

## MINUTES

### Regular Meeting – Aurora City Council Monday, February 12, 2018

#### **CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:46 p.m.

#### **ROLL CALL**

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	Interim City Manager Batchelor, City Attorney Hyman, City Clerk Blackston
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

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

#### **CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

Motion by Gruber, second by Lawson, to recess for executive session.

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

Abstaining: None

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

#### 1. **RECONVENE REGULAR MEETING OF FEBRUARY 12, 2018 AND CALL TO ORDER**

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

#### 2. **ROLL CALL** Linda S. Blackston, City Clerk

COUNCIL MEMBERS PRESENT:	Mayor Hogan, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth
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COUNCIL MEMBERS ABSENT:	None
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#### 3. **INVOCATION** Barbara Shafer, City Clerk Analyst, City of Aurora

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

#### 5. **APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 5, 2018**

Motion by Roth, second by LeGare, to defer approval of the minutes of the meeting of February 5, 2018 to the March 5, 2018 City Council meeting.

- ◆ *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.*

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

Abstain: None

6. **CEREMONY**

None

Mayor Hogan recognized Boy Scout Troop #494.

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

None

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-d**

**General Business**

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Evoqua Water Technologies LLC, Sarasota, FL in the amount not to exceed \$295,000.00 to cover the cost of Akta Klor 25 water treatment chemical as required through February 2019. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water

Council Member Bergan asked if it were possible to secure a longer contract term in order to lock in the current interest rate.

Bobby Oligo, Manager of Water Treatment, Aurora Water, stated he was uncertain of the answer and suggested that question be directed to the Purchasing Department.

Council Member Bergan pointed out there was an increase in the rate and suggested a three year term versus a one year term would be more beneficial to the City.

Bryn Fillinger, Manager, Purchasing & Contracts, stated funds could only be obligated for the specific year and multiple year contracts could not be entered into because of the funding.

Council Member Bergan asked if a three year term could be negotiated with a year by year vote. Ms. Fillinger stated that could be attempted and agreed to review that issue.

Council Member Gruber asked if the delay for the analysis would impact water operations. Ms. Fillinger stated an extension, as would a review of how to cover the requirement during the review period, would be necessary.

Council Member Bergan stated it would not be necessary to delay the item and asked staff to review the issue moving forward. Ms. Fillinger agreed to do so.

Motion by Bergan, second by LeGare, to approve items 9a.

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

- b. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with CH2M Hill Engineers, Inc., Englewood, Colorado in the amount of \$283,360.00 to add final design and construction bidding phase services for the Quincy Reservoir Intertie & Aeration System Improvements Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CINTAS, Denver, Colorado in the not-to-exceed amount of \$61,097.80 for Rental Uniform Services for the Streets and Fleet Departments, B-4254. STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works

Motion by Roth, second by Berzins, to approve items 9b – 9c.

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

### **Final Ordinances**

- ◆ d. **2018-03**  
Consideration of an ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 1.22 acres more or less in the area of South Peoria Street and South Parker Road from Highway Service District (B 3) to Trans-Oriented Development District-Core (TOD-Core) and amending the zoning map accordingly (Sharma Property Rezone) **Approval unanimously recommended, Staley absent at the January 10, 2018 Planning Commission meeting. (Case Number 2017-2007-00)** STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Service

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

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

### 10. **RESOLUTIONS**

- ◆ a. **R2018-09**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise and the State of Colorado acting by and through the Department of Natural Resources for the use and benefit of the Division of Parks and Wildlife and the Parks and Wildlife Commission regarding access and maintenance at Hayden Ranch. STAFF SOURCE: Richard Vidmar, Principal Water Resources, Aurora Water

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

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

- ◆ b. **R2018-10**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, clarifying taxpayer funds shall not be used for the indemnity of City Council, the Executive Staff of the City Manager's Office, Department Directors and Council Appointees for sexual harassment. STAFF SOURCE: Daniel Brotzman, Client Group Manager, City Attorney

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

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Council Member LeGare stated Council Member Richardson initiated the item, noting it bypassed committee and went directly to study session where Council agreed to move it to the formal agenda. He stated he did not have a problem with the content of the item but he did have concerns related to the timing of it. He noted the item stated City funds could not be used to defend council members and senior staff members if they were charged with sexual harassment unless they had taken a class provided by the Human Resources Division. He pointed out doing so did not allow enough time between the approval of the resolution and the class to be held. He suggested the item be postponed until such time as a class could be made available for all council members and senior staff to take and then the resolution could be approved.

Council Member Roth stated he would not support the item because it felt like a solution looking for a problem.

Council Member Bergan concurred with Council Member LeGare's comments in terms of not knowing what the training looked like, noting it resembled putting the cart before the horse. She stated her support of delaying the item until a class could be established.

Motion by LeGare, second by Bergan, to table item 10b until such time as City staff could arrange a time for the entire City Council to take the proposed training to address the concern that was raised and then remove the item from the table immediately after the training was scheduled so that it could be put on the formal agenda as soon as the class was completed.

Council Member Hiltz stated sexual harassment training existed currently, therefore she did not think it would be difficult to find a nationally renowned sexual harassment trainer to conduct classes. She added her opinion that likening sexual harassment training to putting the cart before the horse was inappropriate in today's climate and stated her support of the item. She stated she did not think needing time to find a trainer was an appropriate mechanism for delaying the item. She added she was willing to discuss and debate the merits of the proposal but pointed out it should be realized that sexual harassment was an issue that should be dealt with and not delayed. She suggested there was a better way forward.

Mayor Hogan pointed out the Council Rules and Procedures did not allow motions to table to be debated.

Voting Aye: Mayor Hogan, Bergan, Gruber, Lawson, LeGare, Roth

Voting Nay: Berzins, Hiltz, Johnston, Murillo, Richardson

Mayor Hogan urged staff to determine the location and time for the sexual harassment class as soon as possible.

Mayor Pro Tem Berzins asked the length of the training.

Jason Batchelor, Interim City Manager, stated it was approximately a two hour block, noting that timeframe could be confirmed with the various trainers the City has been talking with.

Council Member Richardson stated he was tripped up by the lack of debate allowed for his initiative and noted he would address that issue during Council reports.

- ◆ c. **R2018-11**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Capital Plan for the Aerotropolis Regional Transportation Authority. STAFF SOURCE: Jason Batchelor, Interim City Manager, General Management

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

Council Member Bergan referenced the list of projects identified as regional transportation, noting her opinion that a few of them were more the developer's responsibility. She asked if prioritizing those projects would be decided and approved by the board.

Jason Batchelor, Interim City Manager, stated the developer provided an updated list which included a by-year construction timeframe. He agreed some of the projects included a portion of the road that would be constructed and it would be important to define which portion of the road that would be. He agreed those details would have to be worked out as the project moved forward.

Council Member Bergan asked if the improvements would be conveyed to the City once the roads were constructed. Mr. Batchelor answered affirmatively, noting that related to the roads located within the incorporated limits of the City. Council Member Bergan asked if that were so even though the Regional Transportation Authority (RTA) consisted of Adams County, the City of Aurora and the developer. Mr. Batchelor stated the exceptions would be the interchange on I-70, which would be conveyed to CDOT; the interchange at E-470, which would be conveyed to C-470 and portions that might be conveyed to Unincorporated Arapahoe County depending on whether or not the adjacent property owners chose to annex into the City.

Council Member Lawson stated her understanding that City Council was approving the capital plan and referenced Section 8.07 where it stated the adoption date was March 27, 2018. She asked staff to provide clarification in that regard.

Mike Hyman, City Attorney, did so, noting that related to what was approved back on January 22, 2018 where that version of the agreement gave City Council until March 27 to approve the capital plan, noting City Council was ahead on that. He pointed out the agreement was being revised to restate the capital plan.

Council Member Gruber highlighted the fact that the capital plan did not include the schedule for the road and construction dates, noting that would be defined at a later date.

Mr. Hyman concurred.

Council Member Murillo asked if, given the robustness of the capital plan, staff was comfortable with it. Mr. Batchelor confirmed there were a number of details that needed to be worked out and with that understanding, staff was comfortable with the plan. He stated the hope was that the plan would allow the RTA to be fully established and formed. Council Member Murillo asked staff to speak to some of those details. Mr. Batchelor did so, noting the RTA board would be responsible for finding a party willing to design, construct and finance the requisite improvements including the schedule and triggers for those improvements. He noted the capital plan laid out an intended schedule and there were a lot of key documents that would have to be created between the RTA and a third party. Council Member Murillo asked the next step in the process. Mr. Batchelor stated the next steps and pointed out the RTA board would include two Aurora City Council members, two county commissioners, and the Metro District representative. He stated the board would approve those documents and they would then report back to City Council in that regard, noting it would not however come back to City Council for action.

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Council Member Bergan pointed out the City only had two votes and that was a concern if there was an issue, noting they could be outnumbered. She asked staff if there was any way to protect the City from that possibility. Mr. Batchelor stated the leverage for that was that the City would commit Use Tax and Transportation Impact Fees, which would be subject to yearly appropriation. He stated those fees would go away if the development plan was not satisfactory to the majority of City Council. Council Member Bergan asked if the financing would come back to City Council for review.

Mr. Hyman answered affirmatively and reiterated that was an annual appropriation.

Council Member Murillo asked staff to walk through the scenario of the funding approval should the RTA make decisions the City did not agree with. Mr. Batchelor did so.

Council Member Gruber pointed out the landowners have not yet accepted the item and asked if the RTA board would work with landowners in that regard. Mr. Batchelor answered affirmatively.

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

- ◆ d. **R2018-12**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the Execution of an Intergovernmental Agreement between Adams County and the City of Aurora regarding non-use of urban renewal adjacent to the Aerotropolis Regional Transportation Authority. STAFF SOURCE: Jason Batchelor, Interim City Manager, General Management

Motion by LeGare, second by Roth, to approve item 10d.

Council Member Bergan raised the topic of urban renewal as it related to the resolution. She stated her understanding that the state made the decision if there was urban renewal when using Tax Increments Financing (TIF) that the school district would have a say.

Mike Hyman, City Attorney, stated that legislation set up a process that allowed counties, special districts and school districts to each appoint one representative to the Urban Renewal Authority board which still did not give them a majority vote. He noted it set up a process to involve the county in a potential mediation related to what expenses needed to be paid out of TIF. He noted that was being handled through a different agreement and the resolution related to whatever was done out there was done with the county and the City would agree to the use of that financing tool.

Council Member Bergan pointed out the adjacent land was vacant and typically Council was not in favor of using TIF for agricultural land.

Mr. Hyman concurred.

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

## 11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-04**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora,

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Colorado relating to the General Employees' Retirement Plan. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Motion by LeGare, second by Roth, to introduce item 11a.

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

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Murillo announced the Ward I meeting was scheduled for Tuesday, February 20, 2018 at the MLK Library at 6:00 p.m. She stated it would be a time to set priorities for the rest of the year, noting she wanted to build a strong community in Ward I.

Council Member Hiltz stated she would be filling in for Council Member Richardson at the upcoming Ward IV Town Hall meeting scheduled for Thursday, February 15, 2018 at Ecotech Institute at 6:30 p.m.

Council Member Richardson stated he initiated efforts to address potential sexual harassment issues in the City. He stated he talked with the City's Human Resources and City Attorney's Office which resulted in a proposed sexual harassment resolution. He explained his decision to move the item forward was due to the sexual harassment in the workplace surveys he reviewed. He stated sexual harassment was a real societal issue and he followed the process of drafting a resolution that went to committee. He pointed out there were not any problems raised related to the training or the resolution and it then went to study session but prior to study session, an email from a council member to staff questioning the item was sent. He noted Jason Batchelor, Interim City Manager, responded that the training issue was vague and that there were problems. He stated this was an initiative-killing City Council and City staff. He stated it was a disgrace for the City of Aurora that he should have the rug pulled out from under him at the last hour after going through the process with no problems. He pointed out certain City Council members could vote to have it tabled which meant it was never coming back. He pointed out if City staff had a problem with the training, then they had three months to develop a training program. He reiterated the training was never an issue. He stated his opinion that there were some council members that delighted in killing everything he initiated and pointed out his determination to keep at it.

Council Member Bergan agreed sexual harassment in the workplace was a very serious issue. She clarified her vote to wait until a training program was established before voting on something that did not yet exist did not mean that she was opposed to Council Member Richardson's resolution. She stated she did not appreciate Council Member Richardson comments because she did not indicate anything other than her wish for the training program to be developed. She announced the Ward VI Town Hall meetings were scheduled for Wednesday, March 7, 2018 and Wednesday, March 28, 2018, noting the meeting on the

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7<sup>th</sup> would take place at the Heritage Eagle Bend Clubhouse at 6:00 p.m. and the 28<sup>th</sup> meeting would be at the Tallyn's Reach Library, noting a Water Department presentation was planned for both meetings.

Mayor Pro Tem Berzins announced the Ward III meeting was scheduled for Wednesday, February 14, 2018 at the Center for Active Adults and the topic of discussion would be the bike program. She stated the Democratic and Republican caucuses were scheduled for March 6, 2018 and encouraged everyone to go to their party website for more information.

Council Member Roth stated the Ward V Town Hall meeting was scheduled for Tuesday, February 20, 2018 at 6:30 p.m. at the Heather Gardens Clubhouse where Aurora Fire & Rescue representatives and the At-Large Council Members would be present.

Council Member Lawson announced the At-Large Town Hall meeting was scheduled for Thursday, March 22, 2018 at the Central Library where transportation maintenance funding needs would be discussed.

Council Member Gruber announced the Veteran Affairs Commission was hosting a job fair at the Aurora Municipal Center on Thursday, April 5, 2018 from 10:00 a.m. to 2:00 p.m.


Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Thursday, February 22, 2018 at the Beck Recreation Center at 6:30 p.m. where an Art in Public Places presentation and discussion on public safety issues were planned.

14. **PUBLIC INVITED TO BE HEARD**

None

15. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:20 p.m.

  
STEPHEN D. HOGAN, Mayor

ATTEST:

  
LINDA S. BLACKSTON, City Clerk