

# City of Brighton

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



## Meeting Minutes

**Tuesday, June 2, 2020**

**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, TIM WATTS**

**1. CALL TO ORDER**

*Mayor Mills called the meeting to order at 6:10 p.m.*

**A. Pledge of Allegiance to the American Flag**

*Mayor Pro Tem Johnston led the recitation of the Pledge of Allegiance to the American Flag.*

**B. Roll Call**

*Councilmember Pollack arrived at 6:30 p.m.*

**Present:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**2. APPROVAL OF REGULAR AGENDA**

*Acting City Manager Falconburg asked that Item 10A be removed from the Regular Agenda.*

**Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve the Regular Agenda as amended. Motion passed by the following vote:**

**Aye:** 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Watts

**Absent:** 1 - Councilmember Pollack

**3. CONSENT AGENDA**

**A. Approval of the April 21, 2020 City Council Minutes**

**B. Approval of the April 30, 2020 City Council Minutes**

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

**Aye:** 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Watts

**Absent:** 1 - Councilmember Pollack

**4. CEREMONIES**

**A. Presentation of Check by United Power**

*Tom Green with United Power presented a Capital Credit Distribution check to the City of Brighton for \$50,419.77.*

**B. Men's Health Month Proclamation**

*Mayor Mills read the Proclamation into the record.*

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

**Aye:** 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Watts

**Absent:** 1 - 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**

**8. ORDINANCES FOR FINAL CONSIDERATION**

**9. RESOLUTIONS**

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A CONTRACT FOR NEEDLEPOINT BI-POLAR IONIZATION, PROJECT #20-006356, TO BUILDING TECHNOLOGIES SYSTEM, INC FOR THE CONTRACT AMOUNT NOT TO EXCEED \$261,600.61, 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.*

*Acting City Manager Falconburg introduced Budget Manager Kayla Barber-Perrotta.*

*Budget Manager Kayla Barber-Perrotta presented the agreement with Building Technologies System, Inc. to install a Needlepoint Bipolar Ionization system in all City buildings for \$261,600.61. While determining how to open City facilities safely staff began looking at air cleanliness and quality. CDC guidelines emphasize air quality and how to minimize the movement of particulates and the virus through the air. Staff looked at different types of products and found that this technology is a self-cleaning technology and staff would not have to go from building to building to clean the machines. There are two ways that this technology works:*

- 1. The ions cling to particulates, making them larger and easier to trap in filters.*
- 2. The ions attach to the virus removing the hydrogen particles neutralizing the virus in the air.*

*The project would cover thirteen buildings and be completed in a phased approach beginning with buildings that currently have staff working there. The installation would be complete in all buildings in six weeks. The funding for this project would be covered under the CARES Act. Staff recommends approval of this project. Budget Manager Barber-Perrotta answered questions from Council regarding:*

- The ability to move the units to the new Street and Water Shop facility.*
- The amount of CARES funding being used for this project and the funds coming from the second installment of CARES funding.*
- Council approving to use CARES funding for this project.*
- The ability to transfer the unit to a new building.*
- An expert being present to answer questions from Council.*
- The ionization product being better than it used to be, how the units are kept clean and the department responsible for cleaning the units.*
- The location of the dirt when the unit cleans itself and this becoming a maintenance problem.*
- The CARES funding being used for another project.*
- This product keeping members of the public safer when City Hall opens.*
- The ability to break out portions of the project to complete certain buildings sooner.*
- The opening of City buildings being delayed if this project is not approved tonight.*
- Any other vendors doing this type of work.*
- The time it would take to complete this project.*

**Motion by Councilmember Watts, seconded by Mayor Pro Tem Johnston, to continue Item 9A for further discussion at the Study Session on June 9, 2020 and the City Council meeting on June 16, 2020. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF A-1 CHIPSEAL CO. AND AWARDING THE CONTRACT FOR 2020 STREET PRESERVATION, PROJECT #302014, TO A-1 CHIPSEAL CO. IN THE AMOUNT NOT TO EXCEED THREE MILLION ONE HUNDRED NINETY EIGHT THOUSAND FOUR HUNDRED NINETY FIVE DOLLARS AND SIXTY CENTS (\$3,198,495.60), WITH NO CONTINGENCY FUNDING, AND AUTHORIZING THE MAYOR 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.*

*Acting City Manager Falconburg introduced Public Works Engineer Christopher Montoya.*

*Public Works Engineer Christopher Montoya presented the 2020 Street Preservation Project. This annual project is to maintain and preserve the multi-modal transportation throughout the City including roadways, bike and pedestrian transportation. The project includes construction, improvements and infrastructure for those types of travel. The project includes evaluation and preparation, solicitation for bids, Council award and construction. The project is scheduled to be completed in 180 days and will include chip seal, slurry seal and pavement markings. One bid was received for this project and the bid did come in over budget. Staff did modify and negotiate the contract. There were also some budget cuts for this project so a few items were eliminated. In the future, some creative ideas will be considered to improve safety in school zones. Asphalt patching and crack seal will be done in certain areas to prevent further damage to the roadway. Engineer Montoya presented the areas that will be receiving the different types of work being done in those areas. This project will cover 4.5 lane miles of hot chip, 2.5 lane miles of new bike lanes, 7.0 lane miles of chip seal and 20 lane miles of slurry seal. Staff recommends approval of the contract to A-1 Chipseal Co. for \$3,198,495.60; this is within the budgeted amount. Engineer Montoya answered questions from Council regarding:*

- The work being done on 27<sup>th</sup> Avenue north or south of Bromley Lane.*
- The section of 27<sup>th</sup> Avenue being part of Prairie Center.*
- The intersection of 27<sup>th</sup> Avenue and Bromley Lane being corrected with this project.*
- The lifetime of each type of the products being used in this project.*
- The product being unique to this company since there was only one bid.*
- A change order expected for this project.*
- The chipseal wearing out snow plows.*
- A-1 Chipseal Co. being a Brighton company.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Resolution 2020-56. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, TEMPORARILY AMENDING THE FEE FOR A TEMPORARY USE APPLICATION IN THE CITY OF BRIGHTON**

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

Acting City Manager Falconburg introduced Senior Planner Mike Tylka.

Senior Planner Mike Tylka explained that this item would approve a temporary fee reduction for the Temporary Use Application in the City of Brighton. On May 5, 2020, the Governor laid out a plan for reopening restaurants and encourages the use of outdoor seating areas beginning May 27, 2020. Indoor space will be limited to 50 people or 50% of capacity, whichever is less. City Council has the authority to set fees for all City applications. City Council set the fee for a Temporary Use Application at \$50.00 on December 3, 2019 via Resolution 2019-123 to be effective January 1, 2020. In order for a business to expand outside of their building on a temporary basis, a Temporary Use Permit is required by the Land Use and Development Code. The purpose of reviewing the permit is to ensure that adequate parking remain, ADA parking stalls, ramps and sidewalks widths of four ft. are maintained, and that barriers to protect patrons are in place. This is all being done in order to protect the health, welfare and safety of our community and those that visit it. Based on conversations with City Council, staff believes that the elimination of the fee for a Temporary Use Application from May 27, 2020 through September 4, 2020 may be viewed favorably by City Council. Staff views this possible measure as an appropriate form of business assistance during this difficult economic time. If approved, this Resolution would reduce the fee from \$50.00 to \$0.00 for a Temporary Use Application submitted from May 27<sup>th</sup> to September 4<sup>th</sup>. The \$50.00 fee would be automatically reestablished for applications received on September 8, 2020 and after. Senior Planner Tylka answered questions from Council regarding:

- The number of applications submitted and the number approved.
- This permit allowing outdoor tables.
- Any other permits required to allow outdoor seating.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to approve Resolution 2020-57. Motion passed by the following vote:

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## 10. UTILITIES BUSINESS ITEMS

### Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF GLOBAL UNDERGROUND CORPORATION AND AWARDING THE CONTRACT FOR THE CORE CITY PIPE REPLACEMENT PROJECT, PROJECT #20-006237, TO GLOBAL UNDERGROUND CORPORATION IN THE AMOUNT OF THREE MILLION, SIXTY-NINE THOUSAND, NINE HUNDRED FORTY-EIGHT DOLLARS AND FORTY CENTS (\$3,069,948.40), AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Item 10A was removed from the agenda.*

*Mayor Mills called for a break at 7:48 p.m.*

*Mayor Mills reconvened the meeting at 7:54 p.m.*

## 11. GENERAL BUSINESS

- A. Discussion of Design and Construction of 45th Avenue and Longs Peak Street**

Senior Planner Mike Tylka updated City Council on the status of the roadway at 45<sup>th</sup> Avenue and Longs Peak Street, the current Roadway Agreement with Brookfield Residential and what has taken place regarding the construction of the roadways.

*Public Works Engineer Manager Christopher Montoya presented City Council an estimated cost for the completion of the roadways and several alternatives for construction.*

*City Council, staff and representatives from Brookfield Residential discussed options for the design and construction of 45<sup>th</sup> Avenue and Longs Peak Street and the timeframe for completion.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to have the City of Brighton enter into an agreement with Brookfield Residential to pay for and construct Longs Peak Street and 45<sup>th</sup> Avenue and for such agreement to have the following particulars included: the agreement to be negotiated and approved on June 16, 2020 on the City Council agenda following a Study Session on June 9, 2020; that the roadway construction be complete no later than one year from the agreement, the agreement will include an amendment to the Brighton Crossing Metro Districts 5-8 Service Plans to allow for compounding interest with no increase to the mill levy cap, other than for the Gallagher adjustment to facilitate construction; that the approval of the Brighton Crossing Filing 7 Final Plat and Development Agreement of the same need to be on the same agenda; and to create a schedule for the review and consideration of the amended Roadway Agreement and for the Brighton Crossing PUD Amendment No. 25 of Filing 7. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## **B. COVID Reopening Plan Update**

*Economic Development Director Michael Martinez updated City Council on the current guidelines and the reopening plan for City buildings and the safety precautions that will be taken.*

*City Council and staff discussed the reopening plan for City facilities.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to reconvene to live City Council meetings on June 16, 2020 if the member feels comfortable and that residents would be allowed to attend the meetings in the building while following social distancing guidelines. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

## **C. Discussion to Postpone Summerfest**

*Communications and Engagement Director Kristen Chernosky and Downton and Special Events Manager Gary Montoya updated City Council on the possibility of holding an "End of Summerfest" on September 19<sup>th</sup>. There is an eight-week lead-time to prepare for the event so a decision can be made in July to determine if the event will take place.*

*City Council and staff discussed the options for the event in September.*

## **D. Discussion to Open City Hall**

*This item was discussed with item 11B.*

## **E. Discussion to Open the Oasis Water Park**

*Parks and Recreation Director Travis Haines and Finance Director Maria Ostrom updated City Council on the cost to open the Oasis Water Park at a lower capacity and the timeframe to open the facility.*

*City Council and staff discussed the options to open the Oasis Water Park*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, not to open the Oasis Water Park this year. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**F. Discussion Regarding the Forensic Audit Letter**

*City Council discussed the two options for the Forensic Audit Letter.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Jordinelli, to approve Option 1 and to add the text that was removed back into the letter and to send a press release within forty-eight hours. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Cushing, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**No:** 2 - Councilmember Blackhurst, and Councilmember Humbert

**12. REPORTS**

**A. By the Mayor**

*Mayor Mills reported that the virtual graduation for Brighton High School is this weekend and the parade is the day after graduation.*

**B. By Department Heads**

**C. By the City Attorney**

*City Attorney Bajorek updated City Council regarding the question that a person must provide their address when speaking to Council on an item not on the agenda. This is not a requirement, but is customarily done in a number of jurisdictions; this could be a Council decision. This does not apply if it is a quasi-judicial hearing to determine if their residence related is to the impact of the development and their proximity to the development.*

**D. By the City Manager**

*Acting City Manager Falconburg updated City Council regarding the Aggregate Permit for the Tucson mine. This will be presented at a future Study Session.*

**13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

**14. EXECUTIVE SESSION**

**15. ADJOURNMENT**

**Motion by Councilmember Watts, seconded by Mayor Pro Tem Johnston, to adjourn at 11:00 p.m. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

CITY OF BRIGHTON, COLORADO

  
\_\_\_\_\_  
Gregory Mills, Mayor

ATTEST:

  
\_\_\_\_\_  
Natalie Hoel, City Clerk

  
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Approval Date