

MINUTES

**Regular Meeting – Aurora City Council
Monday, July 9, 2018**

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, Lawson, Murillo, Richardson, Roth
COUNCIL MEMBERS ABSENT:	Hiltz
OFFICIALS PRESENT:	City Attorney Hyman, Interim City Manager Batchelor, Acting City Clerk Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Johnston

Acting City Clerk Napper 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, Gruber, Lawson, Murillo, Richardson, Roth

Abstaining: Johnston

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

1. **RECONVENE REGULAR MEETING OF JULY 9, 2018 AND CALL TO ORDER**

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

2. **ROLL CALL** Janice Napper, Acting City Clerk

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

COUNCIL MEMBERS ABSENT: None

3. **INVOCATION** Pastor Phil Eubank, Eastern Hills Community Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 25, 2018**

Motion by Roth, second Bergan, to approve the minutes of the meeting of June 25, 2018, as presented.

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

- ◆ *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

Judge Shawn Day administered the oath of office to the 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>
Robert Niedringhaus	Art in Public Places
Juanita Audrey	Aurora Commission for Seniors
Ivy Hontz	Aurora Commission for Seniors
Janice "Auset Maryam Ali" Crenshaw	Cultural Affairs Commission
Sethe Tucker	Cultural Affairs Commission
Doinne Williams	Cultural Affairs Commission

Mayor LeGare recognized Ethan Shoop, a scout from Boy Scout Troop #375 sponsored by the American Legion Post Aurora.

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

James Vitt, Aurora, Colorado, expressed concerns related to a potential fire hazard because of dry grass and fireworks being set off near Dunkirk Street and Espana Way and the lack of a crossway at Parker Road and I-225.

Beth Strimpel, Aurora, Colorado, Del Mar Neighborhoods United (DMNU), spoke in support of the Original Aurora rezoning proposal.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-m**

General Business

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Loomis, Aurora, Colorado in the not-to-exceed amount of \$60,000.00 for armored car services through June 30, 2019. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Council Member Richardson pointed out the contract stated Loomis was the only provider that responded to the bid request and asked staff to speak to that concern.

Nancy Wishmeyer, Controller, Finance, did so, noting the City has not received proposals from other providers in the past because they could not meet Loomis' contract price or the City's schedule and same-day deposit requirements.

Council Member Richardson asked staff to formalize the outreach efforts in written form to verify that Loomis was the only provider. Ms. Wishmeyer agreed to do so.

Motion by Richardson, second by Gruber, to approve item 9a.

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

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT for fire uniforms to Gall's, Denver, Colorado in the amount not-to-exceed \$140,830.60. (B-4401) STAFF SOURCE: Mathew Wasserburger, Assistant Director, Fire
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Hydro Resources – Rocky Mountain, Inc., Fort Lupton, Colorado in the amount of \$478,020.00 for the construction of the 2018 North Campus Well Field Rehabilitation, Project No. 5638A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- d. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Western Ag Air Inc., Rocky Ford, Colorado in the total amount of \$168,050.00 to provide herbicide application services for the Rocky Ford Ditch Revegetation Project through June 2019. (R-1917) STAFF SOURCE: Alexandra Davis, Deputy Director Water Resource, Aurora Water
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC (formerly Sungard Public Sector), Lake Mary, Florida in the amount of \$91,713.99 for annual software maintenance and support on the Water billing system through January 2019. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administration, Aurora Water
- f. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Carollo Engineers, Inc., Littleton, Colorado in the amount of \$4,091,052.00 for professional engineering services for the Wemlinger Water Purification Facility (WPF) PLC Conversion and Improvements Project, R-1896. **(Staff Request a Waiver of Reconsideration)** STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- g. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Wilson & Company, Inc., Denver, Colorado in the amount of \$120,000.00 for providing Engineering Services for Storm CMP Rehabilitation Task 5 – CCCP, Project R-1912. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Airgas USA, LLC Denver, Colorado in the not-to-exceed amount of \$55,000.00 for the purchase of the chemical Liquid Carbon Dioxide for use at the Binney Water Purification Facility. (B-4431) STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water
- i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Municipal and Contractors Equipment, Co., Thornton, Colorado in the amount of \$158,213.00 for the purchase of a Arrow-Master Mode 1350T mobile hydraulic hammer. (B-4429) STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- j. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with US Distributing, Inc., Denver, Colorado in the not-to-exceed amount of \$90,000.00 for the purchase of AC Delco OEM parts as required by Fleet Services from September 1, 2018, through August 31, 2019. (B-4259) STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management
- k. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Scenic Mercenary, Denver, Colorado in the amount of \$140,000.00 to provide design, materials, construction and installation of a new studio set in the City's TV Studio. (R-1900) STAFF SOURCE: Randy Simpson, Community Marketing Supervisor, Communications

Motion by Roth, second by Berzins, to approve items 9b – 9k with a waiver of reconsideration on item 9f.

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

Final Ordinances

- ◆ l. **2018-24**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 6, 2018, a proposed Amendment to Article III of the City Charter concerning the probationary period for newly appointed firefighters and officers within the fire rescue and police department. STAFF SOURCE: Chief Fernando Gray, Fire

Motion by Richardson, second by Bergan, to approve item 9l.

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

- ◆ m. **2018-25**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan e-470/Northeast Plains Land use map to allow for e-470 Regional Retail/Commercial Subarea zoning in an area currently designated to be zoned as e-470 Medium Density Residential Subarea (AURORA HIGHLANDS COMPREHENSIVE PLAN AMENDMENT) STAFF SOURCE: Deborah Bickmire, Planner, Planning & Development Services

Motion by Berzins, second by Roth, to approve item 9m.

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

10. **RESOLUTIONS**

- ◆ a. **R2018-60**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement among the City of Aurora, Colorado acting by and through its utility enterprise, the Colorado River Water Conservative District, the Basalt Water Conservancy District, the Board of County Commissioners of Eagle County, the Board of County Commissioners of Pitkin County, the Grand Valley Water Users Association, Orchard Mesa Irrigation District and the UTE Water Conservancy District acting by and through the UTE Water Activity Enterprise regarding settlement of the Busk Ivanhoe water rights change case. STAFF SOURCE: Alexandra Davis, Deputy Director Water Resource, Aurora Water

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

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

11. **ORDINANCES FOR FINAL**

- ◆ a. **2018-21**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 4.8 acres more or less at the Southwest corner of 14th Avenue and Potomac Street from high density multi-family residential district (R-4) to Fitzsimons boundary area district subarea 4 (FBAD 4) and amending the zoning map accordingly. (FITZ ON 14TH REZONE) ***Ordinance 2018-21, Introduced 6-4 (Hiltz, Johnston, Lawson, Murillo voting no) at the June 4, 2018 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.***

Deferred at the June 25, 2018 Council meeting to the July 9, 2018 Council meeting. STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

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

Council Member Hiltz stated she was previously opposed to the item because of the potential displacement of residents, however, she would support the item at this time because the developer has provided a great model that demonstrated that a middle ground was possible.

Council Member Richardson expressed appreciation to the developer for creating an example of what good steps could be taken whenever there was a conversion that related to the displacement of residents. He expressed his hope that staff would provide these examples to developers moving forward to demonstrate what could work in these instances.

Council Member Johnston stated the City has discussed the need to provide affordable housing and several affordable housing units would be put into that area. She stated her support of the item.

Council Member Gruber expressed appreciation to Council Member Hiltz and the developer for their efforts in this regard. He stated his support of the item.

Council Member Murillo expressed appreciation to the developer for incorporating the City Council's concerns into their plan. She stated it was not the solution but pointed out it was a good start.

Council Member Bergan stated her support for the item and expressed appreciation to the developer for working with City Council and the residents in this regard.

Council Member Lawson expressed appreciation to the developer for going above and beyond to make adjustments on behalf of residents who might be displaced. She stated her support of the item.

Mayor LeGare commended the applicant for their efforts in this regard.

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

12. **ANNEXATIONS**

- ◆ a. **2018-27**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 19, Township 3 South, Range 65 West of the 6th principal meridian, County of Adams, State of Colorado (Aurora Highlands I) 9.717 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Roth, second by Bergan, to approve item 12a.

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

- ◆ b. **2018-28**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the West Half of Section 30, Township 3 South, Range 65 West of the 6th principal meridian, County of Adams, State of Colorado (Aurora Highlands II) 191.424 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Johnston, second by Lawson, to approve item 12b.

- ◆ ***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: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth

- ◆ c. **2018-29**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the South Half and the South Half of the Northeast Quarter of Section 30, Township 3 South, Range 65 West of the 6th principal meridian, County of Adams, State of Colorado (Aurora Highlands III) 244.844 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Berzins, second by Bergan, to approve item 12c.

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

- ◆ d. **2018-30**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located East of e-470 and South of 42nd Avenue within the City of Aurora, County of Adams, State of Colorado, to e-470 Medium Density Residential Subarea and amending the zoning map accordingly (AURORA HIGHLANDS 9.7 ACRES INITIAL ZONING) STAFF SOURCE: Deborah Bickmire, Planner, Planning and Development Services

Motion by Gruber, second by Hiltz, to approve item 12d.

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

- ◆ e. **2018-31**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located East of e-470 and North of 26th Avenue within the City of Aurora, County of Adams, State of Colorado, into two zones consisting of e-470 Medium Density Residential Subarea and e-470 Regional Retail/Commercial Subarea and amending the zoning map accordingly (AURORA HIGHLANDS 191.424 ACRES INITIAL ZONING) STAFF SOURCE: Deborah Bickmire, Planner, Planning and Development Services

Motion by Johnston, second by Bergan, to approve item 12e.

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

- ◆ f. **2018-32**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located East of e-470 and North of 26th Avenue, within the City of Aurora, County of Adams, State of Colorado, to e-470 Medium Density Residential Subarea and amending the zoning map accordingly (AURORA HIGHLANDS 244.8 ACRES INITIAL ZONING). STAFF SOURCE: Deborah Bickmire, Planner, Planning and Development Services

Motion by Gruber, second by Roth, to approve item 12f.

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

- g. Consideration of an Annexation Agreement between the City of Aurora and Aurora Highlands, LLC, a Nevada limited liability company regarding a parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 19, Township 3 South, Range 65 West of the 6th Principal Meridian, County of Adams, State of Colorado, (Aurora Highlands I) 9.717 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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Motion by Roth, second by Johnston, to approve item 12g.

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

- h. Consideration of an Annexation Agreement between the City of Aurora and Aurora Highlands, LLC, a Nevada limited liability company regarding a parcel of land located in the West Half of Section 30, Township 3 South, Range 65 West of the 6th Principal Meridian, County of Adams, State of Colorado (Aurora Highlands II) 191.424 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Bergan, second by Berzins, to approve item 12h.

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

- i. Consideration of an Annexation Agreement between the City of Aurora and Grimm Farms LLC, a Colorado limited liability company regarding a parcel of land located in the South Half and the South Half of the Northeast Quarter of Section 30 Township 3 South, Range 65 West of the 6th Principal Meridian, County of Adams, State of Colorado, (Aurora Highlands III) 244.844 acres. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Murillo, second by Roth, to approve item 12i.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Judicial Performance Commission. STAFF SOURCE: Janice Napper, Assistant City Manager/Acting City Clerk

Motion by Roth, second by Berzins, to appoint Oren "Von" Limbaugh to the Judicial Performance Commission.

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

- b. Consideration to appoint five (5) and Reappoint two (2) members to the Veterans Affairs Commission. STAFF SOURCE: Janice Napper, Assistant City Manager/Acting City Clerk

Motion by Gruber, second by Bergan, to appoint Robert Beauparland, Gary Bruno, Eric Sears, Kayleigh Beard, and Andrew Stansberry and reappoint Souleymane Camara and Lynn Donaldson to the Veterans Affairs Commission.

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

15. **REPORTS**

- a. Report by the Mayor

Mayor LeGare expressed appreciation for the opportunity to serve in the mayor position, noting it was a great honor. He especially thanked the City Council for their appointment.

b. Reports by the Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, August 21, 2018 at the Moorhead Recreation Center at 6:00 p.m.

Council Member Hiltz expressed appreciation to all those who attended the recent At-Large Town Hall meeting which added to its success. She discussed the success of the July 4th spectacular event and her experience with a ride-along with the Lt. Lanigan, Aurora Police Traffic Division, noting it provided her the opportunity to review how a large scale traffic event was managed.

Council Member Richardson announced the Ward IV meeting was scheduled for Thursday, July 19, 2018 at the Eco Tech Institute at 6:30 p.m. where an Aurora Housing Authority representative would be present to discuss affordable housing.

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, July 25, 2018 at the Heritage Eagle Bend Clubhouse at 6:00 p.m. where a planning and development presentation, Q & A and updates on road issues including traffic signals at Heritage Eagle Bend and other intersections would be provided.

Council Member Berzins announced the City Manager candidate open house forum was scheduled for Friday, July 13, 2018 in the AMC foyer at 5:30 p.m. and the annual Ward III picnic was scheduled for Saturday, July 14, 2018 at Bicentennial Park. She noted this event was for Ward III residents only.

Council Member Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, July 17, 2018 at the Heather Gardens Clubhouse at 6:30 p.m., where Planning & Development, Public Works and the Urban Land Conservancy and Family Tree representatives would be present. He noted the Family Tree and Urban Land Conservancy representatives would be holding a community presentation to discuss future plans for the campus on Tuesday, July 24, 2018 at the AmeriCorps gym on the former Excelsior Campus at 7:00 p.m.

Council Member Lawson expressed appreciation to all those who contributed to the success of the recent At-Large Town Hall meeting.

Council Member Gruber announced the Aurora Sister Cities International Conference was scheduled for August 2 – 4, 2018 and discussed the Youth Leadership Summit that would take place at the same time.

Council Member Johnston announced the candidates being interviewed for the At-Large City Council seat were: Timothy Huffman, Tom Tobiassen, Margaret Sobey, Jonathan Scott, Johnny Watson and JulieMarie Shepherd Macklin. She noted she and several members of the Aurora delegation would be hosting a Town Hall meeting to discuss affordable housing at the Community College of Aurora on Thursday, July 19, 2018 at 7:00 p.m.

16. **PUBLIC INVITED TO BE HEARD**

None

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17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:30 p.m.



BOB LEGARE, MAYOR

ATTEST:



Michael Lawson, Interim City Clerk