

City of Brighton

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



Meeting Minutes

Tuesday, May 2, 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 6:01 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: 8 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the April 4, 2023 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO MARTIN/MARTIN CONSULTING ENGINEERS FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-44

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO ICON ENGINEERING, INC. FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-45

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO CAROLLO ENGINEERS, INC. FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-46

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO RESPEC COMPANY, LLC. FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-47

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO JR ENGINEERING, LLC FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-48

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO ALAN PLUMMER AND ASSOCIATES, INC. FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-49

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO PROFESSIONAL ENGINEERING CONSULTANTS, P.A., INC. FOR AS-NEEDED UTILITIES ENGINEERING AND DESIGN SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-50

- I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO AUTOMATION SERVICES, LLC FOR AS-NEEDED INSTRUMENTATION AND CONTROLS MAINTENANCE SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-51

- J. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO AMWEST CONTROL, INC. FOR AS-NEEDED INSTRUMENTATION AND CONTROLS MAINTENANCE SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

Resolution No. 2023-52

- K. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE CONTRACT WITH COMMUNICATION CONSTRUCTION & ENGINEERING INC. IN THE AMOUNT OF TWO HUNDRED FORTY-SIX THOUSAND EIGHT HUNDRED FOUR DOLLARS AND SIXTY CENTS (\$246,804.60)**

Resolution No. 2023-53

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

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

4. CEREMONIES

- A. Recognition of the Brighton Employee Charities Scholarship Recipients**

Brighton Employee Charities Committee members Sheryl Johnson and Erin Kelm introduced the scholarship recipients Diana Hernandez, Dylan Leonard, Jaden Atencio, and Jessina Amaya.

- B. Suicide Prevention Education Awareness Knowledge Week Proclamation**

Mayor Pro Tem Blackhurst read the Proclamation into the record.

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

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

- C. National Day of Prayer Proclamation**

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Green, seconded by Mayor Pro Tem Blackhurst, 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

No: 1 - Councilmember Johnston

- D. Archaeology & Historic Preservation Month Proclamation**

Councilmember Pawlowski read the Proclamation into the record.

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

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

E. Building Safety Month Proclamation

Councilmember Padilla read the Proclamation into the record.

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

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

F. Elks National Youth Week Proclamation

Councilmember Taddeo read the Proclamation into the record.

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

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

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

Verlaine Saxton expressed concern regarding the ending of the parking permit pilot program surrounding Brighton High School.

John Haddick expressed concern regarding the proposed single hauler trash service in the city.

Cori Saxton expressed concern regarding parking and behavioral issues in the neighborhood around Brighton High School.

Tom Lampo prayed for the city.

Wilfred Nickerson spoke about the need for a stoplight at 50th Avenue and Longspeak Street.

Chris Maslanik asked for the city to continue the alley paving program.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING SECTIONS TO CHAPTERS 2 AND 3 OF THE BRIGHTON MUNICIPAL CODE RELATING TO LEASES, REVOCABLE LICENSES AND PERMITS, INTERGOVERNMENTAL AGREEMENTS, AND NON-LAPSING CAPITAL IMPROVEMENT APPROPRIATIONS

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

City Attorney Alicia Calderón explained that these amendments to the Code will set up the process and timeframe for leases, revocable licenses and permits, and intergovernmental agreements, and grants authority in the code for these processes. The process for non-lapsing capital improvements and construction appropriations states that City Council will be informed if any project has been abandoned for two years.

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

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

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 6 – ANIMALS, OF THE BRIGHTON MUNICIPAL CODE

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

Police Commander Doug Imfeld explained that the language regarding the holding of animals until any emergency medical procedures have been paid for has been removed from the Ordinance.

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

Aye: 5 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

No: 3 - Councilmember Green, Councilmember Johnston, and Councilmember Pollack

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING ARTICLE 10 – VEHICLES & TRAFFIC, OF THE BRIGHTON MUNICIPAL CODE

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

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

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

Mayor Mills called for a break at 7:35 p.m.

Mayor Mills reconvened the meeting at 7:44 p.m.

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING ACCESSORY DWELLING STANDARDS FOR AGRICULTURAL, COMMERCIAL, AND INDUSTRIAL USES BY AMENDING CHAPTER 17 ARTICLE 4 OF THE BRIGHTON MUNICIPAL CODE

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

Motion by Councilmember Green, seconded by Councilmember Padilla, to approve Ordinance 2417. Motion passed by the following vote:

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

B. 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 THE NORTHWEST QUARTER OF SECTION 15, 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 Johnston, seconded by Councilmember Pollack, to approve Ordinance 2418. Motion passed by the following vote:

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

Recuse: 1 - Councilmember Green

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CREATING A COMMITTEE TO REVIEW THE CHARTER AND MAKE RECOMMENDATIONS FOR POSSIBLE AMENDMENTS TO THE CHARTER (CONTINUED FROM APRIL 4, 2023)

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

City Attorney Alicia Calderón explained that the committee would include one member from each Ward and one original Charter Committee member, if available, and presented the timeline for the creation of the committee.

Failed for Lack of a Motion.

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING SETTLEMENT IN CASE NUMBER 2018CV31229

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

City Attorney Alicia Calderón explained that on April 11, 2023 the plaintiff filed a notice with the court that the parties had reached a tentative settlement agreement. There is now a final written agreement that is ready to be executed. The city will be required to repair its roads as part of this agreement.

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Resolution 2023-54. Motion passed by the following vote:

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

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING A SUB-SECTION TO BRIGHTON MUNICIPAL CODE SECTION 13-16-70 REGARDING WASTEWATER FEES (FIRST READING)

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

Finance Director Catrina Asher presented the Ordinances to amend the contract and financing the buyout of the agreement with Metro Water Recovery. Wastewater for residents in the east side of Brighton is processed by Lochbuie Wastewater Treatment and for residents in the west side of Brighton it is processed by the City of Brighton or Metro Water Recovery. The 2009 Agreement with Metro stated that all wastewater flows would transfer to Metro by 2035. Annual buy in payments would be made and a lump sum would be due in 2035. The cost of the tap fees would increase annually, decreasing the number of taps that could be purchased each year. The most financially beneficial path would be to pay off the contract in 2023 at a cost of 47 million dollars. This would cost less than half of a payoff in 2035 and save operational costs by decommissioning the city's plant. There will be an amendment to the agreement with Metro later. Some of the funding would come from reserves, 15 million dollars, and the remaining 32 million dollars will come from direct placement financing. A three dollar per month flat fee will be added for single-family accounts for those residents served by Metro Water Recovery beginning January 1, 2024. The fee would go up for commercial users depending on their tap size.

Motion by Councilmember Green, seconded by Councilmember Padilla, 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

No: 1 - Councilmember Johnston

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON COLORADO, AUTHORIZING, APPROVING, AND DIRECTING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND A PROMISSORY NOTE PAYABLE FROM NET REVENUES DERIVED FROM THE OPERATION OF THE CITY OF BRIGHTON WATER ACTIVITY ENTERPRISE, AND CERTAIN OTHER DOCUMENTS IN CONNECTION THEREWITH, FOR THE PURPOSE OF FINANCING THE PAYMENT IN FULL OF THE CITY'S SEWAGE TREATMENT AND DISPOSAL AGREEMENT (SERVICE CONTRACT) WITH METRO WATER RECOVERY (FIRST READING)

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

Motion by Councilmember Padilla, 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

No: 1 - Councilmember Johnston

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Mills attended the AC-REP meeting, the NATA meeting, the Highway 7 tour, the Pizza with the Police event, the Adams County Mayors and Commissioners Youth Awards, the Arbor Day Tree Planting event, the Citizen Police Academy graduation, Breakfast with the Mayor, the Adams County Development Summit, spoke at the BHA Political Science class, the Almost Home Spring event, the Fort Lupton Field of Dreams Flag Ceremony and the ribbon cuttings for Easy Breezy Plumbing and Pickled Pepper.

B. By Department Directors

C. By the City Attorney

There will be a coordinated warrant clearing day on May 19th for the 17th Judicial District and the Brighton Municipal Court will be participating.

D. By the City Manager

The City of Brighton was awarded the 2022 Program Excellence Award by the City and County Manager's Association of Colorado for the Performance and Leadership Academy.

E. By City Council

Councilmember Padilla attended the Almost Home Event and the Cultural Arts Commission meeting. Help for Homes is this weekend.

Councilmember Pawlowski attended the Mayors and Commissioners Youth Awards and the Almost Home Event.

Councilmember Johnston attended the Lodging Tax Advisory Committee meeting.

Councilmember Green attended the CASA luncheon and the Food for Hope banquet. The Law Day Breakfast is Friday.


Councilmember Taddeo announced that the Help for Homes event is Saturday, and the Historic Preservation Commission Gala is May 20th.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:43 p.m.

CITY OF BRIGHTON, COLORADO


Gregory Mills, Mayor
achng

ATTEST:


Natalie Hoel, City Clerk


Approval Date