



Legislation Details (With Text)

File #: ID-29-19 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 1/22/2019 **In control:** City Council

On agenda: 3/5/2019 **Final action:**

Title: Approval of the February 5, 2019 City Council Minutes

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, February 5, 2019

7:00 PM

Amended

Council Chambers

City Council

MAYOR - KENNETH J. KREUTZER

MAYOR PRO-TEM - JW EDWARDS

COUNCIL MEMBERS:

**LYNN BACA, CLINT BLACKHURST, MARK HUMBERT,
MATT JOHNSTON, GREGORY MILLS, MARY ELLEN POLLACK,
KIRBY WALLIN**

1. CALL TO ORDER

Mayor Kreutzer called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

2. APPROVAL OF REGULAR AGENDA

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

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

3. CONSENT AGENDA

A. Approval of the January 8, 2019 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING AN INFORMATION TECHNOLOGY POLICY AMENDMENT

TO DEFINE GUIDELINES AND RESTRICTIONS REGARDING THE USE OF COMPUTER RESOURCES AND COMMUNICATIONS TECHNOLOGIES BY CITY OF BRIGHTON USERS

Resolution No: 2019-15

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

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

4. CEREMONIES

A. Fujiyo "Fudge" Tashiro Day Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to Fujiyo Tashiro in recognition of her 100th birthday.

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

B. Trudy Fike Day Proclamation

Mayor Kreutzer read the Proclamation into the record and presented it to Trudy Fike in recognition of her 100th birthday.

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

Mayor Kreutzer called for a break at 7:12 p.m.

Mayor Kreutzer reconvened the meeting at 7:21 p.m.

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. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,

COLORADO, ACCEPTING THE BID OF ABBA TECHNOLOGIES AND AWARDING THE CONTRACT FOR INFORMATION TECHNOLOGY INFRASTRUCTURE EQUIPMENT TO ABBA TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY THOUSAND, SEVEN HUNDRED SEVENTY-EIGHT DOLLARS AND SIXTY-SEVEN CENTS (\$240,778.67), AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

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

City Manager Philip Rodriguez introduced Senior Systems Administrator Shaun Thomas.

Senior Systems Administrator Shaun Thomas presented the IT Infrastructure Upgrade project. This project would upgrade and replace the current servers to increase performance and meet the growing data needs of the City. This would renew support and maintenance agreements for existing server hardware and bring support back to the newly replaced server hardware. Increase storage space for files and implement a good backup/restore solution. Consolidate power usage and reduce carbon footprint by reducing the number of servers. Ten old servers would be replaced with five new servers. Create a more workable disaster recovery solution at a secondary location. This would help to bring the system back online as quickly as possible if there were a catastrophic event. abba Technologies has worked with Hewlett Packard Enterprise with the contracts to ensure the City is getting a great price for reliable equipment. The components for the project include maintenance support, technical support, existing server support renewal, new servers, new storage hardware and new backup/restore software for \$240,778.67. This amount was approved in the 2019 budget. Staff recommends approval of the contract with abba Technologies. Senior Systems Administrator Thomas answered questions from Council regarding:

- The tech support and server support for this product lasting for one year or several years.*
- The cost of the product being more the first year for installation.*
- The renewals being included in the budget each year.*
- The second facility for backup being housed at another location in the City.*
- The security of the system alerting staff if the system is compromised.*
- Less space needed for the new servers.*
- The ability to upgrade the system before the old servers fail.*
- The timeframe for completion of the project.*

Motion by Councilmember Wallin, seconded by Councilmember Johnston, to approve Resolution 2019-16. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND, FLEET INTERNAL SERVICE FUND, WATER ENTERPRISE FUND, AND WASTEWATER ENTERPRISE FUND, AND APPROPRIATING MONEY FOR EXPENDITURES AND EXPENSES IN THE AMOUNT OF EIGHTY-EIGHT THOUSAND, EIGHT HUNDRED SEVENTY DOLLARS (\$88,870) FOR THE GENERAL FUND; ONE THOUSAND, FOUR HUNDRED EIGHTY-SIX DOLLARS (\$1,486) FOR THE FLEET INTERNAL SERVICE FUND; FOUR THOUSAND, SIX HUNDRED NINETY-ONE DOLLARS (\$4,691) FOR THE WATER ACTIVITY ENTERPRISE FUND; AND ONE THOUSAND, SIX HUNDRED TWENTY-TWO DOLLARS (\$1,622) FOR THE WASTEWATER ENTERPRISE FUND

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

City Manager Rodriguez introduced Finance Director Ron Lay.

Finance Director Ron Lay presented the supplemental budget increase for \$96,669. Fifty-five (55) employees have reached their max pay and would not be eligible for the 3% increase on their anniversary date. These employees would receive the supplemental pay on their anniversary date. The following increases will be made: General Fund, \$88,870; Fleet Internal Service Fund, \$1,486; Water Fund, \$4,691; and Wastewater Fund, \$1,622.

Motion by Councilmember Baca, seconded by Councilmember Humbert, to approve Resolution 2019-17. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

C. A RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENT RETAINING KELLER ROHRBACK L.L.P. AS SPECIAL COUNSEL; AUTHORIZING LITIGATION FOR CLAIMS AGAINST PHARMACEUTICAL COMPANIES AND DISTRIBUTORS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

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

City Manager Rodriguez introduced City Attorney Jack Bajorek.

City Attorney Jack Bajorek explained that this item relates to the devastating result of opioid abuse in Brighton, Colorado and the nation. The Resolution requests to authorize the retention of the law firm of Keller Rohrback to represent the City in exploring potential claims that the City may have against a number of potential defendants regarding specific bad acts, falsification of results, falsification of impacts, and fraudulent marketing techniques. Brighton is being asked to join a coalition of a number of other jurisdictions in Colorado. Keller Rohrback represents sixteen other jurisdictions, a number of those have already filed lawsuits. This would take a fast track based on what is happening nationally as there have been a number of cases that have trial dates set in the District Court in Ohio to try to get resolution within the next couple of years. This action allows Keller Rohrback to help the City through the process to see if there are actionable claims, to decide whether the City wants to pursue those claims, and to pursue those claims if warranted by potentially filing a lawsuit. This is a contingent fee arrangement; there is no cost to the City unless the City was to prevail. Brighton's case would be grouped with all other cases in Colorado. City Attorney Bajorek answered questions from Council regarding:

- There being anything happening at this time.
- The City being judicially attached to other Colorado cases at this time.
- The percentage collected by the Special Counsel if the City prevails.

Motion by Councilmember Johnston, seconded by Councilmember Baca, to approve Resolution 2019-18. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

9. UTILITIES BUSINESS ITEMS

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor

Mayor Kreutzer attended the ACED meeting, the E-470 meeting and retreat, and the Saving Places conference. The Diversity, Equity and Inclusivity event is February 22nd and the Sister Cities annual dinner is Saturday.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Edwards attended the E-470 Board meeting and retreat and helped with the Commercial Venture Project at Prairie View High School.

Councilmember Wallin attended the Public Art Committee meeting.

Councilmember Blackhurst attended the Fulton Ditch annual meeting.

Councilmember Mills attended the State of the Chamber, the ADCOG dinner, the 27J Joint meeting, the Gaylord Resort tour, and the Eagle Ridge Academy Rotary Club Shelter Box event.

Councilmember Baca attended the 27J Joint meeting.

Councilmember Johnston would like to meet regarding ways to address marijuana grow houses in Brighton.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Johnston, seconded by Councilmember Wallin, to adjourn at 8:09 p.m. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date