

MINUTES

Regular Meeting – Aurora City Council Monday, February 6, 2017

CALL TO ORDER – REGULAR MEETING

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

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth
COUNCIL MEMBERS ABSENT:	Richardson
OFFICIALS PRESENT:	Acting City Manager Freed, City Attorney Hyman, Assistant City Manager/City Clerk Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

Assistant City Manager/City Clerk Janice Napper announced the proposed items for discussion at executive session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson,
Pierce, Roth

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF JANUARY 23, 2017 AND CALL TO ORDER**

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

2. **ROLL CALL**

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth
COUNCIL MEMBERS ABSENT:	Richardson
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Renie Peterson, Aurora City Council

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 23, 2017**

Motion by Bergan, second by Roth, to approve the minutes of January 23, 2017 as presented.

- ◆ *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, Cleland, Lawson, LeGare, Mounier, Pierce, Roth

Abstained: Peterson

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. Mayor Hogan and City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Lekshmy Sankar	Aurora Fox Art Center Board
Heather A Wydock	Aurora Fox Art Center Board
Jeannie Davis	Aurora Commission for Seniors
Leo Gross	Aurora Commission for Seniors
John Treinen	Aurora Commission for Seniors
Caleb Garvis	Aurora Youth Commission
Leigh Hettick,	Planning & Zoning Commission
Nathan Kennedy	Public Defender Commission
Elizabeth Ann Dougherty	Public Defender Commission

- b. Proclamation declaring February 2017 as Black History Month – Mayor Hogan

Mayor Hogan invited Senator Nancy Todd, NAACP; Debi Hunter-Holen, MLK committee; Commissioner Bill Holen, Arapahoe County, MLK and Race Forum Planning committees; Chanell Reed, Chairman, Black Employees for a Better Aurora (BEFABA); Hanifah Chiku, Colorado Black Women for Political Action (CBWPA); Hashim Tarik Coates, Human Relations Commission, NAACP – Aurora Branch; Michael Davis, Race Forum Planning committee; Toni Shelton, NAACP – Aurora Branch, Chair, Young Professionals committee; Chartashia Miller, MLK committee, Race Forum; Anthony Gilchrist, Colorado Coalition for the Homeless; Pastor Thomas, Thomas Ministries, Bethel Missionary Church; Maya Wheeler, Human Relations Commission and Alan Harmon, Co-Chair, Race Forum Planning committee to accept the proclamation. Mayor Hogan read the proclamation declaring February 2017 as Black History Month and expressed appreciation to all those involved in this effort. Each guest expressed appreciation for the proclamation.

- c. Proclamation designation Assetou Xango as the Poet Laureate for the City of Aurora, Colorado February 2017 through January 2019 – Mayor Hogan

Mayor Hogan invited Patti Bateman, Director, Library & Cultural Services and Assetou Xango to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring Assetou Xango as the Poet Laureate for the City of Aurora February 2017 through January 2019. Ms. Xango expressed appreciation for the proclamation.

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

Roger Galinda, Mexico, and Tinipe Callebawt, Belgium, representing Up with People, discussed the purpose and mission statement of the Up With People program and discussed their previous and upcoming visits to the City of Aurora, noting those interested in hosting participants, purchasing tickets or gathering more information on the program could do so at www.upwithpeople.org/aurora.

Council Member Roth discussed his previous involvement in the Up with People program.

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Council Member Peterson discussed her involvement with Up with People and expressed appreciation for their service.

Bob Kenzlic, Aurora, Colorado, discussed the public safety issue in Ward VI related to speeding on Arapahoe Road in the Tallyn's Reach area.

Mayor Hogan directed Mr. Kenzlic to speak to Michelle Wolfe, Deputy City Manager, to address his concerns.

Council Member Bergan agreed speeding was an issue at that location and noted she put in a Council request related to this issue.

Willie Brown, Aurora, Colorado, echoed Mr. Kenzlic's comments regarding the speeding on Arapahoe Road in the Tallyn's Reach area. He expressed concerns regarding on-street parking on East Glasgow Drive in Ward VI and the addition of bicycle lanes at that location.

Mayor Hogan directed Mr. Brown to speak to Nancy Freed, Deputy City Manager, to address his concerns.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

General Business

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Viewu, Seattle, Washington in the amount of \$85,542.95 to provide Body Worn Camera hardware and software to the Neighborhood Services Department. STAFF SOURCE: Malcolm Hankins, Director, Neighborhood Services

Mayor Pro Tem Lawson asked staff to cite examples of "critical incidents" as called out in the contract.

Staff stated the cameras would be worn from beginning-of-shift to end-of-shift and would be activated anytime there was citizen interaction.

Council Member Peterson asked if every Code Enforcement and Animal Control officer would wear the cameras. Staff answered affirmatively. Council Member Peterson stated she would not support the item because the time it would take to review and substantiate forms could be spent in better ways.

Mayor Pro Tem Lawson asked who had access to the video footage. Staff stated the video footage was subject to an open records and city council request and to motions for discovery for prosecutors and district attorneys.

Council Member Bergan asked staff to speak to why this issue came about. Staff did so, noting these officers encounter volatility each day and the cameras would be used as a tool to document what they encountered, to ensure proper training and to keep the officers safe.

Council Member Roth discussed the shooting death of a Code Enforcement officer, noting officers were not armed. He pointed out there have also been vicious animals incidences that were disputed by the owners.

Staff concurred.

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Motion by Lawson, second by Mounier, to approve item 9a.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, Mounier, Pierce, Roth

Voting Nay: LeGare, Peterson

- b. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Golden Triangle Construction, Inc., Longmont, Colorado in the amount of \$5,019,026.00 for the award of the Fire Station 15 Work Package No. 1 Project, Project Number 5523A. **STAFF REQUESTS A WAIVER OF RECONSIDERATION.** STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- c. Consideration to EXTEND A SOLE SOURCE CONTRACT to Scott Health & Safety, Monroe, North Carolina in the amount of \$61,868.00 for annual repair and maintenance of Scott Self Contained Breathing Apparatus and associated equipment through October 31, 2017. STAFF SOURCE: Deputy Fire Chief Scott Mills, Fire
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Mike Naughton Ford, Inc., Aurora, Colorado, in the not-to-exceed amount of \$150,000.00 for the purchase of Ford OEM vehicle parts and repair services from March 1, 2017, through February 28, 2018. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Wagner Equipment Company, Aurora, Colorado in the not-to-exceed amount of \$100,000.00 for the purchase of parts and repair services for Caterpillar and other miscellaneous heavy equipment from March 1, 2017, through February 28, 2018. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- f. Consideration to AMEND A SINGLE SOURCE CONTRACT with Black & Veatch Corporation, Denver, Colorado in the amount of \$1,035,056.00 for providing design phase engineering support services for Construction Work Package No. 3 for the Pump Station Rehabilitation Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- g. Consideration to AWARD A SOLE SOURCE CONTRACT to Sungard Public Sector, Lake Mary, Florida in the amount of \$99,656.68 for annual software support for the Water billing system through January 31, 2018. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

Motion by Roth, second by Bergan, to approve items 9b – 9g with a waiver of reconsideration on 9b.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Final Ordinances

- ◆ h. **2017-02**
Consideration for ADOPTION OF AN ORDINANCE to rezone 26.0 acres more or less from PD-MF/COMM (Planned Development - Multi-Family / Commercial District) to SIR (Sustainable Infill and Redevelopment District) to facilitate the development of a mixed-use, master planned development on Colfax Avenue between Sable Boulevard and Chambers Road (14900 E Colfax Avenue). (Case Number 2016-2014-00) STAFF SOURCE: Sarah Wieder, Planner II, Planning and Development Services

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- ◆ i. **2017-03**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing to acquire certain equipment during the 2017 fiscal year pursuant to the terms of an equipment lease-purchase agreement 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; declaring the intent of the city to reimburse itself with the proceeds from such lease (Heavy Vehicle Lease-Purchase Financing) STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury, Manager, Finance

- ◆ j. **2017-04**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the issuance of a golf revenue note by the city's golf enterprise in the principal amount of \$3,930,000 for the purpose of constructing and equipping a public golf course and attendant facilities; providing for the application of golf rates, fees, and charges to pay the note and interest thereon; and prescribing other details in commission therewith. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury, Manager, Finance

- ◆ k. **2017-05**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, adopting a new Division to Chapter 6 of the City Code related to Entertainment Districts and common consumption areas. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Roth, second by Bergan, to approve items 9h through 9k.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

- ◆ l. **2017-06**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 134 of the City Code of the City of Aurora, Colorado, relating to the authority for placement of traffic control devices as referenced in the manual on uniform traffic control devices (MUTCD) and adopted by the model traffic code (MTC) for Colorado. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

Council Member LeGare stated he would not support the item because it allowed city council members as elected officials to decide where stop signs should be installed in the City based on calls and concerns expressed by neighbors. He noted this went against the City's Traffic Engineering department and set a bad precedent.

Council Member Bergan agreed City Council generally wanted to abide by the City Engineers' recommendations in terms of where traffic devices should be placed as the information was validated with studies, she noted however, in the rare case where this would come forward to City Council, it would provide City Council with the opportunity to vote.

Dave Chambers, Director, Public Works, concurred.

Council Member Pierce stated his opposition to the item because the Public Works staff was more than qualified to determine the location of traffic control devices in the City.

Motion by Cleland, second by Mounier, to approve item 9l

Voting Aye: Bergan, Berzins, Cleland, Lawson, Mounier, Peterson, Roth

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Voting Nay: LeGare, Pierce

- ◆ m. **2017-07**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, declaring the intent to acquire from the Public Service Company, Colorado, D/B/A Xcel Energy, the street lights and appurtenant facilities that currently serve Aurora's municipal street system, and authorizing staff, consultants, city attorney or its special legal counsel to initiate notice, negotiations and proceedings, including litigation if necessary, for such acquisition. STAFF SOURCE: Michael Lawson, Manager of Special Projects, Finance

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

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

10. **RESOLUTIONS**

- ◆ a. **R2017-05**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, setting forth an alternative process for the City Council to exercise its authority for placement of an unsupported traffic control device. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

Motion by Bergan, second by Mounier, to approve item 10a

Voting Aye: Bergan, Berzins, Cleland, Lawson, Mounier, Peterson, Roth

Voting Nay: LeGare, Pierce

- ◆ b. **R2017-06**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the installation of traffic control devices on Evanston Way between Sable Boulevard and Chambers Road. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

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

Council Member Bergan asked if the stop sign can be removed if it was determined that turning the two-way stop into a four-way stop was a problem.

Dave Chambers, Director, Public Works, answered affirmatively.

Council Member Bergan asked if doing so would require a City Council vote.

Mike Hyman, City Attorney, answered affirmatively.

Council Member Bergan asked if in that case staff would present information stating the specific issues to be addressed. Mr. Chambers answered affirmatively.

Mayor Pro Tem Lawson asked how those issues would be made known.

Mr. Chambers stated the intersection would be lightly monitored because of the special circumstances.

Voting Aye: Bergan, Berzins, Cleland, Lawson, Mounier, Peterson, Roth

Voting Nay: LeGare, Pierce

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11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2017-08**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending section 86-34 of the city code related to the lawful possession and use of fireworks. STAFF SOURCE: Captain Siegfried Klein, Fire

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

Captain Siegfried Klein, Fire, provided a brief summary of the item, noting it related to the legalization of fireworks possession which would allow for more efficient enforcement.

Council Member Pierce stated he would not support this item or item 11b because the possession and use of fireworks was already a safety issue for residents in the City.

Council Member LeGare stated his support of the item.

Council Member Peterson asked if this item allowed fireworks that did not leave the ground and prohibited any that did. Captain Klein answered affirmatively.

Council Member Roth asked the number of dedicated police officers and fire investigation patrol that were available in the City. Captain Klein stated there were six total vehicles with ideally two officers a piece but due to staffing issues and vacations, there were often times only a single response person in each vehicle. Council Member Roth asked the number of fireworks complaints specifically last year. Captain Klein stated there were 435 from July 1 through July 4 in 2016. Council Member Roth pointed out this item would make the City's code uniform with the state and other municipalities and would hopefully allow those that use legal fireworks to use them openly in the street which was the safest choice.

Captain Klein concurred and discussed the need for public education in this matter.

Council Member Bergan asked if this related to the Fourth of July timeframe only. Captain Klein answered affirmatively, noting the sale, possession and use of fireworks would be allowed from June 15 through July 4 of that year. Council Member Bergan asked if the Fire Chief could ban the use for any reason, particularly a drought or fire concern. Captain Klein answered affirmatively.

Council Member LeGare asked Captain Klein to clarify his earlier comment related to anything that included a report. Captain Klein did so, noting nothing that created a boom would be legal.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Roth

Voting Nay: Pierce

- ◆ b. **2017-09**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending chapter 86 of the city code related to the sale of fireworks. STAFF SOURCE: Captain Siegfried Klein, Fire

Motion by Bergan, second by LeGare, to introduce item 11b.

Britton Cottrell, TNT Fireworks, discussed safety as it related to this issue, noting TNT would like to be a resource for the City of Aurora in this regard.

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Council Member Roth asked staff to speak to the permit and licensing process in this regard.

Trevor Vaughn, Manager, Tax & Licensing, did so, noting it would be similar to the sale of Christmas trees permitting process.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Roth

Voting Nay: Pierce

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration of the appointment of one (1) New Full Time Associate Judge. STAFF SOURCE: Presiding Judge Shawn Day, Judicial

Motion by Roth, second by Cleland to appoint Dion Arguelles as a New Full Time Associate Judge.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

- b. Consideration of the appointment of one (1) person to the Aurora Youth Commission. STAFF SOURCE: Janice Napper, City Clerk/ Assistant City Manager, General Management

Motion by LeGare, second by Roth, to appoint Alex Sanchez to the Aurora Youth Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

14. **REPORTS**

- a. Report by the Mayor

Mayor Hogan reported on the activity at the Front Range Airport for the fourth quarter of 2016 and thus far in the first quarter of 2017.

- b. Reports by the Council

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled on Wednesday, March 22, 2017 at 6:00 p.m. at the Police and Fire Training Center where a presentation on public safety as well as general updates would be provided.

Council Member Roth discussed his participation in the poet laureate interview process and congratulated Ms. Xango, noting she would represent the City of Aurora well. He announced the Ward V Town Hall meeting was scheduled for Tuesday, February 21, 2017 at 6:00 p.m. at the Heather Gardens Clubhouse where the topic of discussion would be marijuana.

Council Member Cleland announced the appointment of Sujatha Narayan to the Business Advisory Board and discussed her attendance at the funeral of Sergeant Joseph Bumberger, a City of Aurora police officer, noting the police department did an outstanding job honoring Sergeant Bumberger.

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Council Member Pierce reported there were 121 net new business licenses in Aurora for the fourth quarter of 2016 with a total of 544 net new business licenses for the entire year and announced the Electronics Recycling event scheduled for Saturday, February 25, 2017 from 9:00 a.m. to 1:00 p.m. at the Central Facilities location.

Council Member Berzins stated the recycling location on Ellsworth has reopened. She congratulated Ms. Xango on her appointment as Poet Laureate. She stated her attendance at Sergeant Bumberger's funeral and expressed condolences to his family. She discussed her attendance at the new Doris Brown Memorial Overpass located at 6th Avenue and Vaughn Street as well as her participation with Highpoint Church in providing boots for children at Lansing and Lyn Knoll elementary schools. She announced the Ward III meeting was scheduled for Wednesday, February 8, 2017 at Mimi's Café at 6:00 p.m. and the joint Wards I and III meeting scheduled for Thursday, February 16, 2017 at the Aurora Hills Golf Course Tin Cup restaurant.

Council Member Mounier announced the Say it to Sally event scheduled for Saturday, February 11, 2017 at 1:00 p.m. at the MLK library and the Ward I meeting scheduled for Tuesday, February 21, 2017 at the MLK library where Officer Jim Senaca would provide a presentation for seniors on how to avoid being scammed in their later years.

Mayor Pro Tem Lawson discussed her attendance at the recent Aurora Fire Department Academy graduation and wished the graduates great success. She stated her attendance at the rededication of the Doris Ann Brown Bridge and provided the history of the bridge. She commended the Brown family for their courage and strength in pursuing the bridge.

15. **PUBLIC INVITED TO BE HEARD**

None

16. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:50 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:
