

City of Brighton

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



Meeting Minutes

Tuesday, October 6, 2020

6:00 PM

Council Chambers / Virtual Meeting

City Council

MAYOR - GREGORY MILLS

MAYOR PRO TEM - MATT JOHNSTON

COUNCIL MEMBERS:

CLINT BLACKHURST, ADAM CUSHING,

MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,

ANN TADDEO, TIM WATTS

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Pollack led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

2. APPROVAL OF REGULAR AGENDA

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

3. CONSENT AGENDA

A. Approval of the September 1, 2020 City Council Minutes

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Taddeo, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

4. CEREMONIES

A. College Application Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Humbert, seconded by Councilmember Watts, 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. Domestic Violence Awareness Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, 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

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, PROVIDING FOR THE ADOPTION OF ARTICLE 15-2, BRIGHTON ADMINISTRATIVE CODE, OF THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN THEIR ENTIRETY AND READOPTION, BY REFERENCE, OF THE FOLLOWING BUILDING AND CONSTRUCTION CODES FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE AS SPECIFIED:

- A) THE 2018 INTERNATIONAL BUILDING CODE IN ARTICLE 15-4,**
- B) THE 2020 NATIONAL ELECTRICAL CODE IN ARTICLE 15-12,**
- C) THE 2018 INTERNATIONAL FIRE CODE IN ARTICLE 15-20,**
- D) THE 2018 INTERNATIONAL RESIDENTIAL CODE IN ARTICLE 15-28,**
- E) THE 2018 INTERNATIONAL MECHANICAL CODE IN ARTICLE 15-32,**
- F) THE 2018 INTERNATIONAL PLUMBING CODE IN ARTICLE 15-36,**
- G) THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE IN ARTICLE 15-40,**
- H) THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE IN SECTION 15-42,**
- I) THE 2018 INTERNATIONAL EXISTING BUILDING CODE IN SECTION 15-46, AND**
- J) THE 2018 INTERNATIONAL FUEL GAS CODE IN SECTION 15-50; AND**

PROVIDING FOR THE ADOPTION, BY REFERENCE, OF THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE IN ARTICLE 15-44 FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-8, DANGEROUS BUILDINGS ABATEMENT CODE, OF THE BRIGHTON MUNICIPAL CODE, AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY AND READOPTION OF ARTICLE 15-16, CONTRACTOR LICENSES, OF THE BRIGHTON MUNICIPAL CODE; AND PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-54, THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, AND ADOPTION OF THE ELEVATOR AND CONVEYANCE CODE, CRS TITLE 9 AND ARTICLE 5.5 AND COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY REGULATIONS, CONVEYANCE REGULATIONS, 7 C.C.R. 1101-8 IN ARTICLE 15-54, OF THE BRIGHTON MUNICIPAL CODE (FINAL READING)

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

Mayor Mills opened the public hearing at 6:21 p.m. and City Clerk Natalie Hoel verified the required postings and publications (September 16, 2020 and September 23, 2020 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Jane Bais DiSessa introduced Chief Building Official Matt Rowland.

Chief Building Official Matt Rowland explained that this Ordinance would update the City's Building Safety Codes to the most current. This will also allow operational laws to be included in the Municipal Code, enabling the enforcement and outlining the way the City does business in relation to construction. The Ordinance also adopts set standards related to weather, geographic and other

specific items related to how building is done in the City. The Ordinance also includes the adoption of codes related to swimming pools and spas that would keep the City in line with Federal and State requirements for the safety of Brighton citizens. These codes are for construction and the condition of the built environment only. They do not regulate land use or occupancy rights, other than controlling hazards.

If the new code should be approved by City Council, in the City's transition to the new code, applications submitted prior to the effective date of January 1, 2021, will be reviewed by staff using the previous adopted Building Safety Codes. At the option of the applicant, after this Ordinance is adopted, they may begin to submit permit applications for the current adoption or the new adoption until January 1, 2021. Any permit already issued or applied for may continue to construct under the current code until completion after January 1, 2021.

The current Building Safety Codes were adopted in February 2013. These codes are now antiquated and may not reference new technology, methods and materials that are now in use. The design software that is used by architects and engineers will expire soon for design under the 2012 I-codes.

In the most recent Building Code Enforcement Evaluation Report by the Insurance Services Office (ISO), it was recommended that the City make every effort to adopt the latest edition of the Building Codes. This will increase the City's ISO score and may have a positive impact on fire insurance rates for Brighton residents.

The Ordinance has been studied and all codes have been reviewed by staff for use by the City. The Fire Code has been reviewed by the Fire District. A copy of the proposed update was submitted to the Metropolitan Home Builders Association and no formal response was received.

Per State Statutes, when adopting model codes, the Ordinance should be introduced first and a date for the public hearing should be established, which was done by the City Council at a regular meeting held on September 1, 2020. Thereafter, publication of the upcoming public hearing is required a minimum of fifteen days and eight days before the hearing, which was completed in the Brighton Standard Blade on September 16, 2020 and September 23, 2020. No public comments have been received.

This code adoption is recommended by staff to allow all construction to be performed with the safest and most efficient processes and codes available.

The current building safety codes were adopted in February 2013 and are becoming antiquated. The National Uniform Code adoption agencies create new codes in a three-year cycle after public input and many hearings. The City has been using separate administrative sections for each code adopted. To streamline and increase efficiency, one section should be adopted that deals with the administration of all building safety codes. All codes have been carefully reviewed by City and Fire District staff and amendments have been carefully considered and written by City and Fire District staff.

This code adoption is both an update and new code introduction. The Building Division is prepared to educate and work with its customers for success in compliance with any code changes. For added safety, the International Swimming Pool and Spa code is being introduced to the City's requirements. This will assure a safe installation of water recreation facilities.

After the Ordinance has been adopted, submittals under the current building safety codes will be allowed until January 1, 2021. Any project under construction at that date will be allowed to continue under the code approved at the time the permit was issued. After adoption, production builders may choose to submit master plans for review and approval under the new code at any time. Some of these builders are already starting to draw new designs in anticipation of the code adoption.

The Ordinance has amended the International Residential Code concerning required fire sprinklers in one and two family dwellings. The adoption has amended this section using the term "may" instead of "shall" to allow the builder the option of either installing or not installing these systems.

The International Energy Conservation Code has been amended to allow for visual inspection instead of mechanical system inspection for the final building energy loss.

Repeal of the current code is necessary to prevent any conflicts between the newly adopted codes and the previous version. Each code has separate administrative sections, so combining these creates one management device to prevent any confusion and make easier access for customers to understand any requirements pertaining to which code to follow and any exceptions or amendments.

- *Definitions, this section is for reference during interpretation of the code.*
- *15-2-40 Conflicting Provisions, this is to clarify that the intent of all adopted codes are to meet minimum standards.*
- *15-2-50 Alternate Materials and Methods of Construction, this allows for alternate construction materials when they meet the minimum standards set forth in the code.*
- *15-2-60 Modifications, this allows for limited modification to construction materials and techniques when justifiable cause is found, while meeting the intent of the code.*
- *15-2-70 Tests, this is for the allowance of testing materials by outside agencies such as UL, ICCES or other testing as deemed necessary.*
- *15-2-80 Organization and Enforcement Authority, this section establishes the Building Division as the agency that enforces the codes laid out in the Ordinance.*
- *15-2-90 Power and Duties of the Chief Building Official, this section authorizes the Chief Building Official to enforce the adopted codes in this Ordinance.*
- *15-2-100 Unsafe Buildings, Structures or Building Service Equipment, this section describes what may constitute an unsafe condition and what methods may be used to correct the condition.*
- *15-2-110 Board of Appeals, this establishes a Board of Appeals, appointed by the City Council, to hear appeals to the interpretation of the code by the Building Official. It also lists the type of experience that board members are required to have.*
- *15-2-120 Permits and Inspections, this sets rules and requirements related to the issuance and inspection of construction or required permits.*
- *15-2-130 Application for Permit, establishes the application process.*
- *15-2-140 Plans and Specifications, establishes requirements for submittals in the application process for plans or engineering specifications or any other documents needed for staff to complete the review.*
- *15-2-150 Permit Issuance, establishes requirements for the issuance of permits, validity of the permit, retention of records, and plans.*
- *15-2-160 Fees, gives direction for the calculation of fees from the Adopted Fee Schedule of the City.*
- *15-2-170 Inspections, this establishes a method and requirements for the inspection process.*
- *15-2-180 Required Building Service Equipment Inspections, this establishes requirements for inspections of equipment such as rooftop air conditioners, boilers, generators and other equipment that is installed for the operation of buildings and their uses.*
- *15-2-190 Special Inspections, this establishes requirements for Special Inspections such as structural steel, large roofing, special construction and required observation during construction.*
- *15-2-200 Duties and Responsibilities of the Special Inspector, this establishes the requirements and duties of the Special Inspector.*
- *15-2-210 Site Maintenance, this is to allow the connection of site equipment to energy sources during construction.*
- *15-2-220 Certificate of Occupancy, this section establishes the requirements and restriction during the issuance of the Certificate of Occupancy.*
- *15-2-230 Foundation only Permit, this allows a permit to be issued to start the foundation without full building permit. This allows the applicant to get a project started sooner to maintain their timeline.*
- *15-4-10 Code Adoption, The International Building Code governs the construction of commercial, industrial and any other building that is not included in the International Residential Code. There are some significant changes to this code from the last cycle.*
 - *Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are an accessory.*
 - *New code sections have been introduced addressing medical gas systems and higher education laboratories.*

- Use of firewalls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoist way door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoist way.
- The occupant load factor for business uses has been revised to one occupant per 150 sq. ft. from 100 sq. ft. This would allow a larger space without requiring certain types of egress and fire sprinklers.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served. This was included due to the recent failures of decks and balconies on commercial buildings and apartment buildings.
- The minimum lateral load that firewalls are required to resist is five pounds per sq. ft.; this ensures that the walls will remain standing.
- Wind speed maps have been updated. Ultimate design wind speeds now called basic design wind speeds.
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.

Amendments to the Code include:

- 15-4-40 Establish reference to Building Official and Building Code to be one and the same with any reference to the authority having jurisdiction and the building code as adopted. Establishes rules governing refunds.
- 15-4-50 Snow Loads, establishes Snow Loads that are exclusive to this jurisdiction.
- 15-4-60 Wind Loads, establishes Wind Loads that are exclusive to this jurisdiction.
- 15-4-70 Seismic Design Category, establishes Earthquake Zone for this jurisdiction.
- 15-4-80 Single Family Fire Suppression, allows for one and two family dwellings to be constructed without fire sprinkler systems, with the exception for the requirements in Development Agreements and PUD.
- 15-4-90 and 15-4-100 Plumbing Fixtures, allows for smaller occupancy (less than 25) to delete the requirement for a drinking fountain.

The National Electric Code is being adopted without amendments. Staff refers to the State of Colorado Electrical Board for any provisions that are amended and the City is required to enforce. This adoption follows statutory requirements to adopt the most recent version of this code.

There are no changes to the City's Contractor Licensing requirements.

The International Fire code is administered by the Fire District and has been amended to reflect the requirements of the District. In this cycle, the adoption includes Appendix "D" which details requirements for Fire Apparatus and Access Roads. The significant changes to the Fire Code include:

- New provisions address hazards related to outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities.
- Mass Notification Requirements for college and university buildings have been added to the code.
- Sprinkler protection is now required in existing Group A-2 occupancies having an occupant load of 300 or more where alcoholic beverages are consumed.
- A new chapter has been added to address issues related to Energy Systems.
- Integrated testing requirements for fire protection and life safety systems have been added for high-rise buildings and smoke control systems.
- The requirements for gas detection systems have been revised throughout the code to be more reflective of industry practice.
- Required sprinkler protection of Group E (educational) occupancies has been expanded through the introduction of a new threshold related to fire areas.

- Manual fire alarm systems in Group A (assembly) occupancies are now required not only when the occupant load is 300 or more, but also where the occupant load exceeds 100 above or below the lowest level of exit discharge.
- A manual fire alarm system and an automatic smoke detection system are no longer required in Group R-4 (boarding houses, group homes) occupancies.
- New provisions require illumination for the exit discharge path of travel to the public way or to a safe dispersal area for all occupancies.
- Provisions have been added to address the hazards associated with outdoor assembly events, indoor trade shows and exhibitions.
- The fire watch requirements for construction and demolition activities have been enhanced.
- The provisions for the maintenance of fire and smoke protection features in Chapter 7 have been enhanced and reorganized.
- The applicability of the decorative materials requirements in Chapter 8 have been clarified.

The International Residential Code:

- 15-28-10 Adoption of the International Residential Code for One and Two Family Dwellings. This code is for construction of single family, two family (duplex) and townhouses (up to four units).

Amendments to the International Residential Code include:

- Residential Fire Sprinklers are amended to be optional except where required by land use regulations.
- Air leakage, testing and visual inspection option are amended to allow for an additional pathway for energy code compliance. This eliminates the requirement for engineer testing at completion of construction.

Significant changes to the International Residential Code include:

- An updated seismic map reflects the most conservative Seismic Design Category (SDC).
- The townhouse separation provisions now include options for using two separate fire-resistant-rated walls or a common wall.
- An emergency escape and rescue opening is no longer required in basement sleeping rooms where the dwelling has an automatic fire sprinkler system and the basement has a second means of egress or an emergency escape opening.
- The exemption for interconnection of smoke alarms in existing areas has been deleted.
- New girder/header tables have been revised to incorporate the use of #2 Southern Pine in lieu of #1 Southern Pine.
- New tables address alternative wood stud heights and the required number of full height studs in high wind areas.
- Commercial Appliances are now allowed in residences with engineering.

The International Mechanical Code, no amendments have been made to this code. No significant changes in the code should affect the City of Brighton.

The International Plumbing Code, no amendments have been made to this code. No significant changes that should affect the City of Brighton.

The International Energy Conservation Code, this code adoption is for conservation of energy in the built environment. This code has changed significantly since the last adoption. The previous version was the 2006 IECC and the requirements for energy conservation have increased. A majority of the builders already build to the requirements of the 2018 IECC. This edition has added several different paths to compliance that the previous versions do not. These amendments have been added to allow for alternative pathways for compliance without degrading the intent of the code.

The International Property Maintenance Code, there are no amendments or significant changes. This code is for the enforcement of property maintenance to prevent destabilization of the City's neighborhoods. The code sets requirements for dilapidation, infestation, hazards, sanitation and fire safety. The code is also used in the abatement and removal of hazards.

The International Swimming Pool and Spa Code, this is a new code for the City of Brighton. This code sets requirements for the safe design and construction of aquatic recreation equipment to prevent unsafe environments for the users.

The International Existing Building Code, there are no significant changes or amendments to this code. This code offers alternative construction to existing and historic buildings. This is to allow for compliance without significant structural reconfiguration or prohibitive requirements.

The International Fuel Gas Code, there are no amendments or significant changes. This code sets requirements for the installation of natural gas, propane, hydrogen systems and related accessories. This includes piping, fitting, regulators, sizing of equipment and prevention of explosion or fire.

Brighton Elevator and Conveyance Code, this code is being adopted to match the regulations adopted by the State of Colorado. The purpose of this Section is to provide a system of regulations and inspections of elevators and conveyances consistent with state law and generally conforming to similar regulations throughout the State.

Sufficient funding was approved in the 2020 Budget for the necessary books, software and materials used in the implementation of the code cycle.

Staff has determined that adoption of the Ordinance would be in the best interest of the City.

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.

Councilmember Cushing asked if there is a grace period to implement the changes to the sprinkler requirements. Chief Building Official Rowland explained that this change is only for new construction or a change in occupancy.

Councilmember Taddeo asked for the consequences if the City were to approve a foundation permit but not the permit for the remaining structure. Chief Building Official Rowland explained these types of permits are for very large projects. The majority of the plans have already been approved as to the size and scope of the project. If the structure permit were not approved, the developer would be required to remove what has already been built.

Mayor Pro Tem Johnston asked if the Planning Commission still acts as the Board of Appeals. Chief Building Official Rowland explained that zoning appeals are heard by the Board of Adjustment, this board consists of members of the Planning Commission. The Board of Appeals is strictly for construction. Mayor Pro Tem Johnston asked if the City Council appoints the Board of Appeals and Chief Building Official Rowland stated that Council does appoint that board. Mayor Pro Tem Johnston asked if there are many appeals and asked if there is a quorum for the board to decide on any appeals. Chief Building Official Rowland explained that there are not typically appeals, he works with the builders regarding any issues and there is a narrow range of what can be appealed. At this time, there is not a full Board of Appeals. Mayor Pro Tem Johnston asked if this duty could be handled by the Planning Commission. Chief Building Official Rowland explained that if it were necessary, an emergency Board of Appeals would have to be appointed. The members of the Board of Appeals must have a background in construction, electrical, plumbing and a member from the Fire District. It has been difficult to recruit members because the contractors have been too busy and Chief Building Official Rowland does not feel comfortable recruiting members for this board since they would be judging appeals of decisions made by the Building Official.

Councilmember Jordinelli asked if smoke alarms are no longer required in buildings under four units. Chief Building Official Rowland explained that the smoke alarms must be interconnected. Councilmember Jordinelli asked if this new code has been introduced to the contractors. Chief Building Official Rowland explained that they are familiar with this code and have been building in compliance with this code. Most other jurisdictions are already using this code. Councilmember Jordinelli asked if staff is excited about these changes or will there be more problems. Chief Building Official Rowland explained that staff is excited about the changes. The role of staff is to teach and instruct as to why the code exists and the reason for the changes. The codes typically change because something bad has happened and the revisions make it safer for the citizens. Staff and the contractors are partners to build safe buildings in the City.

Mayor Mills closed the public hearing at 6:57 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Ordinance 2344. 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

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF ARTICLE 8-44 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO SMOKING

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

City Manager Bais DiSessa introduced Assistant Planner Sean Pesek.

Assistant Planner Sean Pesek presented the Indoor Smoking Regulations in Section 8-44 of the Brighton Municipal Code. The purpose is to amend certain sections of Article 8-44 of the Brighton Municipal Code to bring certain sections of Article 8-44 into compliance with Colorado State law with the passage of recent legislation. The purpose of the Clean Indoor Air Act was to protect non-smokers from involuntary exposure to tobacco smoke. This prohibited smoking in most indoor areas with the exception of any tobacco business. The Act authorizes a Municipal Home Charter to enact its own regulations. The City of Brighton adopted Ordinance 1886, which implemented state law but included other provisions to the City of Brighton. City Council adopted Ordinance 2073 in 2010 that amended several elements in Article 8-44, but as it relates to retail tobacco stores specifically, it repealed the smoking prohibition exemption for tobacco stores. Indoor smoking is no longer allowed in tobacco retail stores, but it also added a new exemption for tobacco stores operating with a business license on August 1, 2010. If a tobacco store, operating on August 1, 2010 and it continued to renew its business license it would be exempt from the smoking prohibitions. These types of businesses in Brighton had grandfather rights. That Ordinance does not allow new tobacco stores with designated smoking areas to function at their full capacities. Staff is proposing to amend Section 8-33-30 to exempt all tobacco retail stores from indoor smoking restrictions regardless of operation date. This does comply with state law. House Bill 19-1076 was enacted last year and made several amendments to the Colorado Clean Indoor Air Act including increasing the radius of an entryway from fifteen feet to twenty-five feet. To comply with this amendment and to comply with state law, staff has proposed an amendment to Section 8-44-80 of the Municipal Code to increase the smoke-free radius around entryways from fifteen feet to twenty-five feet. House Bill 20-1001 raises the minimum purchasing age of tobacco products from eighteen to twenty-one years of age. Staff has proposed an amendment to Section 8-44-90 of the Municipal Code to require tobacco retail stores to display signage stating that persons under the age of twenty-one may not enter. The definition of public outdoor places in Section 8-44-20 does not include parks, playgrounds or other similar places. Staff is recommending amending Section 8-44-20 to include all parks, playgrounds, and similar places where families and children congregate for recreation in the definition of "public outdoor places". Staff recommends approval of the amendments to the Brighton Municipal Code with input and revisions from City Council. Assistant Planner Pesek, City Attorney Jack Bajorek, Community Development Director Holly Prather and Chief of Police Paul Southard answered questions from Council regarding:

- Convenience stores and grocery stores being included in the definition of a tobacco retail store.*
- The 25 ft. restriction being from the main door or any door of an establishment.*
- The 25 ft. restriction including patios.*
- The 25 ft. restriction including public entry or private entry doors.*
- The 25 ft. restriction banning any smoking along Main Street.*
- The ability to smoke in public if in a park.*
- The restriction of smoking in a park being State law or City law.*
- The ability for Council not to include parks in the restriction.*
- The downtown merchants being surveyed in this discussion.*
- This amendment aligning the City with state law.*

- The amendments restricting smoking in parks and requiring signs on tobacco businesses.
- The City being more generous than state law.
- This amendment allowing smoking of marijuana in public.
- A new tobacco business being allowed to smoke in the building.
- The legal distance from a doorway to smoke outside of a bar being 25 ft. or 15 ft.
- Writing of municipal tickets only done if smoking within 15 ft. of a doorway.
- State officers being able to write tickets within 25 ft.
- The number of times the Brighton Police Department gets calls regarding smoking too close to a doorway.
- The consequences if the Municipal Code is not changed to match state law.
- The ability to allow smoking on a patio.

Motion by Councilmember Cushing, seconded by Councilmember Blackhurst, to approve the Ordinance as amended to remove Section 3 of 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

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF W.L. CONTRACTORS AND APPROVING THE PROCUREMENT OF 144TH & SABLE TRAFFIC SIGNAL CONSTRUCTION, PROJECT #20-006440, TO W.L. CONTRACTORS FOR THE CONTRACT AMOUNT OF THREE HUNDRED NINETY THOUSAND EIGHT DOLLARS. (\$390,008.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO 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 Michael Woodruff and Public Works Engineering Manager Christopher Montoya.

Public Works Engineering Manager Christopher Montoya presented the Traffic Signal at 144th Avenue and Sable Boulevard Project. In 2011, the Colorado Department of Transportation (CDOT) transferred the ownership of Sable Boulevard to the City of Brighton. The City has land parcels along the corridor and was purposed to allow access and future development. Sable Boulevard does have a traffic signal located at 120th Avenue. As traffic has increased, a traffic signal was installed at 136th Avenue. Staff is now looking at adding another traffic signal at 144th Avenue. Sable Boulevard was formerly known as Highway 2 and was known as a rural highway. The purpose of a traffic signal is for the orderly flow of traffic as volume grows. The City currently has just over thirty traffic signals. This would most likely double as traffic and development increases in the City. A traffic signal installation would typically improve the safety of an intersection, reduce the severity and frequency of accidents, and improve the overall corridor efficiency and operational use. The signal has to conform to the requirements and guidelines of the Federal Highway Administration (FHWA). Engineering Manager Montoya presented the different components of traffic signals and the plan for the construction of the signal. This includes the placement of the signal poles, widening of the roadway, placement of guardrails and lane placement, the equipment and technology being used at the intersection to improve the efficiency at the signal, signage and striping. The City has an agreement with United Power to underground the power lines in the area. The budgeted amount for the project is \$450,000 and the bid amount is \$390,008. Adams County owns a portion of 144th Avenue so staff has asked them to participate in the cost through an Intergovernmental Agreement. Developers have also been asked to contribute to the

cost due to the impact from their developments on this intersection. Phase I includes underground utilities, equipment orders, caissons, wiring and a power source. Phase II includes the poles, signal heads, signs, signage and striping. These are both anticipated to take thirty days each and should begin in mid-October. Staff anticipates the project being completed in September 2021; this is due to the anticipated wait time of nine months for the poles. Staff recommends awarding the contract to W.L. Contractors the lowest and most responsive bidder for \$390,008. Engineering Manager Montoya answered questions from council regarding:

- The style of poles being used.
- The poles having lights on the top.
- There being room for entrance and exit lanes on Sable Boulevard.
- The land having to be purchased.

Motion by Councilmember Watts, seconded by Councilmember Pollack, to approve Resolution 2020-97. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Mayor Mills called for a break at 8:17 p.m.

Mayor Mills reconvened the meeting at 8:27 p.m.

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF ASPHALT SPECIALTIES COMPANY, INC AND AWARDING THE CONTRACT FOR MEDICAL CENTER DRIVE IMPROVEMENTS, PROJECT #19-024, TO ASPHALT SPECIALTIES COMPANY, INC IN THE AMOUNT OF FIVE HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED SIXTY DOLLARS (\$584,660.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO 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 Engineering Manager Christopher Montoya.

Public Works Engineering Manager Christopher Montoya presented the Medical Center Drive Improvements project. The roadway requiring work extends from just south of the medical center to the Judicial Center. The first segment requires some milling, patching, overlay and concrete repairs. The section that has failed would require a full depth reconstruction. The project will include asphalt removal, stabilize and compact the sub-grade, and paving. The manhole structures will be adjusted so they are uniform and smooth. Staff has already taken measures to fix the pavement that has failed. All facilities and businesses in the area will receive some type of notification of the work schedule. A public information sign will be required to include construction dates and a contact number to a 24-hour hotline for information. Police, EMS and Fire will be notified so they can plan accordingly. Two bids were received on the project. The engineering estimate was \$650,000 and the bid was \$584,660 from Asphalt Specialties. Being adjacent to development the management team was able to work on reimbursement agreements so the total cost to the City is zero dollars with the condition that the project cannot exceed \$641,000. The S3L Developer would pay \$220,000 maximum and the THF Developer would pay \$441,000 maximum. The total time for the project is anticipated to take forty-one days. The project benefits include completing an unfinished portion of roadway in the City, the reimbursement agreements and safety and preservation. This project should be completed by the end of 2020. Engineering Manager Montoya answered questions from Council regarding:

- Any expected closures of the road during construction.
- This project being completed to the concrete Frontage Road piece.
- Only two bids being received.
- The process used to score the bidders.
- The work previously done by Asphalt Specialties in the City.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve Resolution 2020-98. 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. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, EXPRESSING ITS SUPPORT FOR THE PERMANENT EXTENSION OF AN EXISTING COUNTYWIDE SALES TAX FOR THE PURPOSE OF PRESERVING OPEN SPACE AND CREATING AND MAINTAINING PARKS AND RECREATION FACILITIES (ADAMS COUNTY BALLOT ISSUE 1A), AND URGING THE CITIZENS OF BRIGHTON TO VOTE IN FAVOR OF BALLOT ISSUE 1A AT THE GENERAL ELECTION ON NOVEMBER 3, 2020**

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

City Manager Bais DiSessa introduced Commissioner O'Dorisio and Commissioner Pinter and explained that the City does receive about \$500,000 from these taxes each year and have completed at least fifty-three projects for approximately twenty million dollars.

Commissioner O'Dorisio asked for support of the renewal of two sales taxes, both are existing and there is no increase. 1A is for the Open Space sales tax. This has been successful and has helped everyone in Adams County. This revenue source has helped with the Historic Splendid Valley project. 1B is a half-percent sales tax and goes to roads and facilities. This is a popular and beneficial sales tax. This has helped with the quality of life in Adams County. This tax has allowed Adams County to complete projects like the new animal shelter.

Chairperson Emma Pinter explained that 1A and 1B serve over 127 parks, 3,994 acres of open space, 66 miles of trails, and over 212 million dollars invested in Adams County since 2000.

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve Resolution 2020-99. 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

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, EXPRESSING ITS SUPPORT FOR THE PERMANENT EXTENSION OF AN EXISTING COUNTYWIDE SALES TAX USED FOR IMPROVEMENTS TO OR THE BUILDING OF ROAD AND BRIDGE PROJECTS, MAINTAINING AND EXPANDING COUNTY FACILITIES, AND CONTINUING TO SHARE A PORTION OF THE TAX REVENUE WITH CITIES AND TOWNS IN ADAMS COUNTY (ADAMS COUNTY BALLOT ISSUE 1B), AND URGING THE CITIZENS OF BRIGHTON TO VOTE IN FAVOR OF BALLOT ISSUE 1B AT THE GENERAL ELECTION ON NOVEMBER 3, 2020**

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

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to approve Resolution 2020-100. 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**11. GENERAL BUSINESS****A. Review of COVID Statistics**

Emergency Management Coordinator Stephanie Hackett presented an overview of COVID statistics in the City of Brighton.

Interim Assistant City Manager Michael Martinez updated City Council on the COVID testing site.

Motion by Councilmember Cushing, seconded by Mayor Pro Tem Johnston, to authorize City Manager Jane Bais DiSessa to determine if future City Council meetings and Study Session meetings would be held virtually. 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

12. REPORTS**A. By the Mayor**

Mayor Mills attended the NATA meeting, the retirement celebration for Darryl Meyers, the National Day of Prayer event, the Foley Park dedication, the Dick and Mary Hodge Memorial Parkway plaque dedication, and the ribbon cutting for Ent Credit Union.

B. By Department Heads**C. By the City Attorney****D. By the City Manager**

City Manager Bais DiSessa thanked City Council for their support and reported that she is working on scheduling the City Council Goal Setting Session.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Watts attended the BURA meeting and encouraged local veterans to submit their pictures to be included in the Veterans Appreciation slideshow. Councilmember Watts encouraged residents to apply for open Board and Commission positions.

Councilmember Taddeo encouraged the community to get involved in Boards and Commissions.

Councilmember Jordinelli attended the Link meeting and the Lodging Tax Advisory Committee meeting.

Councilmember Humbert attended the Parks and Recreation Advisory Board meeting, the Historic Preservation Commission meeting, the HeArt of Brighton meeting and the Downtown Partnership meeting.

Mayor Pro Tem Johnston asked staff to schedule a discussion regarding the bike lanes painted on City streets.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:22 p.m.

CITY OF BRIGHTON, COLORADO




Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date