

City of Brighton

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



Meeting Minutes

Tuesday, September 21, 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 Cushing 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

Mayor Pro Tem Johnston asked that Item 3A be moved after Item 6.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve the Regular Agenda as amended. 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. CONSENT AGENDA

A. Approval of the August 17, 2021 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A MINI-GRANT APPLICATION TO ADAMS COUNTY FOR THE HIGH SCHOOL SENIORS BEAUTIFICATION PROJECT AT DONELSON PARK; AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT APPLICATION

Resolution No. 2021-73

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING CHANGE ORDER #2 FROM ALL STAR ENVIRONMENTAL SERVICES INC., AND APPROVING AMENDMENT #2 TO THE CONTRACT FOR PEORIA STREET DEMOLITION, PROJECT #21-006839, RAISING THE NOT TO EXCEED CONTRACT AMOUNT TO ONE HUNDRED SEVEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS AND THIRTY EIGHT CENTS, (\$107,333.38), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN AMENDMENT #2 ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

This Item was moved after Item 6.

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Johnston, to approve the Consent Agenda as amended. 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

4. CEREMONIES

A. National Suicide Prevention and Awareness Month Proclamation

Councilmember Blackhurst read the Proclamation into the record.

Motion by Councilmember Watts, seconded by Councilmember Taddeo, to approve the Proclamation. 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

B. National Hispanic Heritage Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Johnston, to approve the Proclamation. 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

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

6. PUBLIC HEARINGS

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING CHANGE ORDER #2 FROM ALL STAR ENVIRONMENTAL SERVICES INC., AND APPROVING AMENDMENT #2 TO THE CONTRACT FOR PEORIA STREET DEMOLITION, PROJECT #21-006839, RAISING THE NOT TO EXCEED CONTRACT AMOUNT TO ONE HUNDRED SEVEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS AND THIRTY EIGHT CENTS, (\$107,333.38), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN AMENDMENT #2 ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

This item was moved from the Consent Agenda.

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

Assistant City Manager Michael Martinez introduced Utilities Director Brett Sherman.

Utilities Director Brett Sherman explained that the original contract was for the demolition of two houses on the Peoria property. When the original assessment was done, one of the houses was occupied so they were unable to complete the hazardous materials testing. When the testing was finally completed, asbestos was found. This has added to the cost of the original project. The initial change order was less than \$25,000, but after adding the bonding the cost exceeded that amount. Director Sherman answered questions from Council regarding:

- The total amount of the change order.*
- Staff considering going back out to bid for something like this.*
- The possibility that another change order would be requested on the project.*

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Resolution 2021-74. Motion passed by the following vote:

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

No: 1 - Councilmember Cushing

City Manager Jane Bais DiSessa arrived at 6:14 p.m.

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING SECTION 2-4-14 OF THE BRIGHTON MUNICIPAL CODE REGARDING A COMPLAINT PROCESS FOR A FAIR CAMPAIGN PRACTICE ACT VIOLATION

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

City Manager Jane Bais DiSessa introduced City Clerk Natalie Hoel.

City Clerk Natalie Hoel presented the Ordinance amending the Municipal Code regarding a complaint process for a Fair Campaign Practice Act Violation. The purpose of this Ordinance is to add Section 2-4-14 to the Municipal Code regarding a complaint process for Fair Campaign Practices Act (FCPA) violations. All municipal candidates that receive contributions or make expenditures are required to file reports with the municipal clerk. The candidate is responsible for becoming familiar with the FCPA provisions in Article 45, Title 1 of the Colorado Revised Statutes as stated on their Candidate Affidavit. In the past, any complaints regarding violations were referred to the Colorado Secretary of State. The Secretary of State's Office will no longer accept complaints regarding municipal elections, these must be filed exclusively with the municipal clerk as required in the Colorado Revised Statutes. This Ordinance provides a consistent, clear and fair process for receiving and investigating FCPA complaints in City elections and provides due process for enforcement of the FCPA requirements.

City Clerk Hoel and City Attorney Alicia Calderón answered questions from Council regarding:

- The City ever having had a complaint.*
- The ability for the Clerk's Office to manage the complaint process.*
- The process for naming an independent hearing officer.*
- Staff having looked at the processes in other cities regarding the appointment of a hearing officer.*
- There being a need to wait until the election is over to make these changes.*
- The date this process became the responsibility of the municipal clerk.*
- The hearings being made public.*
- The ability to make this an Emergency Ordinance.*

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve the Ordinance. 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

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 3, TITLE 5, AND TITLE 8 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO LICENSING OF OUTDOOR VENDORS

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

City Manager Bais DiSessa reported that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve Ordinance 2372. 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

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING MICHELLE R. KLINE AS THE PRESIDING MUNICIPAL JUDGE AND SETTING COMPENSATION

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

City Manager Bais DiSessa introduced Assistant City Manager Karen Borkowski Surine.

Assistant City Manager Karen Borkowski Surine presented the Resolution appointing Michelle R. Kline as the Presiding Municipal Judge and setting compensation and general conditions of the appointment. Michelle R. Kline is qualified and has the appropriate experience to fill the position. Ms. Kline was interviewed by City Council and determined that she meets all qualifications. The appointment is for two years with a compensation of \$90,000 per year for a minimum of one hundred days serving in the Brighton Municipal Court. Ms. Kline is eligible to participate in any benefits available to part-time employees.

Motion by Councilmember Watts, seconded by Councilmember Cushing, to approve Resolution 2021-75. 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

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF COMMUNICATION CONSTRUCTION & ENGINEERING, INC AND APPROVING THE PROCUREMENT OF I-76 & BROMLEY LUMINAIRE UNDERGROUND REWIRE, PROJECT #20-006508, TO COMMUNICATION CONSTRUCTION & ENGINEERING, INC. FOR THE CONTRACT AMOUNT OF ONE HUNDRED NINETY-THREE THOUSAND, FIVE HUNDRED SEVENTY-FOUR DOLLARS AND EIGHT CENTS (\$193,574.08), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND 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.

City Manager Bais DiSessa introduced Public Works Director Mike Woodruff.

Public Works Director Mike Woodruff presented the I-76 & Bromley Lane Luminaire Underground Rewire Project. The project consists of boring, excavation, conduit installation, rewiring, and the installation of pull boxes. Colorado Revised Statutes §42-2-35(e) states that municipalities are responsible at their own expense for providing illumination on state highways located within their jurisdictional boundaries. The project locations are on Eagle Boulevard at I-76, one on the west side of I-76 and two on the east side of I-76. There are also rewire locations along the I-76 corridor on the east and west sides near Medical Center Drive. There are pull boxes in these locations, these are

installed with conduit to allow for convenient pull of the wire and repair and maintenance of the wire. This is more convenient than using direct bury wire. There will be some bore installations by the contractor, the location of any utilities will be located prior to the bore process. The contractor is required to bore under the state highway. There will be approximately 1,100 feet of open trench conduit, 750 feet of bored conduit and the installation of seven pull boxes. The RFP was issued on October 22, 2020 and three proposals were received on November 16, 2020. Staff did not accept those bids and felt that COVID had an impact on the cost. Staff held the project until it was determined that the cost would be more substantially acceptable. Revised proposals were requested on June 29, 2021, three firms submitted and two proposals were non-responsive. Staff is requesting to award the contract to Communication Construction & Engineering, Inc. as the most responsive and qualified bidder for \$193,574.08.

Director Woodruff answered questions from Council regarding:

- The City being told where to place the lights or the City choosing the areas.
- The lighting being done on both sides of the highway and how far in each direction the lights are placed.
- The frequency that changes to the Code take place.

Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve Resolution 2021-76. 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

10. UTILITIES BUSINESS ITEMS

Ordinances

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A WATER LEASE AGREEMENT ("LEASE") FOR CITY-OWNED WATER AND WATER RIGHTS TO JIM MCCLAY OF MCCLAY FARMS (THE "LESSEE"), SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID WATER LEASE ON BEHALF OF THE CITY (FINAL READING)**

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

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Ordinance 2373. 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

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING AN AGRICULTURAL LEASE ("LEASE") FOR CITY-OWNED REAL PROPERTY LOCATED AT SECTION 34, TOWNSHIP 3, NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO (THE "PROPERTY"), TO JOSEPH MILLER; SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGRICULTURAL LEASE ON BEHALF OF THE CITY (FINAL READING)**

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

City Manager Bais DiSessa explained that this is the final reading of the Ordinance and there are no changes.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve Ordinance 2374. 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

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A WATER LEASE AGREEMENT ("LEASE") FOR CITY-OWNED WATER AND WATER RIGHTS TO RICHARD JAMES VOGL (THE "LESSEE"), SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID WATER LEASE ON BEHALF OF THE CITY (FINAL READING)**

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

City Manager Bais DiSessa explained that this is the final reading of the Ordinance.

Utilities Director Brett Sherman reported that there is an amendment to this lease, the dates in Section 2 should be changed from 2022, 2022 and 2023 to 2021, 2021 and 2022.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Taddeo, to approve Ordinance 2375. 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

11. GENERAL BUSINESS

- A. Discussion of proposed fees and charges to be assessed by the City of Brighton for 2022**

Staff presented the proposed fees and charges for 2022.

12. REPORTS

- A. By the Mayor**

Mayor Mills met with the Interim Director of the Brighton Housing Authority Deb Bristol and attended the 9/11 20th Anniversary memorial, the Eagle View Adult Center Car Show, the Chamber luncheon and participated in a Habitat for Humanity day.

- B. By Department Heads**

Chief of Police Paul Southard introduced Deputy Chief of Police Matthew Domenico.

Finance Director Maria Ostrom reported that the new e-bill platform now includes the ability to see past bills.

- C. By the City Attorney**

D. By the City Manager

City Manager Bais DiSessa attended the IHN Conference, will be attending the ICMA conference and asked Council to consider holding the Executive Session for her evaluation when she is not at the conference.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Cushing attended the Capital Facility Fee Foundation meeting, the DRCOG meeting and asked for a COVID update.

Assistant City Manager Michael Martinez provided a COVID update.

Mayor Pro Tem Johnston asked for an update on 45th Avenue and Longs Peak Street.

Councilmember Humbert attended the Housing Authority meeting, the Full Moon Bike Ride and announced that tomorrow is Bike to Work Day.

Councilmember Watts attended the Youth Commission meeting, the E-470 retreat, the groundbreaking for the Veterans Memorial at Adams County Regional Park, the Senior Advisory Board meeting, the BURA meeting, Chamber ribbon cuttings, the 9/11 Ceremony and announced that the Youth Summit has been canceled.

Councilmember Taddeo attended the Historic Preservation Committee meeting and the Chamber luncheon.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:18 p.m.

CITY OF BRIGHTON, COLORADO




Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date