

MINUTES

Regular Meeting – Aurora City Council Monday, March 4, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 3:05 p.m.

ROLL CALL

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Hiltz, Johnston, Lawson Murillo, Richardson, Roth, Watson
COUNCIL MEMBERS ABSENT:	Gruber
OFFICIALS PRESENT:	City Manager Twombly, Interim City Attorney Brotzman, City Clerk Ruger
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

City Clerk Ruger announced the proposed items for discussion at executive session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Bergan, second by Roth, to recess for executive session.

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Abstaining: None

The executive session was recorded pursuant to the requirements of state law.

1. RECONVENE REGULAR MEETING OF MARCH 4, 2019 AND CALL TO ORDER

Mayor LeGare reconvened the regular meeting of City Council at 7:31 p.m.

2. ROLL CALL Stephen Ruger, City Clerk

COUNCIL MEMBERS PRESENT: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

COUNCIL MEMBERS ABSENT: Gruber

3. INVOCATION Pastor Mark Alderton, Sovereign Grace Church

4. PLEDGE OF ALLEGIANCE TO THE FLAG (all standing)

5. APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 25, 2019

Motion by Berzins, second by Bergan, to approve the minutes of the meeting of February 25, 2019, as presented.

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

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Abstaining: None

6. **CEREMONY**

a. Proclaiming March 2019 as Women's History Month – Mayor LeGare

Mayor LeGare invited Mercelle Seale, Communications Director, Colorado Christian Fellowship; Janet Buckner, Colorado General Assembly; Dominique Bargaineer, Artist; Rhonda, Coleman, Vice Chair, HRC; Antoninette Dow, Jane Echeozo, ICCNA; Rhonda Fields, Senator; Cynthia Francis, Chair VAC; Barbara Jones, Chair NAACP; Georgina Kolber; Topaz McBride; Tamara Mohamed, Chamber of Commerce; Alice Moy, ICCNA; Terrilyn Nickerson; Aurora Ogg; Dr Betsy Oudenhoven, CCA; Dr. Kelly Phillips-Henry AuCMH; Anne Rahbany-Afia, Colorado Muslim Community Center; Nancy Todd, Senator; Kat Traylor, Pastor Lynne Rawlins, and Barbara Shannon-Bannister, to come forward to accept the proclamation. He read the proclamation declaring March 2019 as Women's History Month. Ms. Shannon-Bannister expressed appreciation for the proclamation.

b. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

Presiding Judge Shawn Day administered the oath of office to the newly appointed board and commission members. City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Chris Geddes	Historic Preservation Commission
Courtney Morehouse	Historic Preservation Commission
Nicole Rodriguez	Human Relations Commission
Johanna Catledge	Public Defenders Commission
Robert Chase	Veterans Affairs

7. **PUBLIC INVITED TO BE HEARD (non-agenda related issues only)**

Michael Terry discussed the history of breed specific legislation across the country and how it related to City ordinances. He reminded City Council that his dogs were not included in the breed restrictive legislation and were in fact American Bully breed and not one of the three restricted breeds in the City.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-g**

General Business

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Intuitech, Inc., Salt Lake City, Utah in the amount of \$581,451.00 for the purchase of one (1) flocculation and sedimentation pilot module, one (1) granular media filtration pilot module, and one (1) SCADA control system to be incorporated in the Binney Water Purification Facility (WPF) Pilot Plant Project. STAFF SOURCE: Kelley Neumann, Deputy Director Water Planning/Engineering, Aurora Water
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Trojan Technologies, Inc., London, Ontario, Canada in the amount of \$89,734.00 for the purchase of one (1)

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TrojanUVFit UV reactor to be installed and incorporated into the Binney WPF Pilot Plant Project. STAFF SOURCE: Kelley Neumann, Deputy Director Water Planning/Engineering, Aurora Water

- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Hach, Loveland, Colorado, in the amount of \$71,235.00 for the purchase of one (1) EZ ATP Analyzer to be installed and incorporated into the Binney WPF Pilot Plant Project. STAFF SOURCE: Kelley Neumann, Deputy Director Water Planning/Engineering, Aurora Water
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Innovative Interfaces Inc., Emeryville, California in the amount of \$173,896.00 for the annual subscription fees on the Sierra Integrated Library and related software systems used by all Aurora Libraries. STAFF SOURCE: Patti Bateman, Director, Library & Cultural Services
- e. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Brannan Sand and Gravel Company, Denver, Colorado in the amount of \$11,586,034.78 for the 2019 Street Overlay Program, Project Number 17001B. STAFF SOURCE: Thomas McMinimee, Street Operations Manager, Public Works
- f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to A-1 Chipseal Co., Denver, Colorado in the amount of \$2,263,994.04 for the 2019 Surface Treatment Program, Project Number 18002A. STAFF SOURCE: Thomas McMinimee, Street Operations Manager, Public Works

Motion by Roth, second by Watson, to approve items 9a – 9f.

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Final Ordinances

For purposes of considering the following item 9g, the City Council acted ex officio as the Board of Directors of the General Improvement District Aurora Conference Center 2-2011.

- ♦ g. **2019-07**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, acting ex-officio as the Board of Directors of the Aurora Conference Center General Improvement District, ratifying, confirming and authorizing the execution of an amendment to the GID Pledge Agreement between such General Improvement District and Colorado International Center Metropolitan District No. 4. STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by Roth, second by Bergan, to approve item 9g.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

10. RESOLUTIONS

- ♦ a. **R2019-11**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the State of Colorado Department of Transportation (CDOT) and the City of Aurora for Aurora Traffic Signal Bicycle Detection System. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

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Motion by Watson, second by Roth approve item 10a.

Council Member Bergan stated this item would ensure safety of the residents of the City.

Anna Bunce, Traffic Manager, Public Works, concurred.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ b. **R2019-12**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the State of Colorado Department of Transportation (CDOT) and the City of Aurora for CCTV [Camera] Intersection Expansion. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

Council Member Bergan stated her support of the item because she received many traffic requests from Ward VI constituents and this would improve traffic flow.

Motion by Roth, second by Watson, to approve item 10b.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ c. **R2019-13**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving and authorizing the execution of the First Amendment to the Intergovernmental Agreement between the City of Aurora, Colorado, Cottonwood Creek Metropolitan District Nos. 1-5. STAFF SOURCE: Jacob Cox, Senior Development Project Manager, General Management

Motion by Berzins, second by Roth, to approve item 10c.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ d. **R2019-14**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving and Authorizing the Execution of the First Amendment to the Amended and restated Intergovernmental Agreement between the City of Aurora, Colorado, Powhaton Road Metropolitan District Nos. 1-7. STAFF SOURCE: STAFF SOURCE: Jacob Cox, Senior Development Project Manager, General Management

Motion by Watson, second by Bergan, to approve item 10d.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ e. **R2019-14**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora and the Town of Parker regarding the design, construction, ownership and maintenance of Kings Point Way. STAFF SOURCE: Victor Rachael, City Engineer, Public Works

Motion by Bergan, second by Watson, to approve item 10e.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

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- ♦ f. **R2019-15**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a use Agreement between the City of Aurora and the 18th Judicial District Juvenile Assessment Center regarding Office Space at APD Headquarters. STAFF SOURCE: Captain Christopher Juul, Police

Motion by Berzins, second by Lawson, to approve item 10f.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ g. **R2019-16**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a use Agreement between the City of Aurora and the 18th Judicial District Juvenile Assessment Center regarding Office Space at the MLK Library. STAFF SOURCE: Captain Christopher Juul, Police

Motion by Bergan, second by Roth, to approve item 10g.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

11. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-08**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adding Section 94-84 to the City Code Related to Reducing Identify Theft by Prohibiting Criminal Possession of Identification Documents and Financial Devices. STAFF SOURCE: Sergeant Daniel Courtenay, Police

Motion by Watson, second by Richardson, to approve item 11a.

Council Member Watson stated the Aurora Police Department provided a presentation on the item. He noted they stated this item would help them provide tools to stop criminals from committing identity theft.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ b. **2019-09**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 126 of the City Code of the City of Aurora, Colorado, regarding undergrounding of utilities. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

Motion by Roth, second by Bergan, to approve item 11b.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ c. **2019-10**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 146-1254 of the Aurora City Code, as it pertains to Mobile Food Trucks in the City. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Roth, second by Watson, to approve item 11c.

Council Member Bergan asked staff if this item would be effective tomorrow.

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Trevor Vaughn, Manager of Tax and Licensing, Finance, answered no, noting this was an introduction and it would be in effect 30 days from final publication.

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration to APPROVE A MOTION of the City Council of the City of Aurora, Colorado, giving the City Manager authority to negotiate an Agreement with The Denver Foundation to administer a limited scope grant program concerning displacement at the Denver Meadows Mobile & RV Park with funding in the amount of \$____ or funding to be determined at a future date. STAFF SOURCE: Daniel Brotzman, Interim City Attorney

Mayor LeGare discussed the ongoing negotiations between the City and the Denver Meadows Mobile Home Park owner, noting that while a formal agreement has not yet been signed, the Denver Meadows Mobile Home Park owner has agreed to provide \$300k to help families relocate.

Council Member Murillo discussed the three-year journey the Denver Meadows community has been on and the development pressures they have faced to try and remain in the Aurora community. She pointed out these pressures were particularly challenging because the property was located so close to the medical campus which made it highly desirable. She noted they were advocating for themselves and while several plans fell through, their desire to remain in the community was the driving force which led to this item. She commended everyone involved for their efforts and applauded the substantial progress that has been made. She pointed out this never should have gotten to this point and stated her hope that the City Council would support this community so that they did not end up on the street.

Nancy Flores; Petra Enriquez; Noemi Herrera, Arturo Aquirre; and Ana Tovar for Lorena Valentina; Denver Meadows residents, discussed the \$20k amount the Denver Meadows residents needed to relocate, expressed appreciation to everyone for their efforts on their behalf, requested City Council approve the item and discussed their personal situations as it related to the item.

Alison Coombs reiterated the need to make sure the Denver Meadows residents have safety, recompense and security while facing the loss of the stability of having a home and the loss of the equity in their homes.

Mayor LeGare stated those Denver Meadows residents who sought aid from the Aurora Housing Program would not lose out on the payment from the property owner. He stated his hope for a written and signed agreement that would state how much the residents would get. He stated it was an unfortunate situation that landlords were turning residents away because of this situation. He suggested the City provide a letter in that regard.

Council Member Berzins stated her distress that residents were living in fear because no one has answered their question about taking money from different resources impacting their ability to receive additional help.

Mayor LeGare stated staff has made extensive efforts to get that information out.

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Council Member Murillo expressed appreciation to those who attended the meeting and stated her hope that this issue would not come up again. She pointed out that a Mobile Home Task Force has been initiated and has provided recommendations in that regard.

Council Member Lawson expressed her regret that she did not do more to address the issue in the past.

Council Member Watson expressed appreciation to Mayor LeGare for his efforts in this regard. He asked if the park closing date had been determined. Mayor LeGare stated the park closing date has been extended to Wednesday, May 1, 2019 in order to continue with the payment discussion for the residents.

Council Member Bergan echoed Council Member Watson's appreciation of Mayor LeGare's efforts in this regard. She stated her wish that the property owner would have stepped up to cover the entire cost of the relocation but noted legally, he did not have to. She expressed concerns related to this item setting precedence and bad policy moving forward. She stated she would wait to hear the proposal prior to making her decision.

ORIGINAL MOTION

Motion by Hiltz, second by Johnston, to approve item 11c.

AMENDMENT I

Motion by Murillo, second by Richardson, to amend item 13a to fill the blank with \$10k per unit and to strike '*or funding to be determined at a future date.*'

Mayor LeGare asked if that was per family. Council Member Murillo answered affirmatively. Mayor LeGare asked if it could be per unit because there were multiple families within a unit. Council Member Murillo answered affirmatively.

Council Member Richardson stated his support of 'per family' because there were multiple families per unit.

Council Member Bergan stated the owner was offering approximately \$16k per unit.

Mayor LeGare stated it was \$300k that has been offered that has not been divided equally yet.

Council Member Bergan stated there were 25 families with six families who have had separate litigation. She stated her hope that it would be distributed per unit because \$10k per unit was very fair.

Council Member Watson pointed out the amendment put the Council in front of the negotiations and asked if the amendment meant every family would receive \$10k. Mayor LeGare stated that was his understanding of the amendment, noting the number of families was unknown at this time.

Council Member Murillo agreed to make the amendment state \$10k per unit.

Council Member Berzins asked if this was a safety net put into place in case the owner did not do what he said he would do.

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Council Member Murillo stated it would be in addition to what the owner was offering.

Council Member Bergan stated the Denver Foundation would administer the grant program and would determine the best use of the monies.

Council Member Murillo concurred.

Council Member Berzins expressed concerns related to the owner saying he would not give as much because the City was giving money.

Council Member Richardson stated the owner would be making a huge mistake to do so.

Mayor LeGare stated he would not support the amendment because many of the families have stated that \$10k was not enough.

Council Member Bergan asked if it could be made contingent upon the owner following through with his potential offer. Mayor LeGare stated he would not support that.

Council Member Murillo concurred, noting that was a great risk with no guarantee.

Council Member Berzins asked Mayor LeGare to state his proposal should the item fail.

Mayor LeGare did so.

Council Member Roth stated his appreciation for that perspective, noting he would be much more comfortable with the item if it were need-based.

Mayor LeGare stated the money could be allocated based on need but the negotiations with the owner was based on what the residents paid for their units

Council Member Hiltz stated her support of the \$10k, noting this community has had needs for three years and nothing has been done to help them relocate. She stated the City has failed them by not helping them in a housing market that the City created.

Council Member Bergan asked if the monies were marijuana monies and not general fund monies.

Mayor LeGare stated that was not in the motion but it could be added.

Council Member Berzins asked if the Denver Meadows attorney had a preference on whether to pay each resident or for it to be based on need. Mayor LeGare stated his understanding that their preference was based on what the residents paid for their mobile home.

Council Member Watson asked if this related to the remaining units at the park. Mayor LeGare answered affirmatively. Council Member Watson asked how many remained. Mayor LeGare stated it was between 15 to 21.

Council Member Murillo stated it was time to make the decision because the longer they waited, the more pressure people would feel.

VOTE ON AMENDMENT I

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Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson

Voting Nay: Mayor LeGare, Roth, Watson

Mayor LeGare stated the motion was to approve a motion for a limited scope grant program concerning displacement at Denver Meadows Mobile Home Park with funding in the amount of \$10,000 per unit remaining in the park from the marijuana revenue tax source.

VOTE ON ORIGINAL MOTION

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- b. Consideration to appoint one (1) member to the Cultural Affairs Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Bergan, to appoint Ree Varcoe to the Cultural Affairs Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- c. Consideration to reappoint one (1) member to the Election Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Bergan, second by Roth, to reappoint Willian McCartin to the Election Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

14. REPORTS

- a. Report by the Mayor
No report.

- b. Reports by Council

Council Member Watson stated he did not vote on the amendment because he felt that it put a burden on the City because the City was in a situation where they would be negotiating with the property owner later in the week. He noted his support of the main motion and noted his belief that some of the unit owners would be back before Council because they will not have enough money to relocate. He stated his hope that it would not happen that way.

Council Member Johnston expressed appreciation to the City Council for their support of the Denver Meadows residents. She stated she agreed with Council Member Murillo that a decision was necessary and with Council Member Richardson that the owner needed to deliver and that doing otherwise would be a big mistake. She discussed the Oil and Gas Reform Omnibus Bill that gave local control, noting she would support the bill.

Council Member Lawson expressed appreciation to City Council for their support of the Denver Meadows residents. She announced the Aurora Civic Engagement Academy would begin Thursday, March 21, 2019.

Mayor Pro Tem Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, March 19, 2019 at the Heather Gardens Clubhouse at 6:30 p.m. where the two primary presenters would be the Community College of Aurora and UC-Anschutz representatives.

Council Member Berzins announced the Ward III meeting was scheduled for Wednesday, March 13, 2019 at the City Café at 6:30 p.m. She stated her thoughts were with those in the south who were affected by the recent tornadoes.

Council Member Bergan announced the upcoming neighborhood meeting at Cherokee Trail High School where drainage issues and black ice in neighborhoods would be discussed. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, March 20, 2019 at the Heritage Eagle Bend Clubhouse at 6:00 p.m. where Tracy Young, Parks & Recreation, would provide a presentation.

Council Member Richardson discussed the tragic loss of a young lady at the intersection of South Vaughn Way and East Iliff and expressed appreciation to Nancy Freed, Deputy City Manager, and her team for their quick response in that regard.

Council Member Hiltz announced she and Council Member Lawson would host a Town Hall meeting on Tuesday, March 26, 2019 at 6:00 p.m. where the focus of discussion would be youth in Aurora.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, March 28, 2019 at the Anschutz Medical Campus at 6:00 p.m. She stated she was overwhelmed with the amount of compassion shown by the Aurora City Council with regards to the Denver Meadows residents and their unanimous vote this evening.

18 **PUBLIC INVITED TO BE HEARD**

Edna Futrell discussed vandalism and speed humps in her neighborhood. She stated her mother Edna Mosley served on the City Council previously and she was pleased to see the diversity on the Council.

Mayor LeGare addressed Ms. Futrell and stated the Ward III council member would be in touch with her. He noted he served with Edna Mosley on the City Council and it was his great honor to do so.

19. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 9:34 p.m.



BOB LEGARE, MAYOR

ATTEST:



Stephen Ruger, City Clerk