

City of Brighton

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



Meeting Minutes

Tuesday, June 14, 2022

6:00 PM

**Special City Council Meeting - 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 Taddeo 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 Councilmember Pawlowski, seconded by Councilmember Padilla, 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. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING THE GRANT APPLICATION AND MATCHING FUNDS FOR THE U.S. DEPARTMENT OF INTERIOR – BUREAU OF RECLAMATION WATERSMART: DROUGHT RESPONSE PROGRAM: DROUGHT RESILIENCY PROJECTS FOR FISCAL YEAR 2023 R23AS00005 – KEN MITCHELL CELL #3

Resolution No. 2022-70

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO SUPPORTING THE GRANT APPLICATION AND MATCHING FUNDS FOR THE U.S. DEPARTMENT OF INTERIOR – BUREAU OF RECLAMATION WATERSMART: DROUGHT RESPONSE PROGRAM: DROUGHT RESILIENCY PROJECTS FOR FISCAL YEAR 2023 R23AS00005 – LUTZ RESERVOIR

Resolution No. 2022-71

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

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

Kitty LeDonne, Brighton, expressed concern regarding the ugly and divisive comments by Councilmembers on social media.

Laurie Lozano Maier, Brighton, asked that City Council appoint a member for the open Ward 1 seat.

6. PUBLIC HEARINGS**7. ORDINANCES FOR INITIAL CONSIDERATION****A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 8 OF THE BRIGHTON MUNICIPAL CODE BY THE ADDITION OF SECTION 8-40 TO ENACT OPEN FIRE AND BURNING RESTRICTIONS**

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

Chief of Police Paul Southard presented the amendment to Chapter 8 of the Municipal Code regarding restrictions to open burning in the City. The City Manager in consultation with the Fire Marshall of the Brighton Fire Rescue District can declare a fire ban. The Ordinance would be enforced by the Police Department and the Fire Code Official.

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

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING ARTICLE 10-15 TO THE BRIGHTON MUNICIPAL CODE REGARDING PEDESTRIANS HINDERING THE FLOW OF TRAFFIC AND ENHANCING PEDESTRIAN AND TRAFFIC SAFETY

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

Public Works Director Michael Woodruff explained that this Ordinance would add Section 10-15 to the Municipal Code to enhance pedestrian and traffic safety on roadway medians at traffic intersections and public roadways.

City Attorney Alicia Calderón explained that the Ordinance defines obstruction. The Ordinance is making it unlawful to obstruct the roadway by trying to stop traffic or hinder a motorist driving on the road. Center median is being defined as a raised area defined by curbing, landscaping or other obstacles. On roads that have a speed limit of more than 25 miles per hour, it will be unlawful for someone to occupy the median. A median can be used for up to two cycles for crossing the roadway. There are exceptions for first responders or federal, state or city employees using the median for maintenance. On medians with a high safety danger, signs will be posted stating that it is unlawful to occupy the center median and officers would be able to cite those individuals.

Motion by Councilmember Pollack, seconded by Councilmember Pawlowski, 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 THE PROCUREMENT OF 2022 TRANSPORTATION PRESERVATION AND IMPROVEMENTS PROJECT, PROJECT # 22-007315, AND AWARDING A CONTRACT TO A-1 CHIPSEAL COMPANY FOR THE CONTRACT AMOUNT OF THREE MILLION NINE HUNDRED EIGHTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-THREE DOLLARS (\$3,987,783.00), 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 Public Works Christopher Montoya presented the 2022 Transportation Preservation and Improvements project. This project includes work associated with sidewalk, curb and gutter, slurry seal, cape seal, hot chip, pavement markings, roadway striping and signage. Staff evaluates conditions of infrastructure that needs maintenance, repair, preservation, pedestrian access improvements, ADA compliant curb ramps and traffic calming measures to determine project locations. There was one response to the formal solicitation. Staff recommends awarding the contract to A-1 Chipseal as the most responsive and responsible bidder for \$3,987,783.

Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to approve Resolution 2022-72. 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, AWARDING A MASTER PRICE AGREEMENT TO TAT CONSTRUCTION, LLC FOR THE TRAFFIC SIGNAL REWIRE PROJECT FOR THE INITIAL ANNUAL NOT-TO-EXCEED AMOUNT OF ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) 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 Public Works Christopher Montoya presented the Traffic Signal Rewire Project. Each year an inspection is completed for all traffic signals, wiring and controllers to determine the locations in need of repair. A formal solicitation was completed and three responses were received. Staff recommends entering into a Master Price Agreement with TAT Construction, the most responsive and responsible of the received fee schedules for \$160,000; that price will be accepted for up to five years.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-73. 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

Mayor Mills called for a break at 7:47 p.m.

Mayor Mills reconvened the meeting at 8:03 p.m.

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 (FINAL READING)

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

City Manager Michael Martinez explained that Items 10A, 10B, 10C and 10D will be presented together.

Finance Director Catrina Asher explained that this is the final reading of the Water Rates Ordinance, there have not been any changes since first reading. Director Asher gave a brief presentation regarding the water rate reset, the water treatment plant fee, the funding for the project and the enhancements to the Water Assistance Program.

Interim Utilities Director Marc Johns presented the design and contract Resolutions. Brown & Caldwell was originally contracted for the design work for the project. A contract amendment is now necessary for the additional design work for the four million gallon expansion. The contract will be increased by approximately 3.7 million dollars for the additional work. There will be an additional amendment in December, 2022 to oversee some construction work during the construction phase. Oversight will be needed to ensure the plant is built to design.

The second contract is with Garney Companies for the construction for approximately 51 million dollars for the first two phases. Phase I includes earthwork and the purchase of long lead items. Phase II is the foundation and Phase III would include the completion of the buildings. The procurement process took place in 2020 with four responses. The evaluation committee chose Garney Companies for the Construction Manager at Risk for the construction.

Director Asher explained that there will be two debt issuances to fund this project. The first is underway and will close in October. A bonding reimbursement Resolution must be done since construction is beginning in July, but debt is not being issued until October. The Resolution does not lock in any borrowing terms, amounts, interest rates, or length of bonding, it simply formalizes Council's intent to use the proceeds that would be received in October and the second borrowing for the construction costs that will be in progress.

Shelly Cunningham, Brighton, expressed concern regarding the water rates and the cost of the new plant.

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Ordinance 2384. 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

Resolutions

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO THE CONTRACT WITH BROWN AND CALDWELL, INC. FOR THE AMOUNT OF THREE MILLION SIX HUNDRED NINETY-EIGHT THOUSAND ONE HUNDRED THIRTY-NINE DOLLARS (\$3,698,139.00)

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

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-74. 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

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF GARNEY COMPANIES, INC. FOR THE WATER TREATMENT PLANT UPGRADE PROJECT IN THE AMOUNT OF FIFTY MILLION SEVEN HUNDRED FIFTY-FIVE THOUSAND FOUR HUNDRED ONE DOLLARS (\$50,755,401.00) 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.

Motion by Councilmember Pawlowski, seconded by Councilmember Taddeo, to approve Resolution 2022-75. 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

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED EXPENSES RELATING TO FINANCING CONSTRUCTION OF A NEW WATER TREATMENT PLANT**

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

Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to approve Resolution 2022-76. 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

11. GENERAL BUSINESS

A. CML Voting Designee Discussion

Motion by Councilmember Johnston, seconded by Councilmember Padilla, to designate Mayor Mills to be the voting member for the City at the CML Conference. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

No: 1 - Mayor Pro Tem Cushing

12. REPORTS

Mayor Mills attended the ADCOG meeting, the Metro Mayors Caucus meeting, the Chamber luncheon, the Growing Grads Interns welcoming event, the Elders Pow Wow at the Bromley Farm and the raising of the water tank. The Downtown Rockabilly event is Saturday.

A. By the Mayor

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez announced that the Downtown Rockabilly event is Saturday and the services for Bob Sakata is next Tuesday. City Manager Martinez thanked EDC Director Patrick Giron for his service to the City.

E. By City Council

Councilmember Padilla announced that today is the anniversary of the founding of the Army, the services for Bob Sakata will be on the 21st at 2:00 p.m. and there is a Pride Event at Riverdale Regional Park on Saturday at 11:00 a.m.

Councilmember Cushing announced that the Concerts at the Armory are coming up and Flix and Kicks begin on Thursday.

Councilmember Taddeo attended the Historic Preservation Commission meeting and Gala and the Chamber luncheon.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 9:41 p.m.

CITY OF BRIGHTON, COLORADO

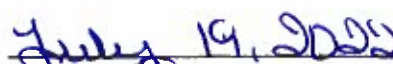


Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date