

City of Brighton

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



Meeting Minutes

Tuesday, October 20, 2020

6:15 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 6:43 p.m.

A. 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 Mayor Pro Tem Johnston, 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 15, 2020 City Council Minutes

B. Approval of the September 22, 2020 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REAPPOINTING MICHELLE MILLER AS A MEMBER OF THE BRIGHTON HOUSING AUTHORITY WITH A TERM TO NOVEMBER 2025

Resolution No: 2020-101

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REAPPOINTING DAVID LEON AS A MEMBER OF THE BRIGHTON HOUSING AUTHORITY WITH A TERM TO NOVEMBER 2025

Resolution No: 2020-102

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REAPPOINTING WILMA ROSE AS A CULTURAL ARTS COMMISSION MEMBER OF THE LODGING TAX ADVISORY COMMITTEE WITH A TERM TO DECEMBER, 2022

Resolution No: 2020-103

F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING KATYA MISSAGHI AS AN AT-LARGE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD AND BIKE BRIGHTON SUB-COMMITTEE TO FILL AN UNEXPIRED TERM TO JANUARY 2022

Resolution No: 2020-104

- G. 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 \$50,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND UPON AWARD THEREOF, TO CONDUCT GOOD FAITH NEGOTIATIONS FOR FINALIZING A REASONABLE GRANT AGREEMENT WITH DOLA FOR CONSIDERATION BY THE CITY COUNCIL

Resolution No: 2020-105

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION, AND SETTING A PUBLIC HEARING FOR DECEMBER 1, 2020, TO DETERMINE IF THE PROPOSED APPROXIMATE 0.488 ACRE PARCEL, TO BE KNOWN AS THE NEFF REMAINDER PROPERTY ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION

Resolution No: 2020-106

Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, 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. Community Planning Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Watts, seconded by Councilmember Humbert, 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

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL 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 Attorney Jane Bais DiSessa introduced Assistant Planner Sean Pesek.

Assistant Planner Sean Pesek explained that this Ordinance was approved by City Council at first reading and the Ordinance was amended to remove Section 3.

City Manager Bais DiSessa explained that she would be meeting with the Downtown businesses this week.

Motion by Councilmember Cushing, seconded by Councilmember Blackhurst, to approve Ordinance 2345. 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, APPROVING AN INTERGOVERNMENTAL AGREEMENT (THE "IGA") BETWEEN ADAMS COUNTY, THE CITY OF THORNTON, AND THE CITY OF BRIGHTON, COLORADO REGARDING PARTICIPATION IN A PILOT PROGRAM FOR SHARING CRIMINAL JUSTICE INFORMATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

City Attorney Bais DiSessa introduced Deputy City Attorney Lena McClelland.

Deputy City Attorney Lena McClelland explained that this IGA is between the City of Brighton, the City of Thornton and Adams County. The purpose of the IGA is to participate in a pilot program for the sharing of criminal justice information. The Criminal Justice Coordinating Committee (CJCC) is an independent planning advisory group made up of representatives of jurisdictions throughout Adams County that makes recommendations to address specific criminal justice issues to elected and appointed officials. The City of Brighton is represented on the Committee by Victims Services Coordinator Kimberly Messina. The pilot program that is being created with this IGA was created because currently each court system in Adams County maintains its own unique data system separate from any other criminal justice system. As a result, information and data is not easily shared among the jurisdictions and decision makers do not have all of the relevant and necessary information such as information regarding defendants or cases to make informed decisions. To combat these issues, the CJCC created the Justice Centralized Online Records Portal (JCORP), which utilizes secure criminal justice informational services compliant technology to share necessary criminal justice information amongst these jurisdictions. This portal would access several criminal justice agencies offender based data without hosting any of the data on its own system. The offender-based data that would be available would include charge summaries, warrant history, case history, hearing summary, jail stay information etc. As part of this pilot program, the City of Brighton along with the City of Thornton and Adams County would be the first jurisdictions to use this system. After meeting several times, the participating jurisdictions have decided that an IGA is the best method for formalizing this pilot program given that all the entities involved are governments and the nature of the information being shared. The City Prosecutor Adam Gollin is a member of the CJCC Subcommittee on information sharing and has been involved closely with this project and is in full support of the program. Deputy City Attorney McClelland answered questions from Council regarding:

- Other cities being involved or just the Adams County Sheriff's Office.*
- This having anything to do with NCIC or the Colorado database.*

Motion by Councilmember Watts, seconded by Councilmember Taddeo, to approve Resolution 2020-107. 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 CONSERVATION EASEMENT FOR THE MORIMITSU FARM LOCATED AT 14201 SABLE BOULEVARD, BRIGHTON, COLORADO IN FAVOR OF THE CITY OF BRIGHTON, AND THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY (THE "COUNTY") AS CO-GRANTEES ("THE GRANTEES"), AUTHORIZING THE MAYOR, OR THE CITY MANAGER TO SIGN AND EXECUTE THE EASEMENT AND OTHER DOCUMENTS THAT MAY BE REQUIRED TO COMPLETE THE EASEMENT

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

City Manager Bais DiSessa introduced Parks and Recreation Director Travis Haines.

Parks and Recreation Director Travis Haines presented the Conservation Easement for the Morimitsu Farm Property and introduced Christine Quinlan, Senior Project Manager of the Conservation Fund. Ms. Quinlan was here earlier this year to discuss the Historic Splendid Valley and possible farmland acquisitions. Director Haines explained that the Morimitsu property is located in the center of the Historic Splendid Valley area. Surrounding the property to the north is 144th Avenue, Sable Boulevard to the east, and Potomac Street to the west. In 2016, the City and Adams County collaborated to create the District Plan, which is a comprehensive plan to preserve farmland in southern Brighton. The District Plan Commission was created as a joint commission to carry out the vision of the plan. The farmland in this area is valuable to food production in the area and has been for many years. This area was later named as the Historic Splendid Valley. The soils in this area have been classified as USDA Prime Soils. There are a number of Conservation Easements within the Historic Splendid Valley. The City of Brighton has worked with the Conservation Fund to preserve the agricultural land and farming heritage for a number of years and works directly with willing private landowners to acquire farm properties and preserve them in perpetuity with the use of Conservation Easements. After acquiring the properties, the Conservation Fund works directly with the City of Brighton and Adams County or private conservation buyers to purchase these properties and protect them through Conservation Easements. The Morimitsu Farm is a seventy-nine acre parcel located in the center of the Historic Splendid Valley. Ms. Quinlan and the Conservation Fund have been working with the Morimitsu family for two years regarding the acquisition of this property. The Conservation Fund closed on the purchase of the property earlier this summer and they will convey a perpetual Conservation Easement on the property to the City of Brighton and Adams County as co-holders of the Easement. The Conservation Fund will also convey the Conservation Easement encumbered fee title property to a private conservation buyer to the owner the property and continue to operate it as farmland. The Conservation Easement will be purchased with grant funds from Adams County Open Space for \$1,750,000; a Great Outdoors Colorado Grant for \$750,000 and with a private conservation buyer purchase for \$1,485,750, the cost to the City is zero dollars. By having the Conservation Fund work with a private conservation buyer and with the grant funding providing the purchase of the easement, The City will save just under 1.5 million dollars in the Parks and Recreation Capital Fund and will still be able to accomplish all of the goals set forth by the District Plan. The farmland will be preserved in perpetuity under the Conservation Easement and will be used as farmland in the future. Christine Quinlan and Director Haines answered questions from Council regarding:

- The mineral rights being protected.*
- The name of the private buyer of the land.*
- The farmers working this property making a profit.*
- The City making money off the leases for these properties.*
- The price for the lease being in market range for leases*
- The ability for an oil and gas company to drill under a property without the knowledge of the owner.*
- The ability to stop someone from drilling under the farm.*

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Resolution 2020-108. 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 7:42 p.m.

Mayor Mills reconvened the meeting at 7:51 p.m.

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. Review of COVID Statistics

Emergency Management Coordinator Stephanie Hackett presented the COVID statistics in Brighton and Adams County.

City Council discussed opting back into the Tri-County Health Department mask mandate.

Motion by Councilmember Cushing, seconded by Councilmember Humbert, to opt back into the Tri-County Health Department mask mandate. Motion passed by the following vote:

Aye: 6 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Watts

No: 3 - Mayor Mills, Councilmember Pollack, and Councilmember Taddeo

Finance Director Maria Ostrom updated City Council on the spending of COVID funds and asked for direction on how to spend the possible new funding that may be received from Adams County.

City Council discussed ways to spend the possible new funding from Adams County.

Motion by Mayor Mills, seconded by Mayor Pro Tem Johnston to authorize City staff to make an application for 1.5 million dollars that may be available, and contingent on receiving the funding, the funds be distributed roughly in 1/3 to testing, flu shots and medical treatments, 1/3 to mortgage and rental assistance and 1/3 to business social distancing with the understanding that staff, under the direction of the City Manager, has the authority to move the funds among those three so the funds are used in the most beneficial way possible and there are no funds remaining. 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 encouraged everyone to vote and asked that residents be respectful on Halloween.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

City Manager Bais DiSessa reminded City Council of the Goal Setting session on November 5, 2020.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Johnston thanked Councilmember Watts for attending the E-470 meeting in his place.

Councilmember Blackhurst attended the Youth Commission meeting.

Councilmember Cushing attended a meeting with the City Manager and the Cemetery Walk.

Councilmember Humbert attended the Cemetery Walk, and the tree-planting event. The Historic Preservation will be publishing a book about Brighton.

Councilmember Jordinelli attended the Cultural Arts Committee meeting and the Link meeting.

Councilmember Pollack attended the Parks and Recreation Advisory Board meeting.

Councilmember Taddeo attended a meeting with the City Manager.

Councilmember Watts attended the BURA meeting and encouraged local veterans to submit their pictures for the Veterans Day slideshow.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to go into Executive Session at 9:30 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding a Litigation Update for the preserve. 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 reconvened the meeting at 10:56 p.m.

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 10:57 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date