

MINUTES

Regular Meeting – Aurora City Council Monday, April 1, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 4:30 p.m.

ROLL CALL

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, Lawson Murillo, Richardson, Watson
COUNCIL MEMBERS ABSENT:	Roth
OFFICIALS PRESENT:	City Manager Twombly, Interim City Attorney Brotzman, City Clerk Ruger
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Johnston

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Watson, second by Berzins, to recess for executive session.

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

Abstaining: None

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

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

Mayor LeGare reconvened the regular meeting of City Council at 7:30 p.m.

2. ROLL CALL Stephen Ruger, City Clerk

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

COUNCIL MEMBERS ABSENT: Roth

3. INVOCATION Pastor Gene Roncone, Highpoint @ Southlands

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 18, 2019

Motion by Bergan, second by Berzins, to approve the minutes of the meeting of March 18, 2019, as presented.

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

- ♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

Abstaining: None

6. **CEREMONY**

- a. 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>
Janet Marlow	Citizens Water Advisory Committee
William McCartin	Elections Commission
Adam Fung	Human Relations Commission
Jim Herlihy	Human Relations Commission
Kimberly Rivera	Human Relations Commission
Amy Wiles	Human Relations Commission

- b. Proclaiming April 7 -13, 2019 as Aurora Animal Care and Control Appreciation Week – Mayor LeGare

Mayor LeGare invited members of the Aurora Animal Services and Carol Valentine Special Projects Coordinator, to come forward to accept the proclamation. He read the proclamation declaring April 7 – 13 as Aurora Animal Care and Control Appreciation Week.

- c. Swearing of New Assistant City Attorneys - Presiding Judge Shawn Day

Presiding Judge Shawn Day administered the oath of office to the new Assistant City Attorneys. City Council congratulated the attorneys and thanked them for their service to Aurora.

Laura Anderson
Mark Berumen
Kristi Lush

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

John McCracken discussed his concerns related to the legalization of recreational marijuana and its impact on young lives. He wished Mayor LeGare and his wife a happy anniversary.

Michael Terry discussed the recent loss of one of his dogs. He reiterated his dogs were American Bully breed and were not on the restricted list. He stated he would bring his service dog to the next meeting to show the City Council what the breed looked like. He discussed the need for a change in Aurora's breed restrictive ordinance.

Jasmine Mastis introduced her service dog and spoke in support of lifting the ban on restricted breeds in the City of Aurora.

Mayor LeGare recognized the Boy Scout Troop sponsored by The Church of Jesus Christ of Latter Day Saints.

8. **ADOPTION OF THE AGENDA**

- ♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-p**

General Business

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to L.L. Johnson Distributing Company, Denver, Colorado, in the not-to-exceed amount of \$152,500.00 for the cost of Toro brand repair parts and service as required by Fleet Services and PROS/Golf from April 2, 2019 through March 31, 2020. STAFF SOURCE: Douglas McNeil, Manager of Golf, Parks, Recreation & Open Space
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Concrete Express, Inc. (dba CEI), Denver, Colorado in the amount of \$7,782,325.40 for the Westerly Creek and Toll Gate Creek Connections to Florida Station Project, Project Number 17034. STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ideal Fencing Corp., LLC, Erie, Colorado in the amount of \$163,364.40 for the Chambers Road Guard Rail Improvements Project, Project Number 15051A. STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works
- d. Consideration to AUTHORIZE STAFF TO LOCK FUEL PRICES THROUGH A COMPETITIVE PROCESS that will lead to the award of a competitively bid contract to selected vendor(s) in the not-to-exceed amount of \$2,400,000.00 to cover the cost of motor vehicle fuel as required citywide for calendar year 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Emergency One, Inc., Ocala, Florida in the not-to-exceed amount of \$175,000.00 for OEM repair parts as required for the City's Emergency One fire apparatus from June 1, 2019, through May 31, 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- f. Consideration to AWARD A SINGLE SOURCE CONTRACT to Ed Bozarth Chevrolet, Aurora, Colorado in the not-to-exceed amount of \$325,000.00 for the purchase of Chevrolet original equipment manufacturer (OEM) parts and service for City's Chevrolet vehicles as required through March 31, 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to McCandless Truck Center, Aurora, Colorado in the not-to-exceed amount of \$220,000.00 for the purchase of International original equipment manufacturer (OEM) repair parts as required from August 1, 2019, through July 31, 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Cummins Rocky Mountain, LLC, Henderson, Colorado in the not-to-exceed amount of \$85,000.00 for the purchase of brand specific vehicle parts, equipment, and service as required through December 31, 2019. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- i. Consideration to EXTEND A SINGLE SOURCE CONTRACT with Condit Exhibits, Denver, Colorado in the not-to-exceed amount of \$65,450.00 for design, fabrication and project management of the City's tradeshow exhibit. ***(Staff Requests a Waiver of***

Reconsideration) STAFF SOURCE: Timothy "Tim" Gonerka, Senior Project Manager, Planning & Development Services

- j. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Black & Veatch Corporation, Denver, Colorado in the amount of \$459,085.00 to add final design services & bid phase support for the Gun Club Road Pump Station Preliminary Design Service Project R-1859. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- k. Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Emergency Services, Denver, Colorado in the amount of \$66,000.00 to purchase a Scott Air Compressor System for the Aurora Fire Department. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Aleta Jeffress, Chief Information & Digital Officer, Information Technology
- l. Consideration to AWARD A SOLE SOURCE CONTRACT to Microsoft Corp., Reston, VA in the amount of \$122,593.00 for premiere software support for Office 365 through April 2020. STAFF SOURCE: Aleta Jeffress, Chief Information & Digital Officer, Information Technology

Motion by Gruber, second by Bergan, to approve items 9a – 9l with waivers of reconsideration on items 9i and 9k.

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

- m. Consideration FOR A MOTION TO APPROVE the Denver Meadows Mobile Home Park Agreement. STAFF SOURCE: Jason Batchelor, Deputy City Manager, General Management

Motion by Gruber, second by Bergan, to approve item 9m.

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

Final Ordinances

- ♦ n. **2019-11**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 7.6 acres more or less approximately 400 feet east of the Intersection of East Hampden Avenue and South Picadilly Road from Low Density Residential (R-1) to e-470 Buckley research and development subarea and amending the zoning map accordingly. (EAST QUINCY HIGHLANDS REZONE) STAFF SOURCE: Daniel "Dan" Osoba, Planner, Planning & Development Services

Motion by Bergan, second by Berzins, to approve item 9n.

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

- ♦ o. **2019-12**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adopting the 2019 Ward Map. STAFF SOURCE: Karen Goldman, Contract Consultant, General Management
Motion by Berzins, second by Watson, to approve item 9o.

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Council Member Murillo stated her support of the motion, noting she would like to better understand the processes moving forward. She expressed appreciation to staff for their efforts in this regard, noting she was anxious to begin working with her new constituents.

Council Member Bergan expressed appreciation to Karen Goldman, Deputy City Manager, for her efforts in this regard and noted she would miss working with the constituents from Mission Viejo.

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

- ♦ p. **2019-13**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, authorizing the continuing appropriation of funds from the Marijuana Tax Revenue Fund for the City of Aurora's Homelessness Program. STAFF SOURCE: Greg Hays, Budget Officer, Finance

Motion by Watson, second by Lawson, to approve item 9p.

Council Member Richardson referenced the Homelessness sub-fund and noted the Denver Meadows agreement translated into approximately \$150k that would be subtracted from the unassigned revenue amount.

Terri Velasquez, Director, Finance, concurred.

Council Member Richardson discussed the relationship between the marijuana revenue fund and the homelessness sub-fund. He asked if the doors of the Day Resource Center closed at 5:00 p.m. each day.

Jason Batchelor, Deputy City Manager, answered affirmatively, noting the Day Center worked in conjunction with the overnight shelter.

Council Member Richardson asked if the overnight shelter was Comitis. Mr. Batchelor answered affirmatively, noting the Day Center was also used as an emergency overflow shelter in the event of a cold weather event. Council Member Richardson asked if Comitis stayed full most of the time. Mr. Batchelor answered affirmatively. Council Member Richardson stated he was opposed to turning the homeless out of the Day Center at night and suggested the City review the concept of a dormitory facility.

Mayor LeGare discussed the Day Resource Center and its practices noting there were many services were provided at the Center that provided resources to help those experiencing homelessness to get back on their feet. He agreed it was appropriate for Council to review the emergency housing situation, noting that while the marijuana revenue was dedicated to addressing homelessness needs, there were many needs in that regard.

Council Member Hiltz pointed out the Day Resource Center opened at night when the temperatures went below 20° and while that was not a year-round fix, efforts were being made in that regard.

Council Member Murillo noted the City did not have the resources to house people in an ethical manner and addressed the importance of public-private partnerships in that regard.

Council Member Watson pointed out the item before Council related to the marijuana revenue providing resources, noting the real issue was affordable housing and not necessarily homelessness.

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

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10. **RESOLUTIONS**

- ♦ a. **R2019-20**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the assignment of the City's Private Activity Bond allocation for 2019 to the Colorado Housing Authority and providing other details in connection therewith. STAFF SOURCE: Anita Burkhart, Manager of Community Development, Neighborhood Services

Motion by Hiltz, second by Murillo, to approve item 10a.

Council Member Murillo stated her support of the item.

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

11. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-14**
Consideration FOR AN EMERGENCY ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 146-1207 of the Aurora City Code, to give Council Authority to Approve Operator Agreements for Oil and Gas Operations in the City. STAFF SOURCE: Christine McKenney, Client Group Manager, City Attorney

Mayor LeGare provided a brief summary of the item.

Motion by Richardson, second by Watson, to introduce the emergency ordinance item 11a without the 2000 foot setback requirement.

Council Member Bergan clarified this was an ordinance that would allow City Council to enter into operator agreements with operators.

Daniel Brotzman, City Attorney, discussed the emergency ordinance requirement as it related to the number of votes required of those present.

Council Member Johnston asked staff for an explanation of an emergency ordinance. Mr. Brotzman stated it had to relate to a health safety or welfare concern that had to be dealt with immediately. Council Member Johnston asked how that translated into terms of the reading. Mr. Brotzman stated the referendum period was eliminated.

Mayor LeGare asked if the vote were not unanimous then the ordinance to allow the operator agreements would go through the regular process. Mr. Brotzman answered affirmatively.

Council Member Watson stated the original ordinance would be voted on if the current motion failed.

Mr. Brotzman concurred.

Council Member Johnston stated her support of the use of operator agreements rather than administrative approvals, however she would not support the emergency nature of the ordinance because oil and gas was a contentious issue.

Council Member Watson noted it has been determined that oil and gas issues were health and safety issues.

Mr. Brotzman concurred.

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Council Member Watson asked if City Council could discuss these issues if the ordinance did not pass. Mr. Brotzman stated the ordinance gave City Council the authority to review the agreements and approve them, noting City Council currently had the authority to discuss them but not ratify them.

Council Member Richardson encouraged City Council to support the item.

Council Member Bergan concurred.

Council Member Hiltz stated she did not support the item as an emergency ordinance.

Council Member Johnston raised the topic of SB 181, noting it would completely change how oil and gas applications would be processed.

Council Member Bergan stated this issue has been discussed for more than a year and this would allow City Council to be protected during these agreements. She pointed out the standards of protection and safety would come in the agreements and the ordinance just allowed for them to occur.

Council Member Gruber concurred.

Mayor LeGare asked Council Member Richardson if he would consider withdrawing the emergency portion of the motion. Council Member Richardson answered no.

Voting Aye: Bergan, Berzins, Gruber, Richardson, Watson

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Motion by Richardson, second by Bergan, to approve item 11a without the word emergency.

Council Member Murillo asked for clarification regarding the 2000 foot setback. Mayor LeGare did so, noting the 2000 foot setback notice requested by the property owner.

Council Member Johnston confirmed she would not make an amendment in that regard because she wanted to look at the code in its entirety.

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

12. **RECONSIDERATIONS AND CALL-UPS**

Motion by Gruber, second by Berzins, to remove the rezoning of the Denver Meadows off the table.

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

Voting Nay: Murillo

Mayor LeGare discussed the rezoning process for the Denver Meadows property.

Council Member Murillo referenced and discussed the agreement between the City Council and the Denver Meadows property owner, noting part of that agreement was a request to remove the rezoning from the table. She discussed the process and pointed out the rezoning was a part of a public hearing where facts were heard and that was when City Council made their decisions. She welcomed all those involved to attend and expressed appreciation to the Mayor for his efforts in that regard.

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13. **GENERAL BUSINESS**

- a. Consideration to Reappoint three (3) members and appointment of one (1) member to the Golf Course Advisory Committee. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Richardson, second by Watson, to reappoint Adam Lyles, Omar Montgomery, Jesse Stine and appoint Jason Schneider, to the Golf Course Advisory Committee.

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

14. **REPORTS**

- a. Report by the Mayor

None

- b. Reports by Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, April 25, 2019 at the MLK Library.

Council Member Hiltz discussed her attendance at the recent Public Safety, Courts & Civil Service meeting where they toured the Metro Unified Crime Lab and her experience with a ride-along with the Crisis Response Team. She expressed appreciation to all those involved with that program.

Council Member Richardson discussed his recent experience with a Heather Ridge sub-community litter pick-up event.

Council Member Bergan expressed appreciation to the Boy Scouts for their attendance for the entirety of the City Council meeting and discussed the success of the recent Ward VI Town Hall meeting. She expressed appreciation to Tracy Young, Parks & Recreation, for her presentation. She announced the Mayor's Challenge for Water Conservation has started and encouraged everyone to visit ww.auroragov.org/challenge to make a pledge.

Council Member Berzins wished the Mayor a happy anniversary. She reminded everyone that the Ward III evening meeting was scheduled for Wednesday, April 10, 2019 at the City Café at 6:30 p.m.

Council Member Lawson expressed appreciation to all those who attended the recent At-Large meeting and to Station 11, the Aurora Police Department, Parks & Rec and Council Member Hiltz in particular for their efforts in that regard.

Council Member Gruber discussed the international events and the two Colorado soldiers who were killed in the line of duty. He wished all those Colorado National Guardsmen and Airman from Buckley Air Force Base being deployed a safe return.

Council Member Johnston announced the Colorado Freedom Memorial was selected as a Gold Star Family memorial and encouraged everyone to go to www.coloradofreedommemorial.com to contribute. She expressed appreciation to Aurora Fire Rescue for the recent Camp Spark event.

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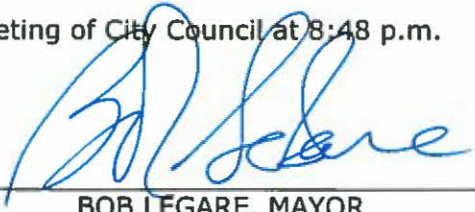
Council Member Watson expressed appreciation to City Council for passing the oil and gas operator agreement ordinance. He discussed SB 181 and stated his belief that the City of Aurora was already considering very strong protections for the City in these developing zones. He expressed his hope that would continue and that City Council would not wait on SB 181 to pass in order to do so.

17. **PUBLIC INVITED TO BE HEARD**

None

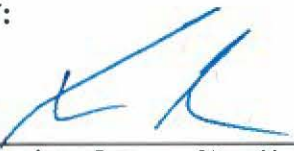
18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:48 p.m.



BOB LEGARE, MAYOR

ATTEST:



Stephen Ruger, City Clerk