

# City of Brighton

500 S. 4th Avenue  
Brighton, CO 80601

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## Special Meeting Minutes

Tuesday, June 22, 2021

6:00 PM

Special City Council Meeting  
Amended  
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 Humbert 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

**2. APPROVAL OF REGULAR AGENDA**

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, 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. EXECUTIVE SESSION**

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to go into Executive Session at 6:03 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 Potential Water Shares Purchases and for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees regarding Municipal Judge and City Attorney Recruitment. 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 7:18 p.m.*

**4. UTILITIES BUSINESS ITEMS**

**Resolution**

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS UTILITIES ENTERPRISE, AMENDING RESOLUTION NO. 2013-30 RELATING TO THE DROUGHT MANAGEMENT PLAN TO GIVE AUTHORITY TO DECLARE A DROUGHT STAGE TO THE CITY COUNCIL OF THE CITY OF BRIGHTON**

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

*City Manager Jane Bais DiSessa introduced Utilities Director Brett Sherman.*

Utilities Director Brett Sherman feels it is important to bring concerns to Council regarding water, water treatment and the ability to serve the citizens of Brighton. Director Sherman defines drought as a shortage of water. A water shortage is any situation in which water supply is inadequate to meet demand. Drought can be meteorological, hydrological, disruptions like natural disasters, power outages main breaks, water waste like over-irrigation, inefficient or malfunctioning fixtures and appliances and production limit, usage beyond water system design capacity. At this time, the City is in one level or another of each of the causes of a water shortage. The peak day in 2019 was 11.6 MGD, in 2020 the peak day was 12.1 MGD, this typically happens in mid to late July. The peak in 2021 was predicted to be 12.5 MGD, but the City already hit 12.75 MGD last week. Staff feels this should be addressed. The largest use of water in the City is landscape irrigation. The City has taken steps to reduce water use including reducing park watering by 30% and switching three large parks to a non-potable water supply. Staff has made arrangements with the Westminster and Thornton contract to increase the maximum treated water purchase from 2.2 MGD to 2.75 MGD. This cannot be increased further due to pipeline and other infrastructure limitations. Staff has previously recommended voluntary water restrictions. With the recent hot weather the tank levels drop. There is a risk that the City will be unable to serve the citizens and there would not be water for fire protection. Staff is recommending mandatory water restrictions. This will help so there would not be an issue with an HOA requiring a homeowner to keep their lawn green. With full compliance there would be a 20% reduction in water use, this would help get through the hot summer. Staff is recommending a two day per week watering schedule to help get to the 20% reduction. The residents would be notified through the City website, emails, social media, bill stuffers, and message boards placed throughout the City. Agricultural type watering like gardens and raised beds will not be restricted. Response to violations would include:

1. Verbal warning or door hanger.
2. Written notice of non-compliance.
3. Fine (\$22.50)
4. Written citation and mandatory court appearance, fine of \$50.00 minimum.

Water Plant Supervisor Sam Mingo explained that he raised concerns to the City Manager that the City was approaching dangerous levels of demand. The normal peak demand is the third week in July, but the City hit and exceeded the anticipated peak demand a month early. The biggest concern is that the City is operating a thirty year old treatment plant at or above capacity and at that point, there is no redundancy. If a well or filter is lost or any piece of equipment breaks, the City loses production and there is no way to provide 12 million gallons of water. The demand for water has skyrocketed beyond the capacity and something has to be done to reduce the water usage and help the plant to be at a sustainable level.

Laurie Maier, Brighton. Ms. Maier explained that other water districts have already implemented water restrictions and is concerned that if the City does not do the same, there will not be enough water for daily use. These decisions need to be made in a timely manner.

Director Sherman, Acting City Attorney Lena McClelland and Water Plant Supervisor Sam Mingo answered questions from Council regarding:

- When the issue with the plant first came before City Council and why nothing was done at the time.
- The ability to file any new extensions with the State.
- The City having any programs for xeriscaping.
- Mandated water restrictions keeping the HOA's from fining their residents.
- The water usage today and yesterday.
- The ability to have watering three days per week instead of two days per week.
- The usage of using non-potable water to get the usage down.
- The need to implement this tomorrow.
- The ability to identify those watering every day with the new meter reading system.
- The plant only using three of the five trains.
- The ability to send water through the wastewater treatment plant.
- There being a limit to the amount of water a resident can put on their lawn twice per week.
- Special permits being given if a resident has a new lawn.
- The Drought Plan authorizing the City Manager to implement water restrictions.
- The need to have a new meeting to approve a Resolution taking the power away from the City Manager.

- The City Manager retaining the authority if the Resolution does not pass.
- The motion at the last meeting being made to take this action tonight.
- The authority going back to the City Manager if no action is taken tonight.
- Another meeting needed to implement water restrictions if the Resolution is approved tonight.
- The other types of emergencies being impacted if this Resolution is approved.
- Any drought situations that can take less water from the wells.
- The City receiving ample notice in most situations.
- The Drought Management Plan addressing a situation if the plant went down.
- The only remedy under the Drought Management Plan is for the City Manager to take action if a fire drained the water tanks.
- The approval of the Resolution prohibiting the City Manager from taking action if a fire drained the water tanks.
- The City using the National Drought Mitigation Center to determine if there is a drought.
- The fourth train at the Plant being in operation.
- The City receiving water from Thornton on Thursday.
- Mandatory restrictions being implemented without completing step one.
- This action going to happen on Tuesday.
- The Drought Management Plan or the Municipal Code overruling the other.
- The Plan in 2013 being the same as the Code.
- The situation that determines an emergency and when that authority is declared.
- A state of emergency going into effect if water is going over capacity.
- An emergency having been declared last year.
- The plant producing 1.5 million gallons per day less prior to Sam Mingo working at the City.
- The restrictions being in place for watering.

Failed for lack of a motion.

**5. GENERAL BUSINESS**

**A. Appoint a Selection Committee Regarding the Municipal Judge**

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to appoint Councilmember Blackhurst, Councilmember Watts and Prosecuting Attorney Adam Gollin to select the Municipal Judge. 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

**6. ADJOURNMENT**

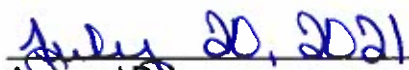
Mayor Mills adjourned the meeting at 9:00 p.m.

**CITY OF BRIGHTON, COLORADO**

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

**ATTEST:**

  
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Natalie Hoel, City Clerk

  
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Approval Date