

MINUTES

Regular Meeting – Aurora City Council Monday, December 17, 2018

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 5:27 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

Voting Aye: Mayor LeGare, Roth, 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 DECEMBER 17, 2018 AND CALL TO ORDER

Mayor LeGare reconvened the regular meeting of City Council at 7:32 p.m.

2. ROLL CALL Michael Lawson, Interim City Clerk

COUNCIL MEMBERS PRESENT:	Mayor LeGare, Roth, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. INVOCATION Pastor Debbie Stafford, Aurora Mental Health Center

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

- ◆ *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.*

5. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 10, 2018**

Motion by Bergan, second by Berzins, to approve the minutes of the meeting of December 10, 2018, as presented.

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

Abstaining: None

6. **CEREMONY**

No ceremony

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

Michael Terry, Aurora, Colorado, discussed his personal situation with City ordinance 14-75, restricted breed, and his American Bully dogs. He stated he was being discriminated against because his dogs resembled pit bulls and stated a change was needed in the community.

Mayor Pro Tem Roth expressed appreciation to Mr. Terry for his comments, noting the breed specific language was approved by a vote of the people and required a vote of the people to be changed.

Daniel Brotzman, Interim City Attorney, concurred and pointed out the question of whether pit bulls should be allowed back into the City was raised in 2014 and the answer at that time was no.

Mayor Pro Tem Roth noted he would reach out to Mr. Terry to further discuss Mr. Terry's specific concerns.

Mr. Terry reiterated his dogs were American Bully dogs and noted he looked forward to continuing the conversation on the ordinance.

Council Member Johnston asked Mr. Brotzman to address the fact that Mr. Terry did not own pit bulls. Mr. Brotzman stated that would have to be determined by Animal Services. Council Member Johnston asked if a DNA test was used for that determination. Mr. Brotzman answered affirmatively.

Mayor LeGare asked staff to look into the matter and to provide Council with a follow-up of the case.

Robert Stevenson, Aurora, Colorado, discussed the American Bully dog breed.

Alison Coombs, Aurora, Colorado, discussed the lack of accessibility of City government to the working public.

Linnea Reed-Ellis, Aurora, Colorado, discussed the need for real ethics laws in City government.

Dale Nichols, Aurora, Colorado, discussed Council Member Richardson's proposed campaign reform ordinance. He stated he would email his comments to the City Council for further review.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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9. **CONSENT CALENDAR - 9a-f**

General Business

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Inland Marine Services dba Inland Potable Services, Inc., CO in the amount of \$220,984.00 for the Quincy Reservoir Improvements Package A: Outlet Tower Trash Rack Improvements Project, Project No. 5663A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Carus Corporation, Peru, Illinois in the amount not-to-exceed \$124,000.00 to purchase Potassium Permanganate Water Treatment Chemical for the Binney Water Purification Facility through December 2019. (B4196) STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Granicus, Denver, Colorado in the amount of \$77,194.08 for a subscription for legislative management software modules for the City Clerk's Office. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

Motion by Bergan, second by Roth, to approve items 9a – 9c.

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

- d. Consideration of a grant award to the Boys and Girls Clubs of Metro Denver. STAFF SOURCE: Jason Batchelor, Deputy City Manager, General Management

Council Member Hiltz expressed appreciation to Council for approving the grant funding for the Boys and Girls Club.

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

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

- e. Consideration of the Renewal of the State Lobbying Contract for 2019 ***(This item also appears on the December 17, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2b of the Study Session Packet.)*** STAFF SOURCE: Michael Crews, Intergovernmental Relations Coordinator, General Management

Council Member Murillo stated her intent to abstain from the vote because she was personal friends with the lobbyist and while it was not a legal concern, she did not think it was appropriate for her to vote on the contract renewal.

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

Council Member Bergan stated her support of the item because the Dentons firm has done a great job for the City.

Voting Aye: Mayor LeGare, Roth, Bergan, Berzins, Gruber, Lawson, Watson

Voting Nay: Hiltz, Johnston, Richardson

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Abstaining: Murillo

- f. Consideration of the Colfax Community Network Update and Funding Request for the period of July, 2019 through December, 2020. STAFF SOURCE: Shelley McKittrick, Homelessness Program Director, General Management

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

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

10. **RESOLUTIONS**

- ◆ a. **R2018-116**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving the Purchase and Sale Agreement between the City of Aurora and the Trust for Public Land for the acquisition of a parcel of real property (NEVIN-BUCKLEY PARCEL 5) STAFF SOURCE: Patricia Schuler, Manager of Open Space & Natural Resource Operation, Parks, Recreation & Open Space

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

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

- ◆ b. **R2018-117**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, the Central Colorado Water Conservancy District, the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District for delivery of reusable raw water (1500 acre-feet/year) STAFF SOURCE: Dawn Jewell, S Platte Basin Supervisor, Aurora Water

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

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

- ◆ c. **R2018-118**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado for an Intergovernmental Agreement Between the City of Aurora and the South Aurora Regional Improvement Authority (SARIA) Regarding Harvest Road Improvements. STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Bergan, second by Watson, to approve item 10c.

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

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- ◆ d. **R2018-119**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement Between the City of Aurora and the City of Centennial for Maintenance of East Quincy Avenue. STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

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

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

- ◆ e. **R2018-120**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring the intention of Aurora Fire rescue to provide service to a certain territory located in the City of Aurora, Colorado, currently served by the Sable-Altura Fire Protection District. STAFF SOURCE: Commander Allen Robnett, Fire

Motion by Watson, second by Hiltz, to approve item 10e.

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

- ◆ f. **R2018-121**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to approve the fabrication and installation of the artwork design submitted by Koryn Rolstad at Red-Tail Hawk. **(Staff requests Waiver of Reconsideration)**
STAFF SOURCE: Roberta Bloom, Program Supervisor, Library & Cultural Services

Motion by Bergan, second by Roth, to approve item 10f with a waiver of reconsideration.

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

- ◆ g. **R2018-122**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a one year increase in contributions by the City and the Employees to the Aurora Police Pension Plan. STAFF SOURCE: Terri Velasquez, Director, Finance

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

Council Member Richardson asked staff to provide him with the total assets held by the Money Purchase Plan on December 31, 2017, the total assets held on December 31, 2018 and the total member and City contributions during that year period prior to the end of the reconsideration period.

Jim Twombly, City Manager, agreed to do so.

Council Member Gruber stated the City Council decided to retain the current pension plan and made a commitment to the Aurora Police Department to continue to look for ways to improve their retirement.

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

- ◆ h. **R2018-123**

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Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, the Central Colorado Water Conservancy District, the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District for delivery of reusable raw water (flexible). STAFF SOURCE: Dawn Jewell, S Platte Basin Supervisor, Aurora Water

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-67**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora, Colorado, relating to the General Employees' Retirement Plan. STAFF SOURCE: Terri Velasquez, Director, Finance

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

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

12. **RECONSIDERATIONS AND CALL-UPS**

Motion by Johnston, second by Murillo, to call-up Jamaso Phase 1 & 2 Oil & Gas exploration site permits.

Mayor LeGare stated it would be called up to City Council, noting this was an oil and gas well site that would typically be approved administratively. He noted Council Member Johnston was calling it up because of public comments.

Council Member Richardson stated he would support the item if it could be heard at the January 7, 2019 meeting.

Jason Batchelor, Deputy City Manager, stated it could be heard at that time if the notification requirements were met.

Council Member Richardson asked the public notification requirements.

Council Member Johnston stated her understanding of the ½ mile notification requirement, noting this was just outside of that. She stated the reason she was calling the item up was because nearly 30 people raised questions and concerns in this regard and those people should be heard.

Mr. Batchelor stated the public hearing requirement was ten days prior in a paper of general circulation so the January 7 meeting deadline could be met.

Dan Money, Assistant City Attorney, stated staff would do what they could to post the public hearing in the *Sentinel* or the *Denver Post* so that the item could be heard on January 7, 2019.

Council Member Bergan asked the administrative approval criteria for the item. Mr. Money discussed the code criteria in that regard. Council Member Bergan asked if City Council

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could challenge the approval considering it met all of the criteria. Mr. Money stated City Council was the final decision-maker and could call up any item.

Council Member Gruber stated he would not support the item because the standards have been met and the item was approved.

Council Member Hiltz stated she would support the item because constituents have come forward with concerns and questions and those residents needed to be heard.

Council Member Johnston stated the public comments on the item that were received were posted through the City website.

Council Member Bergan and Council Member Berzins stated their support of the item.

Council Member Watson stated he would support the item because of the distance of the existing homes and the platted lots to the oil and gas sites.

Mayor LeGare stated he would not support the item because the oil and gas standards were set and approved administratively.

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

Voting Nay: Mayor LeGare, Roth, Gruber

13. **GENERAL BUSINESS**

- a. Consideration to Set Regular Council Meetings at 7:30 p.m. and approve location for public posting of agenda at east entryway to Aurora Municipal Center, 15151 E. Alameda Parkway, Aurora, CO 80012. STAFF SOURCE: Janice Napper, Assistant City Manager, General Management

Motion by Bergan, second by Watson, to approve item 13a.

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

- b. Consideration to remove (1) one member from the Citizens Advisory Committee on Housing and Community Development. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Murillo, second by Richardson, to table item 13b so that she could provide pertinent information on the situation to City Council.

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

- c. Consideration to reappoint (1) one member to the General Employees' Retirement Plan. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Roth, second by Berzins, to reappoint Michelle Reding to the General Employees' Retirement Plan.

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

- d. Consideration of the reappointment of five (5) Relief Judges. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Hiltz, second by Richardson, to reappoint James Anderson, Loretta Huffine, Al Stein, Andrea Koppenhofer and Peter Frigo as Relief Judges.

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

14. **RESOLUTIONS**

- ◆ a. **R2018-124**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, giving notice of a Public Hearing on the proposed annexation of a parcel of land located in the Northwest Quarter of Section 25, Township 3 South, Range 66 west of the Sixth Principal Meridian, County of Adams, State of Colorado (MAJESTIC COMMERCENTER II) 538.415 acres. STAFF SOURCE: Jacob Cox, Project Manager, General Management

Motion by Watson, second by Johnston, to approve item 14a.

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

15. **REPORTS**

- a. Report by the Mayor

Mayor LeGare expressed appreciation to City Council for their appointment of him as Mayor and wished City staff happy holidays, Merry Christmas and happy New Year.

- b. Reports by Council

Council Member Johnston wished everyone happy holidays and announced the grand opening of the Gaylord Rockies Resort and Conference Center was scheduled for Tuesday, December 18, 2018 at 12:18 p.m.

Council Member Gruber wished everyone happy holidays, discussed the success of the recent Shop with a Cop event and expressed appreciation to all those involved. He noted the City of Aurora staff was excellent.

Council Member Lawson wished everyone happy holidays and echoed Council Member Gruber's comments regarding the success of the recent Shop with a Cop event.

Council Member Berzins discussed her attendance at the recent Bridge House Ready-to-Work event, and wished everyone a Merry Christmas. She noted she did not support a Council pay raise last year when the topic arose and agreed to donate any raise the voters decided upon to charity. She announced she has since been donating the 30 percent voter-approved pay raise to the Aurora Mental Health Center.

Council Member Bergan discussed the traffic signal ribbon-cutting event that took place recently at Heritage Eagle Bend and wished everyone a Merry Christmas and happy holidays.

Council Member Richardson announced the new King Soopers store located at the former Regatta Plaza would open in 2019.

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Council Member Hiltz discussed her recent attendance at the Leaders are Readers event at Peoria Elementary School and expressed appreciation to the students who attended, noting it was a great program.

Council Member Murillo expressed appreciation to Chanell Reed, Management Analyst, City of Aurora, and Dr. Barbara Shannon-Bannister, Community Relations Division Chief, City of Aurora, who were leaving their employment with the City, as being invaluable resources to the City and for their support.

14. **PUBLIC INVITED TO BE HEARD**

None

15. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:39 p.m.

BOB LEGARE, MAYOR

ATTEST:
