

City of Brighton

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



Meeting Minutes

Tuesday, August 3, 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 6:01 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 Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

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

2. APPROVAL OF REGULAR AGENDA

Mayor Mills asked that the Executive Session be moved after Item 5.

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

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

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

3. CONSENT AGENDA

A. Approval of the July 6, 2021 City Council Minutes

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

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

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

4. CEREMONIES

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

16. EXECUTIVE SESSION

Motion by Councilmember Humbert, seconded by Councilmember Watts, to go into Executive Session at 6:05 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Litigation. Motion passed by the following vote:

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

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

Mayor Mills reconvened the meeting at 6:55 p.m.

6. PUBLIC HEARINGS

7. EMERGENCY ORDINANCES

- A. AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ESTABLISHING A TEMPORARY SUSPENSION UNTIL AUGUST 3, 2022 (OR EARLIER AS MORE PARTICULARLY SET FORTH HEREIN) OF THE ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND LICENSES FOR THE COMMERCIAL OPERATION OF ALL FORMS OF SHARED USE MICROMOBILITY DURING THE TERM OF SUCH MORATORIUM; AND DIRECTING THE CITY MANAGER, CITY ATTORNEY, AND CITY STAFF TO CONDUCT SUCH ANALYSIS AND RESEARCH AS MAY BE ADVISABLE AND TO CONSULT WITH SUCH EXTERNAL PARTIES AS MAY BE PRUDENT, TO DETERMINE WHETHER AND TO WHAT EXTENT MEASURES RELATED TO THE REGULATION OF THE COMMERCIAL OPERATION OF ALL FORMS OF SHARED USE MICROMOBILITY WITHIN THE CITY, SHOULD BE ADOPTED BY THE CITY COUNCIL TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF BRIGHTON, AND TO MAKE RECOMMENDATIONS TO CITY COUNCIL AS TO SUCH MATTERS; DECLARING AN EMERGENCY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

City Manager Jane Bais DiSessa introduced Senior Planner Mike Tylka.

Senior Planner Mike Tylka explained that shared mobility is a transportation strategy that allows users to share vehicles reducing the need for vehicle ownership. Micromobility is a transport mode encompassing vehicles that are relatively low in weight and low maximum speed. Bike sharing is the most popular form of micromobility; other types include scooters and skateboards. These can be motorized or non-motorized forms of transportation. Staff is requesting a moratorium for one year on the issuance of commercial licenses to operators of shared micromobility. City staff has received inquiries from commercial users looking to set up in the City of Brighton. These operations could be dropping off of several dozen scooters, this happened in Thornton. Other uses could be electronic or pedal powered bikes with dedicated docking stations on public sidewalks or other dedicated spaces.

Staff would like to offer these operators clear guidance and at this time, the City does not have applications, review criteria, or operating provisions. There are some conflicting provisions in the Model Traffic Code related to these uses. Staff is requesting the one year moratorium so a full analysis can be done to review all of the possible micromobility uses. This would allow the standards to be adopted at the same time to provide clear direction for all of the uses. Staff would like to do analysis and research on the following areas:

1. Safety

Some cities are considering bans on electric scooters after head injuries and deaths have occurred. Staff would like to review this to determine if rules regarding speed and "no go" areas should be established for the safety of the public.

2. Operations

3. Standards / Rules and Regulations

Rules are needed for enforcement and where they can be appropriately parked and used.

4. Application, Process and Review Criteria

5. Agreement and License Creation

6. Financial Impacts

Liability and staff time for enforcement.

7. Engagement

Engage with business owners, BURA, Downtown Partnership, Police Department, and the Parks and Recreation Bike Brighton Committee to possibly help craft policy.

8. Positive and Negative Impacts

Environmental pros and cons, and congestion.

9. Code and Law Review

Make sure the City Code is in line with state regulations.

10. Fee Analysis

11. Best Practices

Council should consider that the moratoria should be enacted in good faith and should be reasonable. A moratorium is typically done when regulations are non-existent or need to be updated. This would prevent commercial operators from coming into the City during the moratorium. Council has to make the determination whether an emergency exists. Staff believes there is an immediate concern in safety risks as the City does not have standards or application review criteria. Staff is recommending that this be moved forward tonight as an Emergency Ordinance because a commercial operator could come in to the City without any rules or regulations and staff feels this would be unsafe.

Senior Planner Tylka, Community Development Director Holly Prather and Acting City Attorney Lena McClelland answered questions from Council regarding:

- The ability to extend past a year if necessary.*
- The vote requiring a 2/3 vote of City Council or 2/3 of the Councilmembers present.*
- The reason this was brought as an emergency.*
- This Ordinance covering micromobility of bikes and scooters.*
- This action hurting the community from becoming more bike friendly.*
- The ability to get a quarterly update of the work being done.*
- The number of staff working in the Community Development department.*
- Any current rules about scooters on trails in the City.*

Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve the Ordinance. Motion failed by the following vote:

Aye: 5 - Mayor Mills, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

No: 2 - Councilmember Cushing, and Councilmember Taddeo

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

8. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

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

City Manager Bais DiSessa introduced Public Works Director Mike Woodruff.

Public Works Director Mike Woodruff explained that the next two items are being brought in sequential order as they relate to one another. This is a partnership between the Public Works Department and the Utilities Department to secure the best product at the most reasonable cost. The project is the overlay of the South Platte Transmission Waterline Project that was done on Bromley Lane. There is patchwork in place at this time. The intent of the change order is to secure funding from the Utilities Department to change order the contract for the existing Street Preservation Program. This allows the City to use a different material type product, which is just as good, if not better than the original 2" mill and overlay that would have been done on Bromley Lane. A 1" hot chip and overlay will be used on this project. This is a superior product and will save the City approximately \$85,000 over the total cost of the project. With appropriate maintenance, the longevity will be just as good as the 2" mill and overlay. This project is for additional work that will be funded through the Enterprise Fund. The Utilities Department will be closing out their South Platte Transmission Waterline Project and transferring the funds to the General Fund to pay for the overlay project. The project could be delayed up to six weeks due to a shortage of asphalt. The cost of the project is \$228,400.

Public Works Engineering Manager Christopher Montoya explained that the Utilities project is taking place at the same time as the 2021 Street Preservation Project. The additional work would be funded through the change order to the existing contract with A-1 Chipseal. The General Fund would bill the Utilities Fund for the actual work completed. The costs are being deducted from the South Platte

Transmission Waterline Project so the work would be done by the Public Works contractor. Public Works and Utilities came up with the alternative solution for the project. The work will be done on the eastbound lanes of Bromley Lane where the roadway was trenched and patched. The scope of the change order includes extending the project limits, increasing the line item quantities, and the addition of thirty days of time to the contract. A cost analysis was done and the savings for the project is \$85,600. Staff recommends authorizing the change order to A-1 Chipseal, Co. in the amount of \$228,400 to increase the total contract amount to \$3,550,249.50 extending the project limits, increasing the associated line items, and adding thirty days to the contract.

Public Works Director Woodruff and Engineering Manager Montoya answered questions from Council regarding:

- The length of time for the project with delays.*
- The road being milled before the new material is placed.*
- The need to order extra asphalt with the current shortages.*

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF A-1 CHIPSEAL CO. AND APPROVING THE PROCUREMENT OF 2021 STREET PRESERVATION CHANGE ORDER #001, PROJECT # 21-006719, TO A-1 CHIPSEAL CO. FOR THE AMOUNT OF TWO HUNDRED TWENTY EIGHT THOUSAND FOUR HUNDRED DOLLARS, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT AMENDMENT AND CHANGE ORDER ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve Resolution 2021-53. Motion passed by the following vote:

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

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

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE DEDUCTIVE CHANGE ORDER #1 OF HUDICK EXCAVATING INC. DBA HEI CIVIL, AND APPROVING THE CONTRACT AMENDMENT #1 FOR #20-006328 SOUTH PLATTE WELLS TRANSMISSION AND APPROVING THE DEDUCTIVE CHANGE ORDER FOR THREE HUNDRED FORTY FIVE THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS AND THIRTEEN CENTS (\$345,777.13), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN AMENDMENT #1 ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

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

Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve Resolution 2021-54. Motion passed by the following vote:

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

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

9. ORDINANCES FOR INITIAL CONSIDERATION

10. ORDINANCES FOR FINAL CONSIDERATION

11. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING THE 2020 ADAMS COUNTY MULTI JURISDICTIONAL HAZARD MITIGATION PLAN, (THE PLAN) AUTHORIZING AND INSTRUCTING THE CITY MANAGER, IN CONJUNCTION WITH THE EMERGENCY MANAGEMENT COORDINATOR, TO IMPLEMENT SAID HMP WHEN APPROPRIATE; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

City Manager Bais DiSessa introduced Emergency Management Coordinator Stephanie Hackett.

Emergency Management Coordinator Stephanie Hackett introduced Stormwater Coordinator Scott Olsen.

Stormwater Coordinator Scott Olsen answered questions from Council regarding:

- The reason Third Creek is in the plan and Second Creek is not in the plan.*
- Nothing being built yet.*
- A timeframe or any plans at this time.*
- The need to have something in place regardless of the growth at DIA.*
- The need to consider a fifty year event.*
- The only way the City has an issue is with a 100 year event.*

Motion by Councilmember Watts, seconded by Councilmember Taddeo, to approve Resolution 2021-55. Motion passed by the following vote:

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

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

12. UTILITIES BUSINESS ITEMS

Resolutions

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT NO. 19-06.08B REGARDING ADAMS COUNTY SOUTH PLATTE RIVER WORKING GROUP BETWEEN THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY**

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

City Manager Bais DiSessa introduced Stormwater Coordinator Scott Olsen.

Stormwater Coordinator Scott Olsen introduced Barb Chongtoua with Mile High Flood District.

Barb Chongtoua with Mile High Flood District requested the authorization of \$25,000 from the City to partner with Adams County, Commerce City, Thornton and the Mile High Flood District bringing in \$835,000 to continue the Adams County South Platte River Vision Implementation Plan, which covers seventeen miles of the South Platte River from Franklin Street to 168th Avenue. The South Platte River has experienced decades of disturbance with land use changes along and within the river corridor. Restoration is important and it is critical to change the trajectory of the river. Instead of the four jurisdictions that line the seventeen miles taking on the work on their own, it was decided to come together as a coalition of the County and the three jurisdictions as well as the Flood District to tackle this work together. This ensures that the work being done supports each other, and there are cost efficiencies as well. To complete this, there must be a vision for the corridor and the South Platte River. The first step in restoring the river is to understand the needs. The Vision and Implementation Plan is founded on three objectives:

- 1. Preserving the health of the river so it is viable for plants, vegetation, wildlife and for people.*
- 2. Making sure there is quality experience for the river for plants, wildlife and people. The corridor being able to compliment and engage with both riverside and neighborhood development and equitable access to the trail system.*
- 3. The river being connected to its environment and the way people see the river, as a place of enjoyment and recreation or just for meditation. The ways people use the area and how they can get there.*

The discovery phase of the project has just been completed; this is where the challenges and opportunities are understood. The project is now in the public outreach phase and the visioning phase. This plan will determine a roadmap of projects that need to be implemented both short-term and long-term so funding from the City can be planned appropriately. This would include projects the City would complete on their own or projects done with the Flood District and Adams County. The study should be completed in 2022 and then the design and construction projects.

Barb Chongtoua and Acting City Attorney Lena McClelland answered questions from Council regarding:

- The amount of money being requested.*
- The reason this was brought before Council for approval.*

Motion by Councilmember Taddeo, seconded by Councilmember Pollack, to approve Resolution 2021-56. Motion passed by the following vote:

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

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

13. GENERAL BUSINESS

A. Consider Appointment of Brighton Urban Renewal Authority Applicants

B. Letter of Support for the Sports Complex Project

Acting City Attorney McClelland answered questions from Council regarding:

- The presentation being available for the public to view.*

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve a Letter of Support for the Sports Complex Project. Motion passed by the following vote:

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

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

14. REPORTS

A. By the Mayor

Mayor Mills attended the NATA meeting, the Brighton Chamber After Hours event, and the Bennet State of the Town event. The Bob Sakata Campus Ribbon Cutting is Saturday.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

City Manager Bais DiSessa attended the City Art event. The budget session and a report on the Water Treatment Plant is coming up. A reminder to Council to contact staff if they wish to attend an upcoming conference.

15. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Jordinelli attended the Cultural Arts and Public Art Committee meetings.

Councilmember Cushing attended the RTD meeting and the DRCOG meeting.

Councilmember Humbert attended the City Art event, the 27J Schools Red Carpet Greeting for New Teachers event and the Full Moon Bike Ride.

Councilmember Watts attended the City BBQ and provided an update on the Wall that Heals event.

Councilmember Taddeo attended the Flix and Kicks event, a Ribbon Cutting through the Chamber of Commerce and the City BBQ.

16. EXECUTIVE SESSION

- A. For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Litigation.**

This item was moved after Item 5.

17. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:44 p.m.

CITY OF BRIGHTON, COLORADO

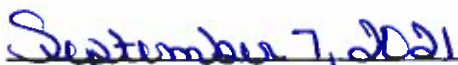


 Gregory Mills, Mayor

ATTEST:



 Natalie Hoel, City Clerk



 Approval Date