

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, May 17, 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
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

Mayor Pro Tem Cushing led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

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

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the April 12, 2022 City Council Minutes

B. Approval of the April 19, 2022 City Council Minutes

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF RH BORDEN AND COMPANY, LLC FOR THE ACOUSTIC SEWER LINE INSPECTION PROJECT IN THE AMOUNT OF ONE HUNDRED SIXTY-FOUR THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS EIGHTY-SIX CENTS (\$164,332.86) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2022-56

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE CITY COUNCIL POLICY FOR THE APPOINTMENT OF MEMBERS TO CITY BOARDS, COMMISSIONS AND AUTHORITIES; ADDRESSING SPECIFICALLY INTERVIEWS OF CANDIDATES AND OTHER DETAILS

Resolution No. 2022-57

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Resolution No. 2022-58

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT AMONG THE CITY AND COUNTY OF DENVER, ACTING THROUGH ITS BOARD OF WATER COMMISSIONERS, THE CITY OF BRIGHTON, AND THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT, AUTHORIZING THE CITY MANAGER TO EXECUTE THE IGA ON BEHALF OF THE CITY

Resolution No. 2022-59

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING DAVID MCWILLIAMS AS THE WARD 4 MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM TO JANUARY 2024

Resolution No. 2022-60

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

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

4. **CEREMONIES**

A. **Water Conservation Poster Contest Winner Recognition**

Louis Morris, Utilities Program Coordinator, recognized the water conservation poster contest winners Ximena Rico Estrada, 1st place, Keelyn Beddo, 2nd place, Cienna Wollert, 3rd place and Mackenzie Garza, Honorable Mention.

B. **Kids to Parks Day Proclamation**

Mayor Mills read the Proclamation into the record.

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

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

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

Antonio Quintana, Brighton. Mr. Quintana explained that he would like to open a drone park for public use in the City.

Aaron Fye, FC Brighton. Mr. Fye asked where the City is at planning for more sports fields or parks in the City.

6. **PUBLIC HEARINGS**

7. **ORDINANCES FOR INITIAL CONSIDERATION**

8. **ORDINANCES FOR FINAL CONSIDERATION**

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF AMERICAN CONSTRUCTION SERVICES, LLC FOR THE CONSTRUCTION OF ADA COMPLIANT BATHROOMS FOR THE CONTRACT AMOUNT OF TWO HUNDRED TWENTY THOUSAND SEVEN HUNDRED SIXTY DOLLARS AND FOUR CENTS (\$220,760.04) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY**

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

Erik Berg, Management Analyst I presented the Historic City Hall Bathroom Renovation Project, which will update the restrooms to ADA compliant standards. Management Analyst Berg presented a timeline of the grant process. The Adams County Community Development Block Grant (CDBG) for \$257,850 will cover the full construction and design for the project. The City engaged in three bidding efforts from November 2021 to February 2022. The design cost is \$18,947 and the construction bid is \$220,760 for a total amount of \$239,707. The CDBG award from Adams County is \$257,850. A budget amendment is required since this is a federal expense. The first and second solicitations brought in insufficient responses. Through the procurement evaluation process, staff finds that bid one was the lowest, most responsive and responsible bidder. Staff recommends accepting the bid of American Construction Services LLC for \$220,760.

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Pollack, to approve Resolution 2022-61. Motion passed by the following vote:

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

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING CURRENT ALTERNATE DAVE ROSE AS A MEMBER OF THE BRIGHTON HOUSING AUTHORITY TO FILL AN UNEXPIRED TERM TO NOVEMBER 2025**

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

Motion by Mayor Pro Tem Cushing, seconded by Councilmember Padilla, to approve Resolution 2022-62. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, 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, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO 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**

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

Finance Director Catrina Asher explained that the proposal is to reset the water rates to 2019 levels, implement a Water Treatment Plant Fee to finance the non-growth related costs of the project, and enhancements to the Water Assistance Program. In 2018-2019 staff and Council identified concerns that projects were not being completed in a timely manner. A forensic audit was conducted and recommendations around budgeting practices have been implemented. A consulting firm was hired to create a rate model that staff and Stantec used to evaluate various options for rates and financial analysis for the fund. In November 2019 Council approved an Ordinance reducing water rates by 8% to reduce the reserves. Spending down reserves means that you are spending more than what is being brought in, this can only be done on a temporary basis. Projects were being completed in 2020 and 2021 and the reserves decreased, the reserve levels are now below recommended levels. Staff recommends a reset in water rates to the 2019 levels effective July 2022, this is an effective rate increase of 9.11%.

Interim Utilities Director Marc Johns presented a history of the twenty-five year old Water Treatment Plant that is near end of life, resulting in increased maintenance costs and eventual need for replacement. It is difficult to find replacement parts to maintain the plant. The City water usage continues to grow and has exceeded the capacity of the plant on many occasions. City Council approved award of a contract for the design of an expanded plant to Brown & Caldwell that would add 4 MGD. Staff presented options to Council in January 2022, which included a 20 MGD plant design. Staff moved forward with this option including updating the rate model. This gives the City a longer sustainable future with the plant. Interim Director Johns presented the water treatment plant enhancements.

Finance Director Asher explained that 4.5 to 5 million dollars is spent per year purchasing water from Denver via Thornton to meet the current capacity needs. The new plant would eliminate the need to purchase this additional water, so the \$4.50 surcharge for this water would be removed from the water bills. The estimated cost for the project is \$155 million. Staff is proposing to use the full allocation of ARPA funding of \$10.5 million for this project. The remainder would be funded through borrowing through debt issuance, one later this year and another borrowing in 2024. This would phase in the payments and would help with managing the rates. The total debt service would be 9.4 million dollars per year. The additional 10 million gallon capacity could be contributed to growth so the developers would be contributing into the fund as development is done in the City. These funds can be used for growth related projects. Half of the 9.4 million dollar per year debt payment can be funded from the growth revenues. Staff is not recommending an increase in the PIF because they were recently increased and are sufficient to fund that portion of the project. The portion of the project that replaces the aging infrastructure must be funded by operational revenue or user fees. Growth revenues cannot legally be used for projects that do not support increased capacity. User rates need to fund the day to day management and operations of the plant as well as future replacement of the existing capacity. Staff is proposing a Water Treatment Plant fee that will start at \$6.00 per month for a single-family home with a ¾ inch meter and would be subject to Council approval each year. The fee would increase depending on meter size and customer history. This is an Enterprise Fund so no taxes are going into the fund and the revenues have to stay in the fund, they cannot be transferred out. This fee would be implemented in January 2023. The average impact to the water bill would be \$10.00 per month per home. The City of Brighton is still competitive with neighboring communities.

The enhancements to the Customer Assistance Program include increasing support per customer from \$300 to \$500 annually, increasing the total funding of the program from \$50,000 to \$100,000 annually and a program expansion to residents paying via rent or HOA. Staff is asking that the program be codified and to delegate authority to the City Manager to work with the Finance and Utilities Departments to manage the program.

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve the Ordinance. 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: 2 - Councilmember Johnston, and Councilmember Watts

11. GENERAL BUSINESS

A. Schedule a Study Session on May 31, 2022 at 6:00 p.m. for an RTD Update

Motion by Councilmember Watts, seconded by Councilmember Pollack, to schedule a Study Session on May 31, 2022 at 6:00 p.m. for an RTD Update. Motion passed by the following vote:

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

No: 1 - Councilmember Johnston

12. REPORTS

A. By the Mayor

B. By Department Directors

Parks and Recreation Director Travis Haines announced that the City's portion of the Adams County Open Space Sales Tax is \$758,676.34 and will be placed in the Parks and Recreation Capital Fund.

C. By the City Attorney

D. By the City Manager

City Manager Martinez reported that a Disney Tribute band is playing on Sunday at the Armory and Summerfest is June 4th.

E. By City Council

Councilmember Taddeo attended the Legacy Foundation meeting, the Youth Commission meeting, the Housing Authority meeting and announced that the Historic Preservation Gala is May 28th.

Councilmember Watts attended the Help for Homes event and the SPEAK Walk.

Mayor Pro Tem Cushing attended the SPEAK Walk, the Legacy Foundation meeting and the Housing Authority meeting.

Councilmember Johnston asked that a discussion be scheduled regarding Lodging Tax.

Councilmember Pawlowski attended the E-470 meeting.

Councilmember Padilla attended the Airport Coordinating Committee meeting and announced that last week was Nurses Appreciation week, Foster Parents month, Brain Tumor month and June 17th is the Almost Home fundraiser.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:46 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date