

City of Brighton

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



Meeting Minutes

Tuesday, September 20, 2022

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS

MAYOR PRO TEM - ADAM CUSHING

COUNCIL MEMBERS:

CLINT BLACKHURST, MATT JOHNSTON,

PETER PADILLA, JAN PAWLOWSKI,

MARY ELLEN POLLACK, ANN TADDEO

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

B. Roll Call

Present: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Not Present: 1 - Councilmember Padilla

2. APPROVAL OF REGULAR AGENDA

Councilmember Johnston asked that Item 3B on the Consent Agenda be moved to Item 11A.

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

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Councilmember Pawlowski

Absent: 1 - Councilmember Padilla

3. CONSENT AGENDA

A. Approval of the August 16, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF CAROLLO ENGINEERS, INC. TO SERVE AS AN OWNER’S REPRESENTATIVE FOR THE CONTRACT AMOUNT OF SIX MILLION THREE HUNDRED THOUSAND FOUR HUNDRED EIGHTY-TWO DOLLARS (\$6,300,482.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

This Item was moved to Item 11A.

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING THE JOINT BRIGHTON HOUSING AUTHORITY GRANT APPLICATION AND MATCHING FUNDS FOR THE COLORADO DEPARTMENT OF LOCAL AFFAIRS – 2022 INNOVATIVE HOUSING STRATEGIES PLANNING GRANT

Resolution No. 2022-105

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF OPENGOV, INC. FOR ONLINE PERMIT SOFTWARE FOR THE CONTRACT AMOUNT OF ONE HUNDRED FORTY-FIVE THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS (\$145,898.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-106

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING LISA SNYDER AS A WARD 2 MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM TO JANUARY 2026

Resolution No. 2022-107

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

4. CEREMONIES

A. Swearing In of New Board and Commission Member

City Clerk Natalie Hoel swore in the new Board and Commission member.

B. Suicide Prevention and Awareness Month Proclamation

Mayor Pro Tem Cushing 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, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

C. Hispanic Heritage Month Proclamation

Councilmember Pollack read the Proclamation into the record.

Motion by Councilmember Pawlowski, seconded by Mayor Pro Tem Cushing, to approve the Proclamation. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

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

Barb Kirkmeyer introduced herself and announced that she is a candidate for Congressional District 8.

6. PUBLIC HEARINGS

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF AN APPROXIMATELY 150.586 ACRES OF CONTIGUOUS LAND, KNOWN AS THE SWINK PROPERTY ANNEXATION, IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

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

City Manager Michael Martinez explained that Items 7A, 7B and 7C would be presented together.

Senior Planner and Historic Preservationist Emma Lane presented the Swink Property Annexation. The applicant is Anna Sparks of Innovative Land Consultants, Inc. and the property owners are the Swink Family Farms LLLP and Alvin W. Swink. The property is located north of East Bromley Lane, south of Southern Street, west of South 50th Avenue, east of the South 45th Avenue alignment and is approximately 150.586 acres zoned Adams County A-3 (Agriculture-3). Annexation is the first step in the development process.

Annexation is regulated by Colorado State law and is a four-step process. A petition was accepted by City Council via a Substantial Compliance Resolution approved on August 2, 2022, findings of fact via Annexation Eligibility Resolution, 1st reading of an Annexation Ordinance with a public hearing and 2nd reading of an Annexation Ordinance. An Annexation Agreement may be approved by Resolution at this time. Staff used the Colorado Revised Statutes, the Comprehensive Plan, and the Land Use and Development Code for review purposes.

City Council must determine if the Annexation complies with the statutory requirements set forth in the Colorado Revised Statutes. The Annexation meets the following criteria, the property is 78% contiguous with the city limits, there is a community of interest, the area is to be urbanized in the near future and the area is capable of being integrated within the city via sufficient access to utilities and future zoning. Staff has deemed that the request meets the statutory limitations required. Both the newspaper publications and the public hearing notices were sent within the required timeframes of the Colorado Revised Statutes.

In accordance with C.R.S. Section 31-12-108.5, an Impact Report was prepared and sent to the Adams County Board of Commissioners and included all the required information. The report included that any person may appear and present evidence and that all proceedings must be recorded in accordance with C.R.S. Section 31-12-109. The required information in C.R.S. Section 31-12-110 is included in the Resolution.

The Future Land Use portion of the Comprehensive Plan has designated this property as mixed-use residential and a small portion as parks and open space. The overall development would yield approximately 16% commercial uses and 84% residential uses. The Comprehensive Plan designation of mixed-use residential and the proposed commercial on the north side of East Bromley Lane would create a commercial corridor. In addition, with the South 45th Alignment to be built with this development, traffic from the north and south will be able to easily access the proposed commercial areas. The proposed commercial development along East Bromley Lane would complete the commercial node that is already developed to the south of the road. To the north of the proposed commercial is proposed to be a mixed-density residential development. While not directly on Bromley Lane, the residential portion of the property is in close proximity to the commercial portion and allows for accessible and walkable access to the commercial node along East Bromley Lane. Within the Comprehensive Plan Chapter for Citywide Principles, Policies & Strategies the proposed annexation advances a number of the goals in Policy 1.1, Policy 1.3, Policy 2.1, Policy 5.2, and Policy 6.5.

The City Council shall use the following criteria in the Land Use and Development Code Section 2.11 B to make their decision. The proposed Annexation is in compliance with the Municipal Annexation Act of 1965, Section 31-12-101 C.R.S. The annexation will help support a number of policies and principles of the Comprehensive Plan. The property can be integrated into the city and adequately served by city utilities. If annexed, the property is required to be zoned within 90 days of the approval.

Future development on this site will follow all standards and procedures of the Municipal Code and the Land Use and Development Code. At the time of development, municipal and governmental services and facilities will be extended to the property by the developer. The development of the land will pay its own way. There is adequate capacity to serve this property with the necessary city facilities and utilities. At the time of development, the developer will be required to submit technical engineering studies to ensure the appropriate amount of infrastructure is or will be present. The property is almost completely surrounded by existing development and utility services including roads. As a mixed-use development, development and traffic patterns will be well thought out including the improvement of utilities, roads, and the addition of amenities such as open space. Development upon the land will only be allowed ensuring it fits in with surrounding land uses, building designs and transportation corridors.

Staff has determined that the annexation meets all criteria in Section 2.11 B of the Land Use and Development Code and recommends approval of the Swink Property Annexation.

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Taddeo, to approve Resolution 2022-108. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 150.586 ACRES OF CONTIGUOUS LAND, IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (FIRST READING, PUBLIC HEARING)

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

Mayor Mills opened the public hearing at 6:40 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 18, 25, September 1, and 8, 2022 in the Brighton Standard Blade) for this public hearing were completed.

Senior Planner and Historic Preservationist Emma Lane stated that she does not have another presentation for this item.

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

Ryan Carlson with Carlson Associates explained that his family has been developing land in Adams County for the past sixty years and have been involved in many projects in the City of Brighton. Mr. Carlson appreciates the character and history of the City of Brighton and cares about the future of the city. This is one of the last and largest properties in the City that has yet to be annexed. It is a strategic property and one of the gateway intersections in Brighton. Mr. Carlson and his family have known and worked with the Swink family since the 1960's. Due to the location of the property and both families' history in Adams County and Brighton, they have taken planning of this property seriously and want to make sure it is done the right way and becomes a project that Brighton and the community can be proud of. This project will be a well thought, well planned, inclusive development.

Mayor Mills asked if anyone in the audience had questions for the applicant, there was none

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 there were questions from City Council, there was none.

Mayor Mills closed the public hearing at 6:45 p.m.

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SWINK PROPERTY ZONING MAP AMENDMENT FROM ADAMS COUNTY A-3 TO C-3, R-1-A, R-2, AND R-3 FOR AN APPROXIMATELY 150.586 ACRES OF PROPERTY, GENERALLY LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (FIRST READING, PUBLIC HEARING)

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

Mayor Mills opened the public hearing at 6:46 p.m. and City Clerk Natalie Hoel verified the required postings and publications (September 2, 2022 on the City of Brighton website) for this public hearing were completed.

Senior Planner and Historic Preservationist Emma Lane presented the Swink Property Zoning Map Amendment. The property is located north of East Bromley Lane, south of Southern Street, west of South 50th Avenue and east of the South 45th Avenue alignment and is approximately 150.586 acres. The request is to change the existing zoning of A-3 (Agriculture-3) under Adams County to City of Brighton C-3 (General Retail and Services), R-1-A (Single and Two-Family Residential), R-2 (Mixed-Density Residential), and R-3 (Multiple Family Residential) for the purpose of commercial and residential development. An application for annexation is being reviewed concurrently. A Subdivision Plan and Final Plat will be required before site development can occur on the property. Staff used the review criteria outlined in the Land Use and Development Code Section 2.03 B.

The proposed zoning categories present a mix of uses within the development. The proposed C-3 district consists of 24.94 acres, the proposed R-1-A district consists of 49.91 acres, the proposed R-2 district consists of 56.94 acres and the proposed R-3 district consists of 19.84 acres. The proposed development would offer approximately 16% commercial uses and 84% residential uses.

Staff has analyzed the surrounding uses and zone districts to determine if this area is appropriate for rezoning. To the north is single-family residential, located south are commercial uses, located east is single-family residential, and located west is industrial and one residential lot being used as an office.

The Comprehensive Plan designates this area as appropriate for mixed-use residential with a small area as parks and open space. The property is intended to have a mix of uses focusing more on residential uses and commercial uses being secondary. The proposed zoning map amendment meets numerous other policies of the Comprehensive Plan. Existing commercial development along the south side of East Bromley Lane and the proposed commercial and residential on the proposed property meet the goals of numbers 10 and 14 opportunity areas of the Comprehensive Plan. Any development will pay its way to develop and build infrastructure into the site and improve the existing infrastructure already surrounding the property. The proposed mix use of zoning supports a diversity of housing costs and will allow for walkable and accessible mixed-use neighborhood. These achievements help advance a number of goals in Chapter 4 of the Comprehensive Plan.

The City Council shall use the following criteria in Section 2.03 B of the Land Use and Development Code when making its decision.

- 1. The property's rezoning will help support policies of the Comprehensive Plan.*

2. The development of the land as a mixed-use development is in-line with the character of the surrounding uses, with the residential proposed on the northern part of the property, which reflects the development around it, and commercial proposed on the south side of the property, which mirrors the commercial uses across East Bromley Lane.
3. The property can be adequately served, and any future site development will pay applicable costs to connect to City infrastructure.
4. The annexation and zoning of the property as a mixed-use development will serve the need of walkable and accessible neighborhoods in this area of Brighton. This cannot be done under the current state of the property as an Adams County parcel zoned A-3.
5. City staff finds this site as appropriate for mixed commercial and residential uses given its specific location and based on the desires of the community as expressed in the Comprehensive Plan. Site development, including buffering and building design, will occur in accordance with the applicable zone district standards as outlined in the LUDC. Any site on the property will only be permitted with a design that ensures it fits in with the context and development patterns of the area.

Public notice was sent to all property owners within 1000' of the proposal as required by Code on September 2, 2022. Four signs were posted on the property and notice was published on the City's website on September 2, 2022. Information was posted on various social media sites. A neighborhood meeting was held on March 14, 2022. Planning staff has not received any formal comment.

The Development Review Committee (DRC) reviewed this project and is recommending approval. The Planning Commission heard the request on August 25, 2022 and recommended approval unanimously. Staff finds the Zoning Map Amendment complies with the requirements as outlined in the Land Use and Development Code. Staff recommends approval of the Swink Property Zoning Map Amendment.

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

Ryan Carlson explained that Mirasol is Spanish and Pilipino for sunflower, and they hope to integrate the sunflowers into the development. There are proposed to be three different housing types and pricing points to create a diversified development. The best way to address affordable housing is to have higher density and offer a broad range of housing types. There are eighteen acres of commercial along Bromley Lane to be zoned C-3 and will hopefully have restaurants, banks, and medical offices in the near future.

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

Wilfred Nickerson, Brighton. Mr. Nickerson expressed concern regarding traffic, the housing being affordable, weeds in the area and water being provided.

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request.

Jason Lance, Brighton. Mr. Lance expressed concern regarding the traffic near his home and the ability to get onto the freeway quickly.

Heather Thimmig, Brighton. Ms. Thimmig expressed concern regarding the maintenance of infrastructure, water usage and plans to improve transit and make it safe.

Mayor Mills asked if the applicant would like to clarify any statements made from the audience.

Mr. Carlson explained that any development would need to improve the surrounding contiguous roadways per the city's traffic plan. There would be a new circulation system to improve all the surrounding streets. Mr. Carlson stated that they have water rights that they will bring for this project.

Mayor Mills asked if there were questions from City Council.

Councilmember Johnston asked if the applicant went to Adams County to change the zoning. Planner Lane stated that this property is within the City's growth boundary, so the city would have recommended denial if it had gone through Adams County. Mr. Carlson explained that there was no

attempt to change the zoning with Adams County. Councilmember Johnston asked if the discussions take place during the platting process and Planner Lane stated that it does. Councilmember Johnston asked what percentage of this development is legal affordable housing. Mr. Carlson stated that it is not restrictive. Councilmember Johnston asked if language can be added that a certain percentage can be affordable housing. City Attorney Alicia Calderón explained that there is no requirement set for affordable housing in the Municipal Code. Council could ask that it be considered, and the Code allows for incentivizing that. Staff could work with the applicant and there could be some agreement made setting up those requirements. Councilmember Johnston asked if the applicant would be willing to reduce the percentage of residential uses and Mr. Carlson said not at this time as they have spent a lot of time with staff coming up with this plan for the property. Councilmember Johnston asked how many homes and residents will be in the area. Mr. Carlson stated that the range could be 550 to 700 total units with single-family and multi-family. Councilmember Johnston asked if the developer could help fund the interchange at Bridge Street and I-76. Planner Lane explained that during the traffic impact study, all impacts will be discussed and mitigated.

Mayor Pro Tem Cushing asked what the maximum number of units would be per zoning district. Planner Lane presented the number of units per acre for low, medium, and high density. This is mixed-use residential, so what drives the cap for density are lot standards and site standards. Mayor Pro Tem Cushing asked how tall an apartment could be in the R-3 zoning. Planner Lane explained that a garden apartment is allowed in R-3 and is 45', that is the highest allowance the city has. Planner Lane presented the types of housing allowed in each zone district. Mayor Pro Tem Cushing expressed concern with the lack of affordable housing and the high-density apartments renting for more than a single-family home. There is also concern regarding 50th Avenue being a truck route. This is too much traffic for 50th Avenue and there are concerns regarding the residents in the area.

Councilmember Taddeo asked what is considered affordable housing. There are more people wanting housing than there are houses at this time. By building houses, it keeps the prices lower. Councilmember Taddeo asked if the multi-family units are going to be rented apartments or townhomes that will be sold. Mr. Carlson stated he does not know at this time. Councilmember Taddeo asked what is happening in the C-3 zone district. Mr. Carlson stated that it will be primarily retail, restaurants, banks, medical offices, and possibly a small grocer. Councilmember Taddeo asked if those developments contribute to the infrastructure and Mr. Carlson stated that they do.

Councilmember Blackhurst asked at what point do discussions regarding affordable housing take place. City Attorney Calderón explained that City Council can direct staff to have these conversations at any time, but there is nothing in the Municipal Code that requires affordable housing, so there is not an enforcement mechanism to require it. This is not criteria to approve or deny zoning. Councilmember Blackhurst directed staff to look at affordable housing for this development, what the city could do to make that more reasonable. Councilmember Blackhurst asked if the number of homes would be seen more clearly at the plat level. Planner Lane stated this information would be presented with the Subdivision Plan. Councilmember Blackhurst explained the need for widening and improvements to roadways in the area. City Manager Michael Martinez reported that Item 3C approved on the Consent Agenda was a grant application supporting the Housing Authority to look at how the city addresses affordable housing and what tools are available to create policies.

Councilmember Pawlowski stated that a developer must make a profit. There are certain things that need done, but staff has gone over this information. Development must be done safely, and roads need to be safe.

Mayor Mills asked what ward this property is located in, and Planner Lane stated it is in Ward 1. Mayor Mills expressed the need for road improvements on Bromley Lane, 50th Avenue, 45th Avenue and Southern Street.

Mayor Pro Tem Cushing asked what the criteria is to not develop this land as R-3 later if this developer does not develop the land. City Attorney Calderón explained that the zoning would remain R-3 if this is approved. Mayor Pro Tem Cushing asked that if this development were the final straw in the traffic issue in this area, would the developer be responsible for building a new interchange. Planner Lane stated they would not.

Councilmember Johnston said it is too late to change this in the platting process and the developer does not want affordable housing. Mr. Carlson said he wants housing to be affordable to as many people as can afford it, that is why there are many different zoning types. Mr. Carlson wants a segment of this property to have a lower price point, but he cannot commit to what it will be in a few years. Everyone is dealing with these issues. Councilmember Johnston stated that we need affordable housing, and the city does not have the infrastructure to support this development.

Councilmember Pollack spoke about building too fast, the terrible traffic, and the fact that apartments are too expensive.

Councilmember Blackhurst asked if the zoning is approved, there is no obligation to approve the plat and City Attorney Calderón stated that is correct. Councilmember Blackhurst asked if parts of the discussion this evening have nothing to do with zoning. City Attorney Calderón explained that some of the discussion is not part of the criteria Council gets to consider regarding the zoning.

Mayor Mills closed the public hearing at 7:53 p.m.

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

Aye: 4 - Mayor Mills, Councilmember Blackhurst, Councilmember Pawlowski, and Councilmember Taddeo

No: 3 - Mayor Pro Tem Cushing, Councilmember Johnston, and Councilmember Pollack

Absent: 1 - Councilmember Padilla

Mayor Mills called for a break at 7:56 p.m.

Mayor Mills reconvened the meeting at 8:09 p.m.

8. ORDINANCES FOR INITIAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BRIGHTON, COLORADO, WATER ACTIVITY ENTERPRISE REVENUE BONDS (WATER SYSTEM PROJECT), SERIES 2022, TO FINANCE A NEW WATER TREATMENT FACILITY, PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER AND SEWER FACILITIES; PROVIDING OTHER DETAILS CONCERNING THE BONDS, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH**

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

Finance Director Catrina Asher explained the process and timeline for issuing the 2022 Water Activity Bonds to finance the construction of the City's water treatment plant. This Ordinance will approve the general borrowing parameters, authorize the City Manager and Finance Director to accept and award bids, authorize the finalization of certain legal documents and authorize the Mayor to sign the final Official Statement. The maximum bond principal is \$81,000,000.00, the maximum net effective interest rate is 5.25% and the maximum maturity of 2052. This will provide funding for the first phases of the water treatment plant. Staff is anticipating a second borrowing near the end of 2023 to provide funding for 2024 and 2025. This obligates future revenues of the Water Activity Funds. The borrowing will include a debt coverage covenant requiring revenues after operational expenses to be at least 125% of total debt obligations, this is not new, it is a requirement of the existing bonds. Future payments are structured to be phased in allowing for a more balanced rate impact.

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

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Councilmember Johnston

Absent: 1 - Councilmember Padilla

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2-10 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE CITY OF BRIGHTON CODE OF ETHICS AND CREATING A PROCESS FOR REVIEW OF COMPLAINTS

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

City Attorney Alicia Calderón explained that the purpose of the Ordinance is to ensure that the City is compliant with all required elements in order for Council to handle its own ethics complaints and not have the complaints go to the State Independent Ethics Commission. This includes defining a "gift", a process to review complaints, investigations and enforcement, and a process for making findings that could include a recommendation for a hearing by a hearing officer. This process would allow for the appointment of an independent ethics counsel who would be appointed for two years. The changes made include that the independent ethics counsel and independent hearing officer would be appointed by a 2/3 majority at a regular City Council meeting.

Motion by Councilmember Pawlowski, seconded by Mayor Pro Tem Cushing, to approve the Ordinance. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

9. ORDINANCES FOR FINAL CONSIDERATION

10. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF PSI CONSTRUCTION MANAGEMENT, INC. TO INSTALL A NEW IRRIGATION SYSTEM AT BRIGHTON PARK FOR THE CONTRACT AMOUNT OF SEVEN HUNDRED NINETY THOUSAND THREE HUNDRED DOLLARS (\$790,300.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

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

Assistant Director of Parks and Recreation Kyle Sylvester presented the Brighton Park Irrigation Replacement project. The park is currently irrigated using the south pond, fed by the Fulton Ditch. The existing pump house will remain intact for this project. The current irrigation system was installed in 1993 and needs updating. The new system will alleviate the number of hours spent repairing the system and be a more efficient system, which will help realize water savings over time. The work shall include removal of the old system, installation of the new system, a third-party water audit, restoration of damages, secure safety fencing of construction site and completion of as-builts. This project should be completed by the end of 2022. A formal solicitation was done, and two responses were received.

Staff recommends accepting the submittal by PSI Construction Management, Inc. as the lowest most responsive and responsible bidder for \$790,300.

Motion by Councilmember Pawlowski, seconded by Councilmember Pollack, to approve Resolution 2022-109. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

11. UTILITIES BUSINESS ITEMS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF CAROLLO ENGINEERS, INC. TO SERVE AS AN OWNER'S REPRESENTATIVE FOR THE CONTRACT AMOUNT OF SIX MILLION THREE HUNDRED THOUSAND FOUR HUNDRED EIGHTY-TWO DOLLARS (\$6,300,482.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

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

This item was moved from the Consent Agenda.

Assistant Director of Utilities Scott Olsen presented the Owner's Representative for the Brighton Water Treatment Plant Project. The Owner's Representative (OR) will provide project cost control, design oversight, risk analysis, process development, schedule oversight and testing/start-up assistance. The cost for the OR is included in the overall treatment plant budget. Carollo provided the most responsive and responsible proposal, the only firm with experience on \$130+ million projects and the only firm with new treatment plant project experience. Carollo has the staff capable of handling this project and will not need to hire additional staff members. The contract amount is for \$6,300,482 and staff recommends accepting the proposal of Carollo Engineers, Inc.

Motion by Councilmember Pawlowski, seconded by Councilmember Pollack, to approve the Resolution 2022-104. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

12. GENERAL BUSINESS

13. REPORTS

A. By the Mayor

Mayor Mills presented a thank you card from Brighton Sister Cities. Mayor Mills attended the CML District meeting, the AC-REP bus tour, the Chamber luncheon, ribbon cuttings for New You, Goat Bubbles and Shades of Divine, the Lulu's Farm annual festival, the 9/11 memorial at the Fire Station, the Riverdale Ridge CTE Groundbreaking and the Fire District Medial Service roll in event.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez reported that Trash Bash is Friday and Saturday, the Electronic Recycling event is Saturday, and two members of the City Manager's Office are teaching a seminar on the Leadership Academy at the International City and County Managers Association conference.

E. By City Council

Councilmember Pawlowski attended the Chamber luncheon.

Mayor Pro Tem Cushing attended a concert at the Armory, the CASA fundraiser, the Link meeting, and the Legacy Foundation meeting.

Councilmember Taddeo attended the Brighton Cultural Arts Commission meeting, ribbon cuttings for Goat Bubbles and Shades of Divine, the Chamber luncheon, the Housing Authority meeting, and the Brighton Historic Preservation meeting.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Cushing, seconded by Mayor Mills, to go into Executive Session at 9:11 p.m. for discussion of a personnel matter relating to the City Attorney Performance Evaluation pursuant to C.R.S. Section 24-6-402(4)(f) and City Charter Section 5.4(C)(3). Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

Absent: 1 - Councilmember Padilla

Mayor Mills reconvened the meeting at 9:43 p.m.

15. ADJOURNMENT

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

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date