

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, August 15, 2023

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - CLINT BLACKHURST
COUNCIL MEMBERS:
TOM GREEN, MATT JOHNSTON,
PETER PADILLA, JAN PAWLOWSKI,
MARY ELLEN POLLACK, ANN TADDEO

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 Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

2. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Pawlowski, seconded by Mayor Pro Tem Blackhurst, to approve the Regular Agenda as presented. Motion passed by the following vote:

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

3. CONSENT AGENDA

A. Approval of the July 18, 2023 City Council Minutes

B. Approval of the July 25, 2023 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF LUCERO CONCRETE CONTRACTORS, LLC FOR THE SPEER CANAL TRAIL PROJECT FOR THE AMOUNT OF SIX HUNDRED TWENTY-EIGHT THOUSAND FOUR HUNDRED FORTY DOLLARS (\$628,440.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ISSUE A TASK ORDER FOR SUCH WORK ON BEHALF OF THE CITY

Resolution No. 2023-77

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE CONTRACT WITH JR ENGINEERING, LLC FOR THE CHANGE ORDER AMOUNT OF SIX HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED FORTY-FIVE DOLLARS (\$635,445.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

Resolution No. 2023-78

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Pollack

Recuse: 1 - Councilmember Taddeo

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

Tom Lampo prayed for the city.

Anass Maksi expressed concern that the security company that have employees in the 27J Schools are not licensed in the City of Brighton.

Tami White expressed concern regarding the design for the Bridge Street improvements and the impact it will have on residents in the area.

Chris Fiedler thanked everyone that attended the kickoff events for 27J Schools and invited them to the ribbon cuttings for the CTE Center at Brighton High School and Prairie View High School on September 11th. Mr. Fiedler explained that he is officially running as a candidate in Ward 3.

6. PUBLIC HEARINGS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE BRIGHTON CROSSING FILING NO. 6 SUBDIVISION, AN APPROXIMATELY 63.821 ACRE PROPERTY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH 40TH AVENUE AND SOUTHERN STREET, SOUTH OF FIRE STATION 52, AND WEST OF MT. ELBERT STREET, MORE PARTICULARLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

Mayor Mills opened the public hearing at 6:17 p.m. and City Clerk Natalie Hoel verified the required postings and publications (July 31, 2023 on the City of Brighton Website) for this public hearing were completed.

Assistant Director of Community Development Mike Tylka explained that the former applicant is Ware Malcomb, and the owner is Brookfield Residential LLC. This application was considered under the previous Land Use & Development Code. A Preliminary Plat was presented to the Planning Commission and was advanced. A Final Plat and Development Agreement are to be approved by City Council and is required before site development can occur on the property and permits can be pulled. The purpose of the Development Agreement is to outline expectations the city has for the developer regarding the property as it develops.

The property is generally located at the northeast corner of the intersection of South 40th Avenue and Southern Street, south of Fire Station 52 and west of Mt. Elbert Street and consists of approximately 63.821 acres. Surrounding the property to the north is vacant land, Fire Station 52 and the water tower sites, to the south is open space, an electrical substation and a property zoned for warehousing and distribution, to the east and west are existing single-family detached residential uses. The property was annexed in 1986 as part of the Bromley Park II Annexation, was zoned Bromley Park PUD 24th Amendment in 2020 and is designated via that PUD single-family detached residential uses. The proposal includes 263 lots for low-density residential development, dedicates the appropriate rights-of-way and easements for utilities and drainage and tracts for a park, landscaping, and drainage. There will be six access points for the surrounding street network.

The developer will dedicate the right-of-way, design, and construct the remaining eastern half of South 40th Avenue to full width from Southern Street to the developer's north boundary line south of Fire Station 52. A turn lane will be added to the intersection at 40th Avenue and Bridge Street prior to the issuance of the first building permit for any residential development in the subdivision. The roadway will be brought to final condition with the development of the property to the east. The necessary right-of-way will be dedicated, and the developer will design and construct the remaining north half of Southern Street. Funds will be deposited with the city for the pro-rata share of the connection point to the north, also for the traffic signal at 40th Avenue and Southern Street, and for the future construction of a traffic signal at 40th Avenue and Bridge Street. An existing drainage pond will be expanded, and a new infiltration pond will be constructed to capture runoff from existing and expanded roadways. A 10' trail will be constructed through the subdivision and water and sewer lines will be installed for on-site service. The developer will be obligated to satisfy the 27J Schools cash-in-lieu of land dedication requirements. The developer has voluntarily agreed to participate in 27J Schools Capital Facility Fee Foundation and pay the associated fees. The city and developer agree that the neighborhood parks and community parks impact fees shall be used for the construction of Venture Park. This development will occur in three phases.

The Comprehensive Plan designates this property as appropriate for low-density use, and this proposal is an appropriate use in the subdivision. The layout of the subdivision complies with Comprehensive Plan elements such as connectivity and design. The current zoning of the property allows for low-density residential development. The proposed Final Plat and Development Agreement align with the property's designation per the plan as it will create the single-family neighborhood with a highly connected street pattern, buffered lots, and walkable amenities. The development of the land also aligns with portions of the plan's principles.

- Principle 1: Managing Growth Polices, the development will build upon the established framework of roads, utilities, and other infrastructure. The developer will construct the improvements being caused by the development both onsite and adjacent.
- Principle 2: The Freestanding City, the development seeks to expand residential uses in an area that is bounded by or planned for urban growth.
- Principle 6: Promote Neighborhoods that have Distinctiveness and Character, this subdivision will create greater pedestrian connectivity in the area between two existing neighborhoods and within the development.

Section 17-40-210 of the former Land Use & Development Code sets the requirements for a Final Plat. This property complies with all of the requirements outlined and meets the requirements outlined in the district. The development of this property will facilitate orderly growth and the expansion of the city. It will allow the master developer to take advantage of the location of the property adjacent to two Master Transportation Plans designated rights-of-way, South 40th Avenue and Southern Street. The proposed subdivision is compatible with the surrounding area. The Final Plat continues the development pattern of the subdivision to the east along Southern Street with residential lots backing it and a landscape buffer between the backs of the lots and Southern Street. Section 17-40-220 outlines that before City Council accepts a Final Plat, the developer will have entered into an agreement outlining the timing of construction of all necessary public improvements.

Staff finds that the plat complies with all applicable criteria and with the policies of the Comprehensive Plan. Staff is recommending approval of the Final Plat and Development Agreement. All notice and posting requirements were met and staff posted notice of the hearing on various social media sites. Planning staff has not received any formal comments. The Planning Commission heard this item on October 24, 2019 and unanimously recommended approval with two conditions. Both of those conditions have been met. The Development Review Committee recommended approval. 27J Schools did not oppose the proposal.

Mayor Mills asked if the applicant would like to add anything to the presentation.

Chris Brentner with Brookfield Residential is excited to get to this point in the project.

Mayor Mills asked if anyone in the audience had questions for the applicant.

Lexi White asked if this will be a product to purchase or rent. Mr. Brentner explained that they are for purchase.

Jeffrey Hunter asked if the full plans will be available to the public. There is a concern regarding stop signs and the timeframe for the signal improvements off 40th Avenue and Bridge Street. There was a lack of information given to residents in the area. Concerns regarding how the parking is going to be considered for people around the football field. Assistant Director Tylka explained that the Final Plat was in the City Council packet that was published last week. The turn lane on 40th Avenue will be constructed during Phase 1. Assistant Director of Public Works Christopher Montoya explained that the improvements on Bridge Street have been approved and it will be an 18-to-20-month timeline to complete. Stop signs and all appropriate features will be installed during development. Assistant Director Tylka explained that the parking issue at the football fields is not included in the proposal. The Parks and Recreation Department is looking at alternatives to address parking issues in the area.

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request, there was none.

Mayor Mills asked if any correspondence had been received, there was none.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Blackhurst asked if the trail that connects to Southern Street on the south would continue to the north of the property. Assistant Director Tylka explained that the hope is that when other parcels develop, this trail would create a loop when 42nd Avenue connects. Mayor Pro Tem Blackhurst asked if some kind of trail could be constructed on the water tank site to connect to Bridge Street for pedestrians. Assistant Director Tylka explained that there are constraints with the grading around the tanks so the pedestrian crossings would be on the other side.

Councilmember Pawlowski asked for clarification of the employment commercial area adjacent to the site. Assistant Director Tylka explained that it is a commercially zoned area around the Fire Station.

Councilmember Green asked for the timeframe for the build-out of the infrastructure improvements. Mr. Brentner explained that these improvements will be completed in Phase 1 and should take about a year. Councilmember Green asked if there will be a lot of additional traffic prior to the Bridge Street improvements being completed. Mr. Brentner stated that there would not. Councilmember Green stated he would like to see better pedestrian access to Water Tower Park.

Councilmember Padilla asked if the turn lane construction outside of the development would be a turn lane from northbound 40th Avenue onto Bridge Street. Assistant Director Tylka explained that this developer builds out the full extent of the improvements south of the Fire Station and would expand at the Fire Station to create the turn lane. Councilmember Padilla asked what the width of Dillon Avenue connection to 42nd Avenue would be. Assistant Director Tylka stated that typically a local road would be 32' wide. Councilmember Padilla asked if this would also be an exit route with a signal at 42nd Avenue and Assistant Director Montoya stated that a signal is planned. Councilmember Padilla asked if the temporary trail from 40th Avenue to 45th Avenue on the south side of this property would remain. Assistant Director Tylka explained that there will be a 10' wide detached sidewalk along Southern Street adjacent to the property.

Councilmember Taddeo asked if the developer needs to bring water or if it would be a fee-in-lieu. Assistant Director Tylka explained that it was determined by a past Council that this would be a fee-in-lieu.

Councilmember Johnston stated that this is the best possible development for this land and Council will make sure that the bottleneck will not remain for long.

Mayor Mills closed the public hearing at 6:58 p.m.

Motion by Councilmember Green, seconded by Councilmember Padilla, to approve Resolution 2023-79. Motion passed by the following vote:

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

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING AND REPEALING CERTAIN SECTIONS OF THE CITY OF BRIGHTON MUNICIPAL CODE AND ENACTING SECTIONS RELATED TO THE SALE OF MARIJUANA

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

City Attorney Alicia Calderón presented the requirements to authorize the retail and medical sale of marijuana including tracking, labeling, sale limits, recording of sales, and requirements for paying taxes. These facilities would be allowed in areas zoned Commercial or Light Industrial and not allowed in a PUD unless included as an approved use. There is a 1,000 ft restriction from schools, residential childcare facilities, any juvenile or adult halfway house or correctional facility, substance abuse rehabilitation center, and not allowed within 1,500 ft of another marijuana store. A maximum of four stores are allowed in the city and two licenses will be reserved for qualified social equity licensees. Hours of operation will be 9:00 a.m. to 9:00 p.m. and will require a local license. Staff is proposing appointing a marijuana hearing officer for any licensing actions.

Motion by Councilmember Johnston, seconded by Councilmember Padilla, to amend the Ordinance to earmark all available proceeds from the sale of marijuana to public safety related to the Police Department. Motion passed by the following vote:

Aye: 5 - Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

No: 3 - Mayor Mills, Mayor Pro Tem Blackhurst, and Councilmember Pawlowski

Mayor Mills called for a break at 7:42 p.m.

Mayor Mills reconvened the meeting at 7:53 p.m.

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SOUTH MAIN REDEVELOPMENT PLANNED DEVELOPMENT FOR AN APPROXIMATELY 4.15 ACRE PROPERTY, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH MAIN STREET AND WEST BROMLEY LANE, WITH A PORTION TO THE NORTHEAST OF SOUTH MAIN STREET AND WEST BROMLEY LANE ADJACENT TO JENSEN FOODS, MORE SPECIFICALLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

Applicant Alex Gonzalez read a letter into the record. "Hi, Alex, this is Jack Sampson owner of Brighton Ford. We have reviewed your proposed project at our intersection. Brighton Ford has no problem with anything regarding your application as long as Brighton Ford's access is still protected. We are specifically talking about access on Bromley Ln from the East with a left turn lane into Brighton Ford. Regards, Jack Sampson". Mr. Gonzalez explained that there is an access permit from CDOT for the left turn into Brighton Ford.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to approve Ordinance 2427. Motion passed by the following vote:

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

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 0.17 ACRES OF CONTIGUOUS LAND, LOCATED AT THE SOUTHEAST CORNER OF THE SOUTH 19TH AVENUE ALIGNMENT AND EAST 144TH AVENUE, IN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO**

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

Motion by Councilmember Green, seconded by Councilmember Padilla, to approve Ordinance 2428. Motion passed by the following vote:

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

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE RIGHT-OF-WAY VACATION FOR AN APPROXIMATELY 0.084 ACRE PORTION OF RIGHT-OF-WAY GENERALLY LOCATED TO THE NORTH OF EAST BRIDGE STREET AND SOUTH OF THE INTERSECTION OF NORTH 18TH AVENUE AND NORTH 19TH AVENUE, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Taddeo, to approve Ordinance 2429. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

Recuse: 1 - Councilmember Pollack

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REFERRING A BALLOT ISSUE TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF BRIGHTON TO INCREASE THE SALES AND USE TAX BY .15% (15 CENTS PER ONE HUNDRED DOLLARS SPENT) TO PROVIDE ADDITIONAL REVENUES TO FUND PUBLIC SAFETY**

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

Chief of Police Matt Domenico presented the ballot language for a .15% sales tax increase for the City of Brighton and explained that the revenue would be used for additional staff and equipment. There is a 2.75 Million Dollar cap and anything above that would be refunded, or a ballot measure would be presented to keep the additional funds.

Anass Maksi is not against the public safety tax but wants to know what the funds would be used for.

Motion by Councilmember Pollack, seconded by Councilmember Green, to approve Resolution 2023-80. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Councilmember Johnston

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Mills attended the 27J Schools new teacher luncheon.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Martinez congratulated 27J Schools for their back-to-school events.

E. By City Council

Councilmember Padilla attended the Chamber of Commerce Non-Profit Fair, the Adams County Health Department event and the Housing Authority meeting. Thursday is the Platte Valley Medical Center Farm to Table event.

Councilmember Pawlowski attended the Parks & Recreation Advisory Board meeting, the Capital Facility Fee Foundation meeting and the E-470 meeting.

Councilmember Green stated that the CTE facilities are great for the community and the 27J Schools security officers are all professionals.

13. EXECUTIVE SESSION

- A. Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Pawlowski, to go into Executive Session at 8:45 p.m. for determining positions relative to matters subject to negotiations pursuant to C.R.S. Section 24-6-402(4)(e) and City Charter Section 5.4(C)(3). Motion passed by the following vote:**

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

- B. Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Pawlowski, to go into Executive Session at 8:45 p.m. to provide legal advice on specific questions regarding possible litigation 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 Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Mayor Mills reconvened the meeting at 9:44 p.m.

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 9:45 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date