

MINUTES

Regular Meeting – Aurora City Council Monday, April 15, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 4:00 p.m.

ROLL CALL

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, Murillo, Richardson, Watson
COUNCIL MEMBERS ABSENT:	Lawson, 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 Berzins, second by Murillo, to recess for executive session.

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

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF APRIL 15, 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, Murillo, Richardson, Watson

COUNCIL MEMBERS ABSENT: Roth, Lawson

3. INVOCATION Elder Topazz McBride, Restoration Christian Fellowship

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 1, 2019

Motion by Watson, second by Bergan, to approve the minutes of the meeting of April 1, 2019, as amended.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, 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.*

6. **CEREMONY**

- a. Proclamation declaring April 14-20, 2019 as Public Safety Telecommunicators Week – Mayor LeGare

Mayor LeGare invited Public Safety Communications Division of the Aurora Police Department staff: Sharon Cline, Specialist & Trainer; Eva Miranda Jones, Supervisor; Patricia Salas, Training Supervisor, Paige McDowell, Specialist; Amy Moraz, Specialist; Mel Hanover, Specialist; Casey Laba, Interim Operations Manager; and Lt. Bob Wesner, Interim Dispatch Manager, to come forward. Mayor LeGare read the proclamation declaring April 14 – 20, 2019 as Public Safety Telecommunicators Week. Lt. Wesner expressed appreciation for the proclamation.

- b. Proclamation declaring April 28 – May 4, 2019 Aurora Arbor Week – Mayor LeGare

Mayor LeGare invited Donna Davis, Colorado State Forest Department and Jackie Komiak, Superintendent, Forestry Office to come forward. Mayor LeGare read the proclamation declaring April 28 – May 4, 2019 Aurora Arbor Week. Ms. Davis expressed appreciation for the proclamation and presented Mayor LeGare and the City of Aurora with the Tree City USA Award.

- c. Eagle Award – Mayor LeGare

Mayor LeGare invited Brad Pierce and Art Wolfe, Aurora Rotary Club members, Fernando Gray, Chief, and Bert Herrera, Fire Medic, and other members of Aurora Fire Rescue, to come forward. Mr. Pierce and Mr. Wolfe presented the Eagle Award to Mr. Herrera who expressed appreciation for the recognition.

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

Wasim Noor discussed the need for cricket playing fields in Aurora and suggested the park at Smoky Hill and Idler as a potential location.

Council Member Bergan expressed appreciation to Mr. Noor and his group for their testimony. She stated she has spoken with the PROS Manager regarding the provision of playing accommodations at the Smoky Hill and Idler park, noting there were costs such as water tap fees involved in doing so. She noted there was a public input process to the discussions of how to help the organization find fields and stated Red Tail Hawk Park was a suggested potential site as fields were being added in the future.

Cristina Aguilar discussed the need to remove the waste management company from her neighborhood because they did not pick up trash in a timely manner.

Mayor LeGare noted Ms. Aguilar's complaint has been heard and suggested the current company be fired and a new one hired.

Ms. Aguilar asked if the City could remove the company. Mayor LeGare noted that was a private sector decision and not something the City was involved with.

Council Member Johnston asked Ms. Aguilar the location of her neighborhood. Ms. Aguilar stated she lived near 19th and Dayton. Council Member Johnston asked if the waste management company picked up the trash. Ms. Aguilar answered no,

noting even when she called to complain, it was left until the next week and excuses were made by the company as to why.

Council Member Murillo stated she would follow up with Ms. Aguilar as it appeared Ms. Aguilar lived in Ward I.

Mayor LeGare stated he would provide Council Member Murillo with the contact information of the Governmental Affairs for Waste Management.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-h**

General Business

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Polydyne, Inc., Riceboro, Georgia in the not-to-exceed amount of \$330,000.00 for the purchase of the water treatment chemical Poly Electrolyte Cationic Clarifloc C-308P as required through February 29, 2020. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water
- b. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Dewberry Engineers, Inc., Denver, Colorado in the amount of \$102,204.00 to provide construction phase and programming / system integration services for the 6th and Powhatan facilities for the Prairie Waters Pipeline Tap Project. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to K.R. Swerdfeger Construction, Inc., Pueblo West, Colorado in the amount of \$3,138,169.37 for the 2018/2019 Water Line System Improvements, Project No. 5672A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Versaterm Systems, Scottsdale, Arizona in the amount of \$258,196.00 for annual renewal of software maintenance on the Police Information Management and Mobile Report Entry Systems through March 2020. STAFF SOURCE: Aleta Jeffress, Chief Information & Digital Officer, Information Technology
- e. Consideration to AWARD WORK PACKAGE NO. 5 of the Central Recreation Center to Adolfson & Peterson Construction, Aurora, Colorado in the amount of \$101,444.00, R-5540A. **(Staff requests a waiver of reconsideration)** STAFF SOURCE: Katrina Rodriguez, Acting Facilities Project Delivery Manager, Public Works
- f. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Populous Group LLC, Kansas City, Missouri in the amount of \$2,198,915.00 for architect and engineering services associated with the Southeast Recreation Center Project, R-1953. STAFF SOURCE: Katrina Rodriguez, Acting Facilities Project Delivery Manager, Public Works
- g. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Ferguson Enterprises, Aurora, Colorado in the not-to-exceed amount of \$100,000.00 for the purchase of plumbing supplies as required by Facilities Management Operations through October 31, 2019. This first extension will represent year two of a possible three-year

contract. (B-4274) STAFF SOURCE: Lynne Center, Acting Deputy Director Street Operations, Public Works

Motion by Watson second by Gruber to approve items 9a – 9g with a waiver of reconsideration on item 9e.

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

Final Ordinances

- ♦ h. **2019-14**
Consideration of AN ORDINANCE FOR ADOPTION 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

Sonia Skakich-Scrima stated her support of operator agreements but only if they were scientifically informed.

Motion by Gruber, second by Berzins, to approve item 9h.

Council Member Johnston stated she would support the item but noted she agreed with Ms. Skakich-Scrima's point regarding the process. She stated she did not support rushed operator agreements moving forward because health and safety issues for the community need to be taken into consideration.

Council Member Watson stated the item related to providing the City Council with the ability to negotiate oil and gas operator agreements in the future.

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

10. **RESOLUTIONS**

- a. **R2019-21**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Approving an Intergovernmental Agreement among the City of Aurora, Colorado, by and through its Utility Enterprise, the Urban Drainage and Flood Control District, the City and County of Denver, and the City of Lakewood regarding the joint funding for wet weather monitoring and other Colorado discharge permit system activities. STAFF SOURCE: Dan Mikesell, Aurora Water Director of Operations, Aurora Water

Motion by Berzins, second by Bergan, to approve item 10a.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2019-15**
Public Hearing and INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 1047 acres more or less in the vicinity of 38th Avenue and Tower Road, E-470 and I-70 from Master Planned Industrial Park (MPIP) And Light Industrial District (M1) to E-470 Light Industrial/Flex Office subarea and amending the zoning map accordingly (MAJESTIC COMMERCE CENTER REZONE) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services

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Mayor LeGare opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezoning request for a parcel of land from Master Planned Industrial Park (MPIP) and Light Industrial District (M1) to E-470 Light Industrial/Flex Office subarea and amending the zoning map accordingly. He noted the proposal was consistent with adjacent zoning and Aurora Places, the City's Comprehensive Plan.

Randy Hertel, Majestic Realty Company, Majestic Commercenter, gave a presentation on the item.

Council Member Watson asked Mr. Hertel what was envisioned for the property with this zoning change. Mr. Hertel stated the proposed development would be similar to what the company currently had with light industrial and distribution. Council Member Watson asked the average salary of those working in the warehouses. Ms. Hertel stated he was not certain of those figures at this time. Council Member Watson stated he was attempting to generate an economic value for development in this area.

Mr. Hertel stated some of the land would go to retail and flex/office.

Council Member Bergan expressed appreciation to Mr. Hertel for his presentation and acknowledged the contribution proposed for the school district. She asked Mr. Hertel if any incentives were requested for this item. Mr. Hertel answered no, noting Majestic was however working with the City on a development agreement.

Council Member Johnston referenced the height variance waiver request and asked if staff was considering an update of those requirements to permanently address that concern. Mr. Cammarata answered affirmatively.

Jason Batchelor, Deputy City Manager, concurred, noting he and the Planning Director have been in discussion in that regard. He confirmed the City was comfortable with the waiver for this property.

Mayor LeGare closed the public hearing on the item.

Motion by Gruber, second by Bergan to approve item 11a.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- a. Public Hearing for City Council to consider waivers to building height and development standards in the E-470 zoning district as it pertains to the Majestic Commercenter Framework Development Plan (FDP). STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning & Development Services, provided a brief summary of the item, noting it related to the approval of the FDP, which was a master plan for the entire industrial park. He pointed out there were waiver requests related to perimeter fencing and building height.

Jason Batchelor, Deputy City Manager, discussed the current state of technology and matching the City's current zoning code for all industrial properties moving forward.

Council Member Bergan asked if the height waiver allowed for a smaller building footprint. Mr. Batchelor agreed it could.

Council Member Murillo noted the height request was double what was allowed and asked if there were any related concerns in that regard. Mr. Batchelor answered no, noting it did not relate to all of the buildings as it was more of a taller tower situation.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Johnston, to approve item 9h.

Council Member Watson stated he would support the item because allowing for a shift in the building height might allow the developer to offer more office space.

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

Mayor LeGare stated he could have voted on item 12a because it was without a related ordinance however he failed to do so. He noted for the record that he would have voted in favor.

13. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-16**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adding Section 94-44 of the City Code related to unlawful peeping. STAFF SOURCE: Nancy Rodgers, Deputy City Attorney

Motion by Gruber, second by Hiltz, to introduce item 13a.

Council Member Gruber discussed the item as it related to telescopes and drone activity, noting those uses were not called out specifically in the ordinance. He asked staff if the ordinance would apply to drone operators.

Nancy Rodgers, Deputy City Attorney, answered affirmatively.

Council Member Hiltz stated this item was a constituent-driven issue and therefore was a great example of why it was important to get involved with local government issues.

Council Member Johnston commended Council Member Hiltz on her efforts moving the item forward.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Consideration to reappoint one (1) member to the Open Space Board. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Bergan, to reappoint Lee Lindholm to the Open Space Board.

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

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16.

REPORTS

a. Report by the Mayor

No report.

b. Reports by Council

Council Member Johnston announced April was the month of the military child and Thursday, April 18, 2019 was "Purple Up! For Military Kids." She recommended everyone wear purple, all of the armed forces combined colors, as a sign of recognition and support. She discussed the various events taking place in Aurora Public Schools in that regard and sent a shout-out to all of the military kids in the Aurora community.

Council Member Berzins announced the Ward III morning meeting was scheduled on Thursday, April 18, 2019 at 7:15 a.m. at the Aurora Hills Golf Course Tin Cup restaurant. She wished everyone a reflective and blessed holy week.

Council Member Bergan announced the appointment of Jeff Brown to the Citizens' Advisory Budget Committee.

Council Member Hiltz discussed her attendance at and success of the recent Aurora Police Volunteers Banquet. She expressed her appreciation to all of the volunteers who give their time and talent to the City. She noted her attendance at the recent United Veterans Commission Dinner which honored the armed services and expressed appreciation to all of the men and women who served in the armed services.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, April 25, 2019 at the MLK Library where a budget presentation was planned. She discussed her attendance at the Aurora Cultural Arts District's first annual Easter Egg Hunt event and expressed appreciation to all of the business sponsors involved in its success. She discussed her attendance at the Nepali New Year celebration of 2076 at the New Mango House as well as the NAACP-Aurora dinner. She expressed appreciation to everyone involved in the success of these important community events.

16. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:46 p.m.

BOB LEGARE, MAYOR

ATTEST:

Stephen Ruger, City Clerk