

City of Brighton

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



Meeting Minutes

Tuesday, May 3, 2022

6:00 PM

Amended

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 6:00 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 Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Not Present: 1 - Councilmember Blackhurst

2. APPROVAL OF REGULAR AGENDA

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

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

Absent: 1 - Councilmember Blackhurst

3. CONSENT AGENDA

A. Approval of the April 5, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF OLSSON, INC. FOR THE DESIGN OF THE KEN MITCHELL CELL 1 GRAVITY LINE AND SUMP PUMP DRAIN LINE IMPROVEMENTS, PROJECT #502042, IN THE CONTRACT AMOUNT OF SEVENTY-SIX THOUSAND EIGHT HUNDRED FIFTY-NINE DOLLARS (\$76,859.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-50

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LODGING TAX GRANT AND ALLOCATIONS FROM THE LODGING TAX FUND IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000); DESIGNATING THE RECIPIENT AND AMOUNT OF SAID GRANT AND ALLOCATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH THE RECIPIENT

Resolution No. 2022-51

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF CABERRA SYSTEMS, BID #22-007321, FOR THE CONTRACT AMOUNT OF ONE HUNDRED ELEVEN THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$111,780.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-52

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING RESOLUTION NO. 2022-04 AND APPOINTING OFFICIAL REPRESENTATIVES AND ALTERNATES OF THE CITY COUNCIL TO THE BRIGHTON HOUSING AUTHORITY AND URBAN RENEWAL AUTHORITY

Resolution No. 2022-53

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

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

Absent: 1 - Councilmember Blackhurst

4. CEREMONIES

A. Recognition of the Brighton Employee Charities Scholarship Recipients

Sheryl Johnson and Monce Portillo recognized the Brighton Employee Charities Scholarship recipients Andrea Donlucas, Brighton High School, Arleth Villalobos, Eagle Ridge Academy, Celeste Tari, Brighton High School and Michael John Garcia Jr. Eagle Ridge Academy.

B. SPEAK Week Proclamation

Councilmember Taddeo read the Proclamation into the record.

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

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

Absent: 1 - Councilmember Blackhurst

C. Elks National Youth Week Proclamation

Councilmember Watts read the Proclamation into the record.

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

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

Absent: 1 - Councilmember Blackhurst

D. National Military Appreciation Month Proclamation

Councilmember Watts 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 Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Councilmember Blackhurst

E. Asian American and Pacific Islander Heritage Month Proclamation

Councilmember Pollack read the Proclamation into the record.

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

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

Absent: 1 - Councilmember Blackhurst

F. Archeology & Historic Preservation Month Proclamation

Councilmember Pawlowski read the Proclamation into the record.

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

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

Absent: 1 - Councilmember Blackhurst

G. Building Safety Month Proclamation

Councilmember Padilla 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 Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Councilmember Blackhurst

H. Mental Health Awareness Month Proclamation

Mayor Pro Tem Cushing read the Proclamation into the record.

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

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

Absent: 1 - Councilmember Blackhurst

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

Chris Maslanik, Brighton. Mr. Maslanik would like to see the alley paving project continue and be completed in the City of Brighton.

6. PUBLIC HEARINGS

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON, COLORADO AND BRIGHTON RIDGE METROPOLITAN DISTRICT NO. 1

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

Assistant Director of Community Development Mike Tylka presented the Brighton Ridge Metropolitan District No. 1 Service Plan adopted on September 7, 2021. The Plan states "the District shall not exclude any property from its boundaries without the prior consent of the City Council, which consent shall be evidenced by resolution." This Metropolitan District desires to exclude an approximate 17.782 acre parcel on the southern side of 120th Avenue between Southgate Boulevard and Potomac Street. The size of the District is 83.145 acres. The landowner and developer is Walk Off, LLC and they currently have two land development applications in process with the City, a Zoning Map Amendment and a Subdivision Plan. If the property is excluded, the remaining size of the District would be 65.363 acres.

This developer desires that the property be developed by a tax-exempt entity. The developer would like to exclude the property so it would never be subject to the District's mill levy. The original plan of the District adopted last year did not anticipate collecting a mill levy from the subject property and the developer always intended this parcel to be developed by a tax-exempt entity. The developer never intended for the property to contribute financially to the District via mill levy. To issue debt for public infrastructure improvements, the District would have to show adequate debt capacity and cash flow based on its current assessed value projections to issue bonds. The development team has a contract with Pedcor to develop affordable housing on the subject property. A condition of the contract is that the property is excluded from the District as Pedcor does not want to be subject to the District's mill levy.

As part of the exclusion request, staff has asked that an Amended and Restated IGA be included for consideration before the exclusion request to ensure that if Pedcor does not build public improvements associated with the property, the District would be allowed to do so if necessary. An assurance is included in the IGA stating that the City can enforce the IGA and will have recourse if the improvements are not carried out. If the Pedcor proposal does not come to fruition, or another tax exempt entity falls through at the site, the property would not automatically rejoin the District. The first phase of the Brighton Ridge Subdivision Plan to be approved includes the associated public improvements. This property is within the South Brighton General Improvement District. The GID has the power to levy property taxes against taxable properties. City Council needs to grant, via Resolution, its consent to any exclusion of land from current district boundaries. Staff recommends approval of the exclusion request as long as the amended IGA is approved.

Motion by Councilmember Johnston, seconded by Mayor Pro Tem Cushing, to approve Resolution 2022-54. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONSENTING TO THE EXCLUSION OF CERTAIN REAL PROPERTY FROM THE BOUNDARIES OF BRIGHTON RIDGE METROPOLITAN DISTRICT NO. 1

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

Motion by Councilmember Padilla, seconded by Mayor Pro Tem Cushing, to approve Resolution 2022-55. Motion passed by the following vote:

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

Absent: 1 - Councilmember Blackhurst

8. ORDINANCES FOR INITIAL CONSIDERATION

9. ORDINANCES FOR FINAL CONSIDERATION

10. RESOLUTIONS

11. UTILITIES BUSINESS ITEMS

12. GENERAL BUSINESS

13. REPORTS

A. By the Mayor

Mayor Mills attended the Highway 7 Coalition meeting, the NATA meeting, the Brighton EDC meeting, the Arbor Day Tree Planting, the Donelson Park Tree Planting, the Take Your Kid to Work Day event, the Swearing in Ceremony for the Police Department, the Utilities Virtual Tour, the Water Tasting, the Front Range Trail Ribbon Cutting, the Adams County Mayors and Commissioners Youth Awards ceremony and Teachers Appreciation dinner.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

14. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Taddeo reported that Help for Homes is May 14th, the Historic Preservation Gala is May 28th. Councilmember Taddeo attended the EDC meeting.

Mayor Pro Tem Cushing attended the Colorado Front Range Trail ribbon cutting, the Brighton Development Summit and reported that the SPEAK walk is May 7th.

Councilmember Johnston reported on discussions regarding the Lodging Tax funding.

Councilmember Pawlowski attended the Front Range Trail ribbon cutting and the Public Art Committee meeting.

Councilmember Padilla attended the Brighton Cultural Arts Commission meeting and reported that the Fundraising Gala for Almost Home is June 17th.

15. EXECUTIVE SESSION

City Attorney Calderón presented the conflict of interest item for City Council.

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Padilla, to go into Executive Session at 7:51 p.m. to provide legal advice on specific questions relating to conflicts of interest 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: 8 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Councilmember Blackhurst

Mayor Mills reconvened the meeting at 8:38 p.m.

16. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:39 p.m.

CITY OF BRIGHTON, COLORADO




Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date