

City of Brighton

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



Meeting Minutes

Tuesday, October 18, 2022

6:00 PM

Amended

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 6:00 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

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

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the September 20, 2022 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ALPINE ROOFING LTD. FOR THE REC CENTER ROOFING PROJECT FOR THE CONTRACT AMOUNT OF FOUR HUNDRED FIFTY-EIGHT THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$458,225.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-118

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ALAN PLUMMER AND ASSOCIATES, INC. FOR THE WATER MASTER PLAN PROJECT FOR THE CONTRACT AMOUNT OF TWO HUNDRED EIGHTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS (\$287,395.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-119

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JOLENE COHEN-MCCOY AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION TO FILL AN UNEXPIRED TERM TO JANUARY 2024

Resolution No. 2022-120

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING DANIEL DOHERTY AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2027

Resolution No. 2022-121

- F. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) GRANT APPLICATION IN THE AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND UPON AWARD TO FINALIZE AND EXECUTE A REASONABLE GRANT AGREEMENT WITH DOLA**

Resolution No. 2022-122

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

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

4. CEREMONIES

A. Swearing In of New Board and Commission Members

Deputy City Clerk Erin Kelm swore in the new Board and Commission Members.

B. Colorado Applies Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Blackhurst, seconded by Councilmember Pawlowski, to approve the Proclamation. Motion passed by the following vote:

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

C. Community Planning Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Padilla, 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 Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Councilmember Johnston

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

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FRANCHISE AGREEMENT WITH ALLO COMMUNICATIONS, LLC, GRANTING TO ALLO COMMUNICATIONS, LLC A NONEXCLUSIVE RIGHT TO SELL, FURNISH, AND DISTRIBUTE CABLE SERVICES WITHIN THE CITY OF BRIGHTON; AUTHORIZING THE MAYOR TO EXECUTE THE FRANCHISE AGREEMENT FOR AND ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Deputy City Manager Marv Falconburg presented the Allo Fiber Franchise Agreement. There will be a public hearing on November 15, 2022 for final reading of the Ordinance. Allo will bring approximately thirty jobs and a storefront to the City of Brighton, and they have already been working in the city. this Franchise Agreement for a new high speed fiber network will increase competition, increase customer service for residents and businesses, serve all neighborhoods and have an expedited buildout of a fiber network.

Assistant City Attorney Yasmina Shaush presented the key provisions of the Franchise Agreement. This will be for a ten-year term through 2032. The city will receive a franchise fee of 5% of gross revenues to the city, PEG fees and 50 hours of video on demand programming for its PEG access programming. Allo will be required to follow all requirements and laws regarding franchises.

Colorado General Manager for Allo Bob Beiersdorf gave a brief history of Allo and explained what services they will offer in the city.

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

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

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE BRIGHTON CHARTER HIGH SCHOOL SUBDIVISION DEVELOPMENT AGREEMENT FOR THE APPROXIMATELY 13.429 ACRES OF CONTIGUOUS LAND, GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TELLURIDE STREET AND SOUTHERN STREET, MORE SPECIFICALLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

Senior Planner Nick Di Mario presented the Brighton Charter High School Subdivision Development Agreement Amendment. The property is located at the northwest corner of Telluride Street and Southern Street, is approximately 13.429 acres, is zoned public land and is designated as public land in the Future Land Use Map of the Comprehensive Plan. The Development Agreement was approved on June 5, 2007. The request is to amend two sections of Exhibit G Special Provisions. 3.a. requires that the developer provide permanent easements on the Final Plat for the westernmost and easternmost drainage ponds. 3.c. requires that the developer and/or owner shall have no responsibility to construct the easternmost detention pond, shall allow access to the easternmost detention pond and that the city is responsible for the construction and maintenance of the easternmost detention pond. The easternmost detention pond was included in the easement in such a way that a pond would be able to be constructed if it was needed. The owners have expressed interest in developing a portion of the encumbered land as an athletic field. The easement prohibits them from constructing the athletic field.

The amendment would amend 3.a. to require that the developer maintain the need for the permanent easement for the westernmost detention pond and necessary access. The developer would be required to modify, by separate document, the easement portion for the easternmost detention pond in such a way to protect the future proposed public storm drainage pipes. Amending 3.c. would call attention to the engineering analysis that demonstrated that the easternmost detention pond is no longer needed and that the developer and/or owner will be responsible for the design, construction, and all costs associated with the new storm drainage pipes that would come with the athletic field construction.

Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to approve Resolution 2022-123. Motion passed by the following vote:

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

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF AMERICAN WEST CONSTRUCTION, LLC FOR THE AICHELMAN PROPERTY PHASE 1 PROJECT FOR THE CONTRACT AMOUNT OF ONE MILLION SIX HUNDRED NINETY-SIX THOUSAND ONE HUNDRED SEVEN DOLLARS (\$1,696,107.00) 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 Mark Heidt presented the Aichelman Property Phase I project. The request is to approve the construction bid from American West Construction, LLC. The project will use the recycled asphalt from the Bridge Street and other Public Works projects for the parking lot. There will be rain gardens to address stormwater needs. The parking lot will be a trailhead for the Colorado Front Range Trail (CFRT). Phase I includes construction of the main entrance, the parking lot and a connector trail to the CFRT. A matching fund approval was received from an Adams County Open Space Passive Grant of \$818,400 to assist with the construction. A formal solicitation was done, and four responses were received. Staff recommends accepting the bid of American West Construction, LLC as the lowest most responsive and responsible bidder for \$1,696,107. The grant funding will be received after completion of the Phase I construction.

No vote was taken on this item.

10. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO NON-POTABLE WATER FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO (FINAL READING)

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

Motion by Councilmember Blackhurst, seconded by Councilmember Johnston, to approve Ordinance 2398. Motion passed by the following vote:

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

11. GENERAL BUSINESS

A. Cancel the October 25, 2022 Study Session for the Meet and Greet with Fort Lupton

Motion by Councilmember Padilla, seconded by Councilmember Johnston, to change the location of the October 25, 2022 Study Session to be a joint Study Session with the Fort Lupton Council at Coyote Creek Golf Course and adjust the notices accordingly. Motion passed by the following vote:

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

12. REPORTS

A. By the Mayor

Mayor Mills attended the Metro Mayors Caucus meeting and read to 2nd graders at Foundations Academy,

B. By Department Directors

C. By the City Attorney

D. By the City Manager

E. By City Council

Councilmember Taddeo attended the Brighton Housing Authority meeting, the Legacy Foundation meeting, and the Historic Preservation Commission meeting.

Mayor Pro Tem Cushing attended the Housing Authority meeting.

Councilmember Blackhurst attended the Brighton Urban Renewal Authority meeting, the Youth Commission meeting, and the Lochbuie Sewer Board meeting.

Councilmember Pawlowski attended the retirement celebration for Chief for Police Paul Southard, and the E-470 Board meeting.

Councilmember Padilla stated that it is Friends of Library week and attended the CML Policy Board meeting.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 7:46 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Erin Kelm, Deputy City Clerk

Approval Date