

City of Brighton

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



Meeting Minutes

Tuesday, June 1, 2021

6:00 PM

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,

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

B. Roll Call

Present: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Not Present: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

2. APPROVAL OF REGULAR AGENDA

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

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

3. CONSENT AGENDA

A. Approval of the May 4, 2021 City Council Minutes

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO AN OIL AND GAS LEASE WITH GREAT WESTERN OIL AND GAS COMPANY TO CORRECT THE LAND DESCRIPTION AND ADD +/- 0.271 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTION 13 IN TOWNSHIP 1 SOUTH, RANGE 67 WEST IN ADAMS COUNTY, COLORADO; FINDING THAT THE TERMS OF SAID LEASE AMENDMENT ARE REASONABLE AND THAT IT IS IN THE BEST INTEREST OF THE CITY TO ENTER INTO SAID LEASE AMENDMENT; AUTHORIZING THE MAYOR TO EXECUTE SAID LEASE AMENDMENT 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 LEASE AMENDMENT (FIRST READING)

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

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

4. CEREMONIES

A. Men's Health 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: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

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

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH KIM L. SHAKLEE, DBA NATURE IN BRONZE, FOR CITY-OWNED REAL PROPERTY LOCATED AT 36 SOUTH MAIN STREET ("MAIN STREET"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

City Manager Jane Bais DiSessa introduced Finance Director Maria Ostrom.

Finance Director Maria Ostrom presented Items 7A and 7B. Both leases are located at 36 South Main Street with two separate parties. While the leases do help to offset the cost of running the building, they do not cover the cost. The leases are equivalent to the rate that all non-profits are paying at Historic City Hall. Item 7A is a lease with Kim Shaklee for two years through May 2023 for \$5.71 per sq. ft. for 981 sq. ft., the monthly rent is \$466.79. Item 7B is a lease with Gary Dickinson, he is operating as Main Street Creatives. Mr. Dickinson provides an Art Academy and does sublet to multiple parties. The lease term is through May 2023 at \$5.71 per sq. ft. for 4437 sq. ft., the monthly rent is \$2,111.27. This represents the remainder of the building that is leasable space. There is some space in the basement that is not leasable because it does not have ADA access. Staff is requesting that the Ordinance for 7B in the packet be amended to read "...133 square feet of apportioned common space in the building at Main Street..." This is the portion of the building that Kim Shaklee is leasing. The existing lease is with the Brighton Urban Renewal Authority (BURA) and is being operated in a holdover clause at this time. This is ending and the leases will now be with the City. The intent with the new lease is that Mr. Dickinson will sublet space to fourteen artists. Mr. Dickinson would be required to submit in writing the names so the City would know all of the artists using studio space in the building. Director Ostrom and Mr. Dickinson answered questions from Council regarding:

- The leases being two years.*
- The leases coming back to Council for approval in two years.*
- Mr. Dickinson profiting from the artists.*
- The City being able to break even on the building.*
- The lease possibly being a mistake in the future.*
- Providing art being a profit making venture.*
- The City breaking even at the Armory.*

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

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH GARY DICKINSON, DBA MAIN STREET CREATIVES, FOR CITY-OWNED REAL PROPERTY LOCATED AT 36 SOUTH MAIN STREET ("MAIN STREET"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

Finance Director Maria Ostrom answered questions from Council regarding:

- Any future plans for the basement since it is not ADA compliant.*

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

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING ASSIGNMENT OF THE CITY OF BRIGHTON'S 2021 PRIVATE ACTIVITY BOND ALLOCATION TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING AFFORDABLE HOUSING IN BRIGHTON PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

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

City Manager Bais DiSessa introduced Senior Management Analyst Nicole Samson.

Senior Management Analyst Nicole Samson asked Council to consider assigning the 2021 Private Activity Bond Allocation to a project or projects that serve Brighton residents. Each year the Colorado Division of Housing invites the City of Brighton to assign an amount of the State's Private Activity Bond to an eligible local housing project. Brighton can assign up to \$2,308,911 in bonds this year. The role of Council is to decide if the City should assign the bonds in such a way to benefit Brighton residents or allow the bonds roll to the state-wide balance. Private Activity Bonds are tax free and offer low cost financing for private projects that serve a public purpose. This is not a grant or free money, however the bond proceeds can be converted to a loan. The bonds allow an organization with a program or a project the ability to issue tax exempt debt. These bonds are issued by a government authority and investors purchase the bonds. The underwriters use the investors' money, or bond proceeds to create a low interest loan for the project. The agency with the project pays back the loan and the investors are repaid plus interest. Eligible projects include acquisition, construction or rehabilitation of housing for low and moderate income individuals, mortgage loans or mortgage credit certificates for income qualified first time home buyers. The assignment of allocation agreement allows for the 2021 Private Activity Bonds to be used for both of these types of projects, however the Resolution asks that one project be given priority. The project is Hughes Station apartments. The Brighton Housing Authority owns the multi-family affordable housing complex. The Housing Authority notified the City that they would like to use the Private Activity Bonds to refinance and rehabilitate this apartment complex. Since the Housing Authority needs the Colorado Housing and Finance Authority to issue the bonds, the Resolution identifies the Colorado Housing and Finance Authority as receiving the bonds and requests that the Brighton Housing Authority Hughes Station Project be given the priority for the bond proceeds.

Staff recommends approval of this item. The only other option is to not assign the Private Activity Bonds, they would then automatically default to the statewide balance to be used for a project in another Colorado community. Senior Management Analyst Samson and Roger Hara answered questions from Council regarding:

- Where the principle and the interest are applied.*
- The funds going to the Hughes Station project if approved.*
- The ability to use the funds for a different project.*
- The timeframe to begin or complete the project.*
- The reason the Hughes Station project was chosen.*
- The ability to complete the project if the 2022 funds are not approved.*
- The reserves seen coming back that could be used for the project.*
- The funds from CHFA being a done deal to match the City.*
- The ability for the City to put in the request now for funds.*
- Anyone else from the City competing for these funds.*

Motion by Councilmember Watts, seconded by Councilmember Cushing, to approve Resolution 2021-38. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH ADAMS COUNTY FOR THE CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AND UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE TERMS OF SAID AGREEMENT

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

City Manager Bais DiSessa introduced Senior Management Analyst Nicole Samson.

Senior Management Analyst Nicole Samson presented the Resolution to approve the City's continued participation in the Adams County Urban County Consortium for the next three years. The Adams County Urban County Consortium is the association of local communities that receive an allocation of federal grant funds from the U.S. Department of Housing and Urban Development, which happens each year. The Consortium is comprised of Adams County and the cities within the County. Brighton has been a member for many decades, therefore Brighton has been included in the calculation of the Consortium funding. The U.S. Department of Housing and Urban Development requires all Counties to renew agreements with the Consortium members every three years in order to determine which cities will be included in the annual allocation amount. Being a member of the Consortium means that Brighton can apply to the County for funds when the City has a project that meets the eligibility criteria for the grant. If the City is not in the Consortium, Brighton would need to apply to the State for this funding where there is more competition for funds and possibly more requirements. If a local match is required, Adams County would cover most of the match, if the funds come from the State, the City would be responsible for the matching funds. Being a member has a great benefit as it promotes collaboration among the members. Brighton can participate in the Minor Home Repair program. The City can also participate in the Grid Alternatives program. This program was developed by one of the other cities with a non-profit organization Grid Alternatives. Grid provides and installs solar panels on the homes of low and moderate income residents. The panels are donated and the grant funds are used to pay for installation. Brighton can choose to be a part of this program. The primary funding source that Brighton applies for through the Consortium is the Community Development Block Grant (CDBG) funds. The CDBG funds benefit low and moderate income people, aid in the prevention and elimination of slums and blight and help develop viable urban communities. These funds can be used in projects in neighborhoods that are qualified as low and moderate income. The City has used these

funds to install ADA accessible ramps on sidewalks in the past. These funds can be used for any individual or family living in Brighton and qualifies for the program based on income, this includes the Minor Home Repair Program and programs or projects that serve special populations. The City will need to enter into an agreement for the next three years to continue participation in the Consortium. Staff recommends approval of the Resolution. Senior Management Analyst Samson answered questions from Council regarding:

- *The need to apply in Weld County also.*

Motion by Councilmember Humbert, seconded by Councilmember Taddeo, to approve Resolution 2021-39. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE QUOTE OF AXON ENTERPRISE, INC. AND APPROVING THE CITY TO ENTER INTO A TEN YEAR AGREEMENT, SUBJECT TO ANNUAL BUDGET APPROPRIATIONS, WITH AXON ENTERPRISE, INC. FOR THE PROCUREMENT OF THE OFFICER SAFETY PROGRAM 7+, PROJECT #21-006857 AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT AND ALL EXTENSIONS 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 Chief of Police Paul Southard and Commander Matt Domenico.

Commander Matt Domenico presented the Officer Safety Program 7+ Cloud Based Body Worn Camera Program. In 2020 City Council directed staff to implement a body worn camera program for the Police Department. Senate Bill 20-217 was passed around the same time, which took some of the decision making away from staff. This requires all municipal law enforcement to have body worn cameras by 2023. A task force was created involving key departments and staff. These individuals solicited feedback from surrounding agencies utilizing body worn cameras. The majority of the Adams County agencies that had deployed body worn cameras were using AXON Enterprises as the selected vendor and had positive feedback. Staff worked to determine key internal and external stakeholders, including the Adams and Weld County District Attorney's office to ensure the chosen vendor could work with these entities. The footage and digital media produced by the cameras will play a key role in most prosecutions. Staff also worked with the Brighton Municipal Court, ADCOM, and partner law enforcement agencies in the 17th Judicial District. The task force identified existing products and technologies currently in use that would be impacted by the deployment of the body worn cameras. These include the fleet/dash cameras, conducted energy weapons, mobile data terminals, and lethal force options. The task force identified concerns with the use of multiple, disparate systems due to increased officer workload, duplication of efforts and the inability to "synch" these systems together.

There is also a need to make use of technologies and systems that would reduce the need for officers to physically activate the cameras in high stress, rapidly unfolding situations. The task force identified triggers that automatically activate the cameras under certain circumstances like the drawing of a service weapon or activating of emergency equipment in the car. There are also proximity sensors that activate the camera if a certain number of officers are gathered in a particular area; these are triggers that staff wants to work with partner agencies. The task force identified concerns related to the long term sustainability of the body work camera program. The task force knew there would be significant costs associated with the program, but also wanted to plan for long term sustainability of the program and to have a strong warranty of the product.

AXON Enterprises was identified as able to fulfill all of the stated needs by the task force. A lot of partner agencies have created the infrastructure to work with AXON including the District Attorney's Office, Commerce City Police Department, Northglenn Police Department, Westminster Police Department, Commerce City Brighton Sexual Assault Task Force, Commerce City Brighton Regional SWAT Team, and the North Metro Drug Task Force. AXON offers the signal technology that automatically activates cameras, specifically drawing the sidearm or Taser and the activation of emergency equipment. The Police Department has been using other AXON products for some time including Tasers and the interview room recording hardware and software. This purchase would include unlimited access to cloud based storage for all digital media. AXON utilizes cooperative price agreements, a predetermined upgrade schedule, and no fault replacement warranty on all hardware and includes installation and set-up. If the ten year contract is approved, body worn cameras would be updated at 2 ½ years, 5 years, 7 ½ years and at 10 years, Tasers and dash cameras would be upgraded at 5 years and 10 years. The IT Department is in favor of the product with AXON and the unlimited cloud based storage since storage is an issue for the City.

The Officer Safety Program 7+ includes individually assigned body worn cameras for all sworn police department staff members, all necessary accessories, auto-tagging of the footage, and signal activation technology. The program includes unlimited access to Evidence.com for cloud based storage of all digital media. Tasers will be issued for all police department staff, holsters and replacement cartridges, batteries, and a voucher for Master Taser training and training supplies. The Police Department currently has fifty-two Taser models of various age, so if approved the old models will be replaced with the latest version, this includes a trade-in discount. The existing interview room recording hardware and software will be rolled into this purchase with no price difference from the existing contract and twenty-five patrol cars will be outfitted with the Fleet 3 dash cameras. This system includes two cameras per car, an automatic license plate reader, removal of existing dash cameras and installation of new cameras.

The ten year contract is subject to annual budget appropriation and the total contract value is \$2,758,910.28 spread out over the ten year life of the contract. The 2021 cost is \$275,891.34 and sufficient appropriation is included in the budget to cover the cost for the first year. Staff recommends approval of the agreement subject to annual budget appropriation with AXON Enterprises.

Commander Domenico, Acting City Attorney Lena McClelland and City Manager Bais DiSessa answered questions from Council regarding:

- A way to get out of the contract if staff is unsatisfied.
- Adams County Sheriff using this product.
- A staff member being assigned to find specific footage in the video.
- Council being prepared for the additional staff needed to review the camera footage.
- The way a citizen can request a copy of the video.
- Staff getting any other proposals.
- Officers having the discretion to activate or turn off their cameras.
- Using the cameras for mental health emergencies or circumstances dealing with children.
- A policy to keep an officer from deactivating their camera.
- Head worn cameras being considered.
- Any consideration regarding those that have access to the camera footage.
- The cameras being assigned to a specific officer.
- Clarification regarding the \$1,800 fee currently being charged to pay for Taser training being rolled into the cost of the cameras.
- The cost being set or does it increase over the ten year contract period.
- The total number of staff being added for this program.

Motion by Councilmember Watts, seconded by Councilmember Cushing, to approve Resolution 2021-40. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

Mayor Mills called for a break at 7:38 p.m.

Mayor Mills reconvened the meeting at 7:49 p.m.

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 14 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO STORM DRAINAGE MAINTENANCE FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO (FINAL READING)

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

City Manager Bais DiSessa introduced Finance Director Maria Ostrom and Utilities Director Brett Sherman.

Finance Director Maria Ostrom explained that this Ordinance does not make any change to the rates for single-family residential accounts, this price will stay at \$5.50. These accounts represent 94% of the City's water accounts. The rate consultant recommends that the other 6 % of accounts be moved to an EQR methodology to find a way to equitably share the burden of storm drainage management as well as managing the City's permit requirements. The 6% includes commercial properties, multi-family apartment complexes, and non-profits like churches. The Ordinance also addresses eligibility for a 65% credit if they have made improvements to their property and are managing their storm drainage issues. This may be difficult for some of the smaller businesses in the City, but it is important that this cost burden is equitably distributed across all types of customers in the community.

Jac Cuney, Brighton. Mr. Cuney is here on behalf of Orchard Church and expressed concern regarding the cost increase. Mr. Cuney proposed that a 25% discount be implemented for non-profits. The church does not use any public infrastructure and Mr. Cuney would like the ability to apply for a waiver if the church does not have an impact on the City's infrastructure.

Utilities Director Brett Sherman explained that the 65% credit came from discussions with Mr. Cuney. The City is trying to address the Municipal Separate Storm Sewer Systems (MS4) permits and there is a cost to cleaning up the water. One EQR is equivalent to 3,164 sq. ft. at \$5.50 per month so the calculation is done for all other properties using this method. The credit program for eligible properties would reduce the monthly bill up to 65% for non-residential properties. The City is still required to complete inspections and there are administrative costs associated with that. The credit components include discharge quality, quantity and self-maintenance. The credit is good for three years and renewals are allowed. The Utilities Director will create procedures and administer the program. Churches and non-profits receive tax breaks and get other benefits as a 501(c)(3). Without the credit the Orchard Church would pay approximately \$493.68 after three years and with the 65% credit they would pay \$172.79 in the third year.

Director Sherman, Infrastructure Director Michael Woodruff, Director Ostrom and City Manager Bais DiSessa answered questions from Council regarding:

- 120th Avenue being 100% maintained by the City of Brighton.*
- The entity responsible for drainage on the road.*
- The City collecting the fee from the Orchard Church and Adams County taking care of the infrastructure.*
- The ability to include a 25% discount for non-profits.*
- The 65% discount being determined by staff.*
- Water customers having to ability to protest their rates.*
- The City ending up in litigation if other customers do not get the same treatment as a non-profit.*
- The fee beginning immediately or when development occurs.*

- The Orchard Church benefitting from the improvements they have already made.
- Any non-profits or other organizations spoken in support of or in opposition to this proposal.

Motion by Councilmember Blackhurst, seconded by Councilmember Jordinelli, to approve Ordinance 2362. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER DEDICATION AND PLANT INVESTMENT FEES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID DEDICATION AND FEES; AND OTHER DETAILS RELATED THERETO (FINAL READING)

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

City Manager Bais DiSessa introduced Utilities Director Brett Sherman.

Utilities Director Brett Sherman reported that the Ordinance was approved at first reading and some amendments have been made. Director Sherman introduced Assistant Director of Utilities Brad Dallam.

Assistant Director of Utilities Brad Dallam presented the amendments made to the Ordinance.

A Whereas was added: "The result of this study shows that the need for an increase in the amount of water to be dedicated to offset demand along with an increase in the equivalent amount of capital to offset the cost of that water if a fee is allowed to be paid in lieu of the dedication of water".

In Section 2, paragraph c: added PIF as an abbreviation to Plant Investment Fee.

In paragraph g: removed the criteria of demand less than 0.36 AF as a condition of being able to bring Fee in Lieu.

Added clarification that analysis was based on Firm yield not average yield and modified table to reflect Fee in Lieu / Unit as opposed to the original Fee in Lieu.

Added provision that water reducing structures and landscaping could result in lower dedication amounts with Council approval and that parks incorporated in developments would be in the third category covered in paragraph i.

In paragraph h: added clarification that analysis was based on Firm yield not average yield and modified to the table to reflect Fee in Lieu / Unit as opposed to the original Fee in Lieu.

Added provision that water reducing structures and landscaping could result in lower dedication amounts with Council approval and that parks incorporated in developments would be in the third category covered in paragraph i.

Added Section 3: This Ordinance will be revised each calendar year and adjusted as necessary based on market costs and actual water demand volumes at the time of review.

Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to approve Ordinance 2363 with amended language as presented. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

Resolutions

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED BEEBE DRAW WASTEWATER SERVICE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT

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

City Manager Bais DiSessa introduced Acting City Attorney Lena McClelland.

Acting City Attorney Lena McClelland asked Council to consider a Resolution to approve the Amendment to the First Amended and Restated Beebe Draw Wastewater Service Agreement (2009 WSA). In 2009 the City of Brighton, Town of Lochbuie and the South Beebe Draw Metro District entered into the 2009 WSA, which amended a previous agreement from 1997. The agreement outlined the relationship of the parties and expanding the Town of Lochbuie wastewater treatment plant, this serves the properties within the Beebe Draw area. The agreement created a five voting member and one non-voting member sewer board to be the governing body of the Lochbuie Regional Wastewater Treatment Plant. There are three members from Lochbuie, two members from Brighton and a non-voting member from Beebe Draw. In 2007, the South Beebe Draw Metro District issued notes to pay for the wastewater treatment plant expansion. The City of Brighton and Lochbuie were obligated to collect plant investment fees or PIF's and remit them to an escrow account. Those notes have now been paid off. In April 2021 Lochbuie presented to the Sewer Board, Mayor Pro Tem Johnston and Councilmember Watts, certain amendments to the 2009 agreement. The first amendment would allow the plant investment fees to be paid directly to Lochbuie instead of being deposited into an escrow account. Lochbuie will deposit that money into a segregated account, this would eliminate the need for the escrow account. The second amendment would remove the language in the agreement that references the 2007 notes. If this is approved, the PIF's would be paid directly to Lochbuie, this would streamline the reimbursements that are needed to allow for the wastewater treatment plant improvements. Lochbuie would be required to report regularly to the Sewer Board on the account and any related expenses. No changes will be made to the allowed expenses as they are currently outlined in the 2009 WSA. The Sewer Board approved the concept of this amendment in their meeting in April and any of these amendments require individual approval by all parties.

Councilmember Blackhurst asked Councilmember Watts if he is comfortable with the amendment and Councilmember Watts stated that he is.

Motion by Councilmember Humbert, seconded by Councilmember Jordinelli, to approve Resolution 2021-41. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

11. GENERAL BUSINESS

A. Review of COVID Statistics

Assistant City Manager Michael Martinez presented the COVID statistics and vaccination updates and asked that the Review of COVID Statistics be removed from the upcoming City Council agendas.

Motion by Councilmember Watts, seconded by Councilmember Taddeo, to remove the Review of COVID Statistics from regular meetings unless an emergency situation arises. Motion Passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

B. Cancel the June 8, 2021 Study Session for the Council Goal Planning

C. CML Council Appointment

Mayor Mills explained that the Colorado Municipal League needs a voting representative from the City at their annual meeting.

Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to appoint Councilmember Humbert as the voting representative and Councilmember Watts as the alternate voting representative at the CML meeting. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

12. REPORTS

A. By the Mayor

Mayor Mills reported that the City Attorney interviews are on Friday and Summerfest is Saturday.

B. By Department Heads

Brighton Water Supply, Demand and Conservation Measures 2021 Update

Utilities Director Brett Sherman updated City Council regarding the City of Brighton Water Conservation Plan that includes the Brighton water supply, demand and conservation measures for 2021.

C. By the City Attorney

D. By the City Manager

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Taddeo attended the Highway 85 Coalition meeting.

Councilmember Watts attended the BURA meeting, the Fire District meeting, and the Youth Commission meeting. 50's Night Downtown is June 19th.

Councilmember Humbert attended the Full Moon Bike Ride and announced that Help for Homes is June 12th.

Councilmember Cushing attended the DRCOG meeting.

Councilmember Jordinelli attended the Public Arts meeting.

14. EXECUTIVE SESSION

Motion by Councilmember Humbert, seconded by Councilmember Watts, to go into Executive Session at 9:36 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the Bromley Hishinuma Farm and a Lease at 14605 Sable Boulevard. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

Absent: 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

Mayor Mills reconvened the meeting at 10:37 p.m.

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:38 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date