli attended the Public Arts Committee meeting.

Mayor Pro Tem Johnston attended the E-470 meeting.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to go into Executive Session at 9:17 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: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Mayor Mills reconvened the meeting at 10:48 p.m.

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:49 p.m.

CITY OF BRIGHTON, COLORADO

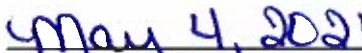


Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date