

City of Brighton

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



Meeting Minutes

Tuesday, May 5, 2020

6:00 PM

Amended

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

2. APPROVAL OF REGULAR AGENDA

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

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

3. CONSENT AGENDA

A. Approval of the March 27, 2020 City Council Minutes

B. Approval of the April 1, 2020 City Council Minutes

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

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

4. CEREMONIES

A. Parks to Kids Day Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve the Proclamation. Motion passed by the following vote:

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

B. Building Safety Month 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: 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

C. Archeology & Historic Preservation Month Proclamation

Councilmember Humbert read the Proclamation into the record.

Motion by Councilmember Jordinelli, seconded by Councilmember Cushing, to approve the Proclamation. Motion passed by the following vote:

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

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

T'Nell Page, Brighton. Ms. Page expressed concern regarding a face covering requirement for those that are unable to wear them or blind or deaf residents. If there is a requirement for face coverings, the City should provide them.

6. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE BY REPEALING AND REENACTING SECTIONS 9-8-90 AND 12-20-40 REGARDING RULES AND REGULATIONS FOR PARKS, PARK FACILITIES, AND OPEN SPACE AREAS

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

Acting City Manager Marv Falconburg explained 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 Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve Ordinance 2338. Motion passed by the following vote:

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

7. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF INSIDE EDGE COMMERCIAL INTERIOR SERVICES, LLC D/B/A INSIDE EDGE SAFETY SURFACES AND AWARDING THE CONTRACT FOR RECREATION CENTER POOL DECK REPLACEMENT, PROJECT #20-006187, TO INSIDE EDGE COMMERCIAL INTERIOR SERVICES, LLC D/B/A INSIDE EDGE SAFETY SURFACES UP TO THE AMOUNT OF \$174,891.75, AND AUTHORIZING THE CITY MANAGER 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.

Acting City Manager Falconburg introduced Parks and Recreation Director Travis Haines and Assistant Director of Recreation Services Jeffrey Hulett.

Assistant Director of Recreation Services Jeffrey Hulett presented the Recreation Center Pool Deck Replacement Project. The current pool deck is tile and is original to the building. The surface is beginning to fail and is becoming a safety hazard. There are modern products that are nonskid and specific to an aquatic environment to provide some cushion in the event of a fall. The RFQ was posted and three firms submitted qualifications. Inside Edge Commercial Interior Services was determined to meet the specifications and was asked to bid. Inside Edge was the lowest most responsive and responsible bidder. They have a lot of municipal experience, and are in good standing with the State of Colorado. The bid was for \$174,891.75, which is within the budgeted amount. Assistant Director Hulett answered questions from Council regarding:

- There being only one qualified firm.
- The issues that kept the other firms from meeting the qualifications.
- The completion date of the project.
- The project being completed in two weeks.
- Staff expressing firmly that they do not want the cost to exceed the bid amount.

Motion by Councilmember Pollack, seconded by Councilmember Blackhurst, to approve Resolution 2020-47. Motion passed by the following vote:

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

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE EMERGENCY ELECTRONIC PARTICIPATION POLICY FOR THE CITY OF BRIGHTON CITY COUNCIL REGULAR AND SPECIAL MEETINGS

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

City Attorney Jack Bajorek explained that this is a textual amendment to the policy that City Council adopted on March 14, 2020 to allow virtual meetings. At the time, it was not contemplated how to handle quasi-judicial actions by Council. This textual change allows Council to conduct quasi-judicial hearings in a virtual meeting. This will stay in effect until Council withdraws the policy.

Motion by Councilmember Watts, seconded by Councilmember Blackhurst, to approve Resolution 2020-48. Motion passed by the following vote:

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

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF D2C ARCHITECTS AND AWARDING THE CONTRACT FOR CITY OF BRIGHTON MUNICIPAL SERVICE CENTER NEEDS STUDY AND ASSESSMENT/ARCHITECTURAL PROGRAM, PROJECT #20-006212, TO D2C ARCHITECTS FOR THE CONTRACT AMOUNT NOT TO EXCEED \$58,942.00, AND AUTHORIZING THE CITY MANAGER 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.

Acting City Manager Falconburg introduced Infrastructure Director Mike Woodruff.

Infrastructure Director Mike Woodruff presented the Needs Study and Assessment/Architectural Program project for the Municipal Service Center (MSC). In 2019, City Council directed staff to pursue the construction of a new Municipal Service Facility. This facility would accommodate Street

Maintenance, Fleet Maintenance, Park Maintenance, Utility Maintenance and Infrastructure Engineering and Administration. These departments currently operate in separate locations throughout the City. A Police Substation would be located in this facility. The facility would be constructed on 15.54 acres of City-owned land at the northwest corner of Main Street and Denver Street. The funding has been incorporated in the City's Capital Budget. The first step to begin this project is a Needs Study and Assessment/Architectural Program, which includes two key phases. The first phase will be an existing physical and operational evaluation for the previously listed divisions. The second phase will be a space needs analysis that would evaluate the current and future needs as well as defining the anticipated life cycle of the new facility. The space needs analysis would include overall and detailed adjacencies, accepted space standards based on similar facilities and site area requirements. The second phase will also provide a conceptual design floorplan and estimated building costs on a one-story and a two-story floorplan. Nine proposals were received during the RFP process. The proposals were reviewed by a selection committee and a comprehensive evaluation process was utilized. After an extensive process, staff found that the most responsive and responsible proposal was submitted by D2C Architects for \$58,942. D2C has significant experience and knowledge in the areas outlined in the RFP and have done work with several agencies and municipalities in the state. D2C understands and recognizes the significance the maintenance facilities and police substation projects have for the client, user, stakeholders and the community. Sufficient funding was approved in the 2020 budget for this project. Staff recommends approval of the contract with D2C for \$58,942.

Motion by Councilmember Watts, seconded by Councilmember Humbert, to approve Resolution 2020-49. Motion passed by the following vote:

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

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF BRIGHTON, COLORADO REGARDING DISBURSEMENT OF CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT FUNDS AND AUTHORIZING THE MAYOR TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

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

Acting City Manager Falconburg introduced Finance Director Maria Ostrom.

Finance Director Maria Ostrom explained that Adams County is receiving approximately 90 million dollars from the Federal CARES Act and will share 45% with municipalities in Adams County based on population. Brighton is set to receive over 3 million dollars in funding. If this item is approved, the City is expecting to receive its first million dollars next week. The CARES Act funding can be used for additional costs related to Public Health safety measures while responding to COVID but can also be used for small business assistance grants. If approved, staff would present an item at the next meeting to discuss how this funding could be purposed. Staff recommends approval of the IGA. Director Ostrom, Emergency Management Coordinator Stephanie Hackett and City Attorney Jack Bajorek answered questions from Council regarding:

- *The cost to test everyone in the City for the Coronavirus.*
- *The City representative for these funds.*
- *The invoices being presented to Council.*
- *The funds being approved by City Council prior to being spent.*
- *The City having to account how the funds are spent to Adams County.*
- *The notices going to the representative and City Council.*
- *The representative keeping Council informed.*

Motion by Councilmember Watts, seconded by Mayor Pro Tem Johnston, to approve Resolution 2020-50. Motion passed by the following vote:

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

8. UTILITIES BUSINESS ITEMS

9. GENERAL BUSINESS

A. Forensic Audit

City Council and staff spoke about the results of the Forensic Audit and the next steps to be taken by the City to notify the public of the results.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to bring back approval of a letter to be approved by Council that will be sent to the community. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

No: 1 - Councilmember Cushing

Mayor Mills called for a break at 8:06 p.m.

Mayor Mills reconvened the meeting at 8:12 p.m.

B. Postponement and possible restructuring of Summerfest to a later date in the summer or fall

City Council and staff discussed postponing Summerfest to a later date.

Motion by Councilmember Jordinelli, seconded by Councilmember Cushing, to postpone Summerfest and continue the discussion to the first meeting in June. Motion passed by the following vote:

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

C. Closure of the Oasis Water Park for the entire summer season

City Council and staff discussed any options that the City would have to open the Oasis Water Park for part of the season or the need to close for the summer season.

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to continue the discussion to close the Oasis Water Park to the first meeting in June or until a change in the regulations by the State regarding pools. Motion passed by the following vote:

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

D. Opening City Hall and Historic City Hall the week of May 18th

Economic Development Director Michael Martinez presented a plan to open City Hall and Historic City Hall on May 18, 2020. City Council and staff discussed the issues with opening City Hall and Historic City Hall the week of May 18th.

Motion by Councilmember Watts, seconded by Councilmember Humbert, to Open City Hall and Historic City Hall the week of May 18th. The motion failed by the following vote:

Aye: 2 - Mayor Mills, and Councilmember Watts

No: 6 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Pollack

E. Continue with a fireworks display on the 4th of July, but explore an alternate location that is more central and visible to all 4 wards (possibly near City water tank site), and modify the event structure to discourage large groups of people from gathering in person at the site

City Council discussed the options for finding an alternate site for the 4th of July fireworks display to prevent large groups from coming together to follow social distancing guidelines.

Motion by Councilmember Watts, seconded by Councilmember Blackhurst, to proceed with the fireworks display on the 4th of July to allow time to secure a vendor. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, and Councilmember Watts

No: 1 - Councilmember Pollack

F. The opening of playground structures, picnic pavilions, dog parks and other park amenities

Staff presented the current guidelines regarding the opening of recreation facilities and City Council discussed opening recreation facilities including playgrounds, picnic pavilions, dog parks, and team sports.

Motion by Councilmember Blackhurst, seconded by Councilmember Pollack, to open the dog parks, basketball courts and tennis courts and to direct staff to open all recreation facilities as soon as it is allowed by the State of Colorado and Tri-County Health guidelines. Motion passed by the following vote:

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

G. Face Covering Public Requirement

Economic Development Director Michael Martinez reminded Council of their previous discussion regarding mandating face coverings in City buildings. At this time, Tri-County Health Department is not likely to mandate a face-covering mandate and will allow municipalities to make this decision. Some cities and counties have already adopted orders requiring face-coverings and the rules vary for each entity. These variations include the age requirement for face-coverings and the requirement or recommendation to wear face-coverings outside in public. Most of the orders do require employees as well as the public to wear face-coverings at all times when in a public building. Council could direct the City Manager to draft an Ordinance requiring face-coverings in public buildings and encourage businesses to make decisions based on their discretion. Director Martinez answered questions from Council regarding:

- Any city having a sunset built into their order.

David Page, Brighton. Mr. Page expressed concern regarding the ability to acquire effective masks.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to require face-coverings in all City buildings until further notice and strongly encourage all citizens wear face-coverings over the age of two in public places with ten people or more beginning immediately. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, and Councilmember Jordinelli

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

H. City Attorney Performance Evaluation Process

Administrative Services Director Karen Borkowski Surine presented an overview of the procedure for the City Attorney performance evaluation. Last year Joe Rivera was hired to create a process for the performance evaluation process. This process was approved by City Council on October 1, 2019. City Attorney Jack Bajorek was reappointed on January 7, 2020. This review period is from January 2020 to July 15, 2020. Director Borkowski Surine will distribute and process the performance evaluation forms. Members of City Council will meet individually with the City Attorney to discuss goals, objectives and performance. This process must be completed by July 15th of each calendar year. This item will come before Council to be voted on at the July 7, 2020 City Council meeting. The forms will be handed out to City Council, Department Directors and the City Attorney staff. After this information is compiled, City Council will discuss the results as a group.

10. REPORTS

A. By the Mayor

Mayor Mills reported that the boards of the Adams County Economic Development and the North Metro Chamber of Commerce will merge as one entity and will be called the Adams County Regional Economic Partnership.

B. By Department Heads

C. By the City Attorney

City Attorney Bajorek reported that there was not a breach of contract with the Mountain States Imaging Digitization project change order. The contract is structured so the City pays for services on a per unit basis. City Attorney Bajorek explained that there is a visible issue in his department and he was forced to put an employee on administrative leave pending an investigation based on criminal charges. This is a personnel issue and cannot be discussed until the investigation is complete.

D. By the City Manager

11. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Watts asked that an item be brought back to City Council to talk about the High School graduation.

Councilmember Humbert attended the Economic Development and North Metro Chamber meeting.

Mayor Pro Tem Johnston attended the E-470 meeting.

Motion by Councilmember Watts, seconded by Mayor Pro Tem Johnston, to amend the Agenda to remove the Executive Session and call for a Special City Council meeting at 6:00 p.m. on Thursday, May 7, 2020 to discuss the graduation ceremony for high school seniors and for an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Real Property Acquisition. Motion passed by the following vote:

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

12. EXECUTIVE SESSION

A. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Real Property Acquisition

Item 12A was removed from the agenda.

13. ADJOURNMENT

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Watts, to adjourn at 11:04 p.m. Motion passed by the following vote:

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



CITY OF BRIGHTON, COLORADO




Gregory Mills, Mayor

ATTEST:



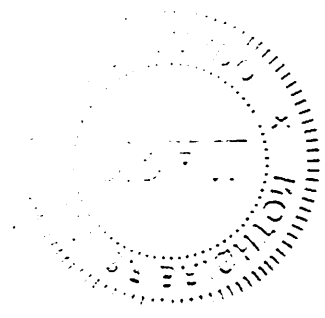
Natalie Hoel, City Clerk



Approval Date



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