

**MINUTES**

**Regular Meeting – Aurora City Council  
Monday, May 21, 2018**

**CALL TO ORDER – REGULAR MEETING**

Mayor Pro Tem Berzins convened the regular meeting of City Council at 3:32 p.m.

**ROLL CALL**

PRESIDING:	Berzins
COUNCIL MEMBERS PRESENT:	Gruber, Hiltz, Lawson, LeGare, Murillo, Richardson, Roth
COUNCIL MEMBERS ABSENT:	Mayor Hogan, Bergan
OFFICIALS PRESENT:	City Attorney Hyman, Deputy City Manager Freed, Assistant City Manager Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Johnston

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

**CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

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

Voting Aye: 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 MAY 21, 2018 AND CALL TO ORDER**

Mayor Pro Tem Berzins reconvened the regular meeting of City Council at 7:30 p.m.

2. **ROLL CALL** Janice Napper, Assistant City Manager

COUNCIL MEMBERS PRESENT: Berzins, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth

COUNCIL MEMBERS ABSENT: Mayor Hogan, Bergan

Motion by LeGare, second Berzins, to retire Stephen D. Hogan from his position as Mayor of the City of Aurora due to his recent passing.

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

Motion by LeGare, second by Richardson, to take a brief recess.

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

Mayor Pro Tem Berzins called for a brief recess.

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*A RECESS ENSUED*

Council Members Richardson, LeGare, Roth and Mayor Pro Tem Berzins made comments about Mayor Hogan and his impact on them personally and on the City of Aurora.

Mayor Pro Tem Berzins recognized Tim Hogan, Mayor Hogan's son, in the audience.

Mayor Pro Tem Berzins reconvened the regular meeting of City Council and called it to order.

3. **INVOCATION** Pastor Bryce Ulrich, Mississippi Avenue Baptist Church

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

**ROLL CALL** Janice Napper, Assistant City Manager

COUNCIL MEMBERS PRESENT: Berzins, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth

COUNCIL MEMBERS ABSENT: Bergan

5. **APPROVAL OF THE MINUTES OF THE MEETING OF MAY 7, 2018**

Motion by Roth, second by Gruber, to approve the minutes of the meeting of May 7, 2018, as presented

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

Abstaining: None

6. **CEREMONY**

a. Proclamation and presentation for EMS Week May 20<sup>th</sup> – 26<sup>th</sup> – Mayor Pro-Tem Berzins

Mayor Pro Tem Berzins invited Captain Allen Robnett, Aurora Fire, and David Patterson, Chief Executive Officer, Faulk Rocky Mountain, to come forward to accept the proclamation. She read the proclamation declaring May 20 - 26, 2018 as EMS Week. Each guest expressed appreciation for the proclamation.

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

Jason Schneider and Alison Coombs noted their positive experiences attending the Aurora Citizens Academy.

Kensy Serrano discussed her experience with deportation due to her immigration status.

Ted Lytle and Jennifer Cullison discussed the alleged injustices taking place at the Aurora GEO Detention Facility in Aurora.

Council Member Johnston expressed appreciation to the speakers.

Alexandria Wise, Executive Director, Community Enterprise Development Services (CEDs), and Omar Montgomery, President, NAACP-Aurora, discussed the Transforming Safety program.

Silvia Hernandez and Erika Rojas discussed the small business owners' collaboration group in Aurora and asked for City Council's support of the group.

Randall McCoy discussed his experience with the City of Aurora as it related to an arson fire at his home.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-k**

**General Business**

- a. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Carollo Engineers, Inc., Littleton, Colorado in the amount of \$2,278,739.00 for professional engineering services for the Griswold Water Purification Facility (WPF) PLC Conversion and Improvements Project, R-1870. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- b. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID CONTRACT with Stanek Constructors, Inc., Golden, Colorado in the amount of \$82,993.00, for the Griswold Water Purification Facility (WPF) Raw Water Structure – Phase 1, Project No. 5619A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Cummins Rocky Mountain LLC, Henderson, CO in the not-to-exceed amount of \$91,775.00 for annual routine and emergency maintenance on the emergency generators in Water facilities through April 2019. STAFF SOURCE: Steven Sciba, Manager of Water Operations and Maintenance, Aurora Water
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Dataskill Inc., San Diego, California in the total amount of \$52,629.85 to purchase the annual subscription and support for IBM Informix and Maximo Software through June 2019. (B4419) STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to SEMA Construction, Inc., Centennial, CO in the amount of \$18,570,323.85 for the construction of the 6th Avenue Parkway Extension Project (Stephen D. Hogan Parkway Extension), Project Number 17016. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Roth, second by LeGare, to approve items 9a – 9e with a waiver of reconsideration on item 9e.

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

**Final Ordinances**

- ◆ f. **2018-13**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, repealing and reenacting Chapter 86 Article V Division 3 of the City Code referred to as the Massage Facility Licensing Code. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Lawson, second by Roth, to approve item 9f.

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

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- ◆ g. **2018-14**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2016-50, 2017-15, and 2017-83 for the 2017 fiscal year and Ordinance No. 2017-50 for the 2018 fiscal year. STAFF SOURCE: Jackie Ehmann, Financial Supervisor, Finance

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

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

- ◆ h. **2018-15**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending the City Code of the City of Aurora, Colorado, by adding a Section, to be numbered 94-350, regarding posting, possession, or exchange of a private image by a juvenile. STAFF SOURCE: Sergeant Barry Cape, Police

Motion by Roth, second by LeGare, to approve item 9h.

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

- ◆ i. **2018-16**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adding Section 94-391 of the City Code of the City of Aurora, Colorado, relating to offenses against administration of government. STAFF SOURCE: Tom Welton, Police Agent, Police

Motion by Roth, second by Hiltz, to approve item 9i.

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

- ◆ j. **2018-18**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, Authorizing The Use Of Lease-Purchase Financing For The Construction Of Street Improvements Pursuant To The Terms Of One Or More Lease-Purchase Agreements By And Between The Aurora Capital Leasing Corporation, As Lessor, And The City Of Aurora, Colorado, As Lessee; Authorizing Officials Of The City To Take All Action Necessary To Carry Out The Transactions Contemplated Hereby; And Related Matters. (**Stephen D. Hogan Parkway**) STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Gruber, second by LeGare, to approve item 9j.

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

- ◆ k. **2018-19**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 134-358, by adding Subsection (C) of the City Code pertaining to parking prohibition for motor homes and camper trailers. STAFF SOURCE: Deputy Police Chief Paul O'Keefe, Police

Motion by Richardson, second by LeGare, to defer item 9k to the June 4, 2018 City Council meeting.

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

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10. **RESOLUTIONS**

◆ a. **R2018-37**

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, Rockinghorse Metropolitan District No. 1, and Inspiration Metropolitan District. STAFF SOURCE: Mark Geyer, Project Manager, General Management

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

Council Member Hiltz expressed appreciation to the Planning Department for their efforts in this regard.

Mark Geyer, Project Manager, General Management, provided a brief summary of the item.

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

◆ b. **R2018-38**

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 ("Aurora") and the Metro Wastewater Reclamation District ("Metro") for construction of Second Creek Interceptor Segment IE facilities. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

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

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

◆ c. **R2018-39**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between Aurora, the Urban Drainage and Flood Control District and the City and County of Denver regarding funding of outfall systems for Irondale Gulch (Upstream of Rocky Mountain Arsenal) STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

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

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

◆ d. **R2018-40**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a Lease between City of Aurora and Martin Marietta Materials, Inc. STAFF SOURCE: Alexandra Davis, Deputy Director/Water Resource, Aurora Water

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

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

◆ e. **R2018-41**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Between the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its utility enterprise ("Aurora"), the City and County of Denver, acting by and through its Board of Commissioners ("Denver") and the South Metro WISE Authority ("South Metro"),

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(Collectively the "Parties"), for joint funding of feasibility studies. STAFF SOURCE: Kelley Neumann, Deputy Director Water Planning/Engineering, Aurora Water

Motion by LeGare, second by Lawson, to approve item 10e.

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

- ◆ f. **R2018-42**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring June firefighter cancer awareness and prevention month. STAFF SOURCE: Michael Hyman, City Attorney

Motion by Hiltz, second by Richardson, to approve item 10f.

Council Member Hiltz discussed the importance of the item and expressed appreciation to City Council in this regard.

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

- ◆ g. **R2018-43**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Adams County Collaborative Transportation Agreement. ***(This item also appears on the May 21, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 3b of the Study Session Packet.)*** STAFF SOURCE: Mac Callison, Planning Supervisor, Planning & Development Services

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

Council Member Roth discussed the item.

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

- ◆ h. **R2018-44**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Arapahoe County collaborative transportation forum agreement. ***(This item also appears on the May 21, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 3c of the Study Session Packet.)*** STAFF SOURCE: Mac Callison, Planning Supervisor, Planning & Development Services

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

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

- ◆ i. **R2018-45**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Placer Mining Lease between the City of Aurora, Colorado, acting by and through its Utility Enterprise, ("Lessor"), and Titan Au, INC. ("Lessee"). STAFF SOURCE: Alexandra Davis, Deputy Director/Water Resource, Aurora Water

Motion by LeGare, second by Lawson, to approve item 10i.

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

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11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2018-46**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the first amendment to the amended and restated ACC Metropolitan District service plan and authorizing the execution of an intergovernmental agreement between the City and ACC Metropolitan District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Mayor Pro Tem Berzins opened the public hearing on the item.

Gary Sandel, Project Manager, General Management, provided a presentation on the item.

Council Member Hiltz expressed appreciation to City staff for their efforts in this regard.

Mayor Pro Tem Berzins closed the public hearing on the item.

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

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-20**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 106-163 of the City Code of the City of Aurora, Colorado, regarding membership requirements for the Oil and Gas Advisory Committee. STAFF SOURCE: George Adams, Director of Planning, Planning & Development Services

Motion by Johnston, second by Murillo, to introduce item 12a.

Mike Hyman, City Attorney, provided a brief summary on the item, noting the ordinance was drafted at Council Member Johnston's request.

Andrew Wurdack spoke in opposition to the item.

Council Member Hiltz asked if there were employment restrictions for City Council. Mr. Hyman answered affirmatively, noting a city council member could not work for the City of Aurora. Council Member Hiltz asked if that infringed on the council person's rights. Mr. Hyman answered no.

Sonia Skakich-Scrima, Pat Dunn, Susan McClain, Aly DeWills-Marcano, Margaret Sobey, and Kristen Mallory spoke in support of the item.

Maxwell Blair, Polly Page, Philip Holmes, and Ryan Seastrom spoke in opposition to the item.

Council Member LeGare asked how many employees worked in the oil and gas industry in the state of Colorado. Mr. Seastrom stated approximately 100k. Council Member LeGare noted his belief that most of those employees would not support oil and gas exploration in their neighborhood. Mr. Seastrom noted as the language was written it would exclude anyone who ever worked for the oil and gas industry.

Council Member Johnston discussed force pooling, noting that did not apply to this item. She explained why the item was brought forward.

Council Member Hiltz concurred with Council Member Johnston's comments.

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Council Member Murillo discussed equity as it related to this item.

Council Member LeGare stated he would not support the item because he did not think there was a major problem to be fixed in that regard.

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

Voting Nay: Gruber, Lawson, LeGare, Roth

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Aurora Immigrant and Refugee Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to appoint Noor Shaikh to the Aurora Immigrant and Refugee Commission.

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

- b. Consideration to reappoint two (2) members to the Metropolitan Wastewater Reclamation District Board. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by Johnston, to appoint John Dingess and Ingrid Lindeman to the Metropolitan Wastewater Reclamation District Board.

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

- c. Consideration to reappoint one (1) member to the Career Service Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Gruber, to reappoint Ted Baird to the Career Service Commission.

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

- d. Consideration to appoint seven (7) members to the Affordable Housing Task Force. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Murillo, second by Hiltz, to appoint Petra Bennet, Luce Galicia, Nancy Flores, Andrea Chiriboga-Flor, Craig Maraschky and Mark Marshall to the Affordable Housing Task Force.

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

Motion by Murillo, second by Gruber, to appoint Brian Arnold to the Affordable Housing Task Force.

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

15. **REPORTS**

Council Member Murillo discussed and thanked the small businesses group and the Transforming Safety group for their attendance and testimony at the meeting. She announced the Ward I Town Hall meeting was scheduled for Tuesday, June 19, 2018 at 6:00 p.m. where a budget presentation would be provided. She discussed Mayor Hogan's leadership and the need for public input regarding the appointment of Mayor and continued leadership in Aurora.

Council Member Hiltz concurred with Council Member Murillo regarding public input and announced the joint At-Large Town Hall meeting was scheduled for Thursday, June 28, 2018 at 6:00 p.m. at the Center for Active Adults at 6:00 p.m. where public safety and the budget would be discussed.

Council Member Richardson expressed appreciation to the Veterans Administration for their attendance at the Ward IV meeting where they presented on the new hospital, noting the grand opening was scheduled for Saturday, July 21, 2018.

Mayor Pro Tem Berzins expressed appreciation to all those who attended the service for Mayor Hogan and to City staff for their efforts in that regard. She announced the Ward III meeting was scheduled for Thursday, May 24, 2018 at the Aurora Hills Golf Course Tin Cup restaurant at 7:15 a.m. where water conservation would be discussed.

Council Member Lawson expressed appreciation to all those who participated in the Citizen's Academy and noted Mayor Hogan's support of the program. She discussed Mayor Hogan's impact on her and the City of Aurora. She also expressed appreciation to the Aurora Police Department for their efforts with regards to their leaders' day.

Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Thursday, May 31, 2018 at the Beck Recreation Center at 6:30 p.m. where transportation capital projects and infrastructure would be discussed. She discussed Mayor Hogan's impact on her and the City of Aurora and expressed appreciation to City staff and Heritage Church for their efforts related to his service.

Council Member Gruber discussed Mayor Hogan's impact and mentorship and expressed appreciation to everyone who worked on Mayor Hogan's celebration of life. He discussed an alcohol-related accident that occurred recently involving friends of his family. He noted the impact drinking and driving had on families and encouraged everyone to never miss an opportunity to tell their children that they love them and to extend the offer of a ride to them regardless of the circumstances so they remain safe. He addressed young people, noting lives were shared and their poor decisions to drive while intoxicated impacted everyone in their lives.

16. **PUBLIC INVITED TO BE HEARD**

Ali DeWills-Marcano discussed Mayor Hogan's impact and expressed appreciation to the City Council for their service.

17. **ADJOURNMENT**

Mayor Pro Tem Berzins adjourned the regular meeting of City Council at 9:52 p.m.

  
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MARSHA BERZINS, MAYOR PRO TEM

ATTEST:

  
\_\_\_\_\_  
City Clerk

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