

MINUTES**Regular Meeting – Aurora City Council
Monday, March 6, 2017****CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:30 p.m.

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Manager Noe, 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 Bergan, second by Roth, to recess for executive session.

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF MARCH 6, 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, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Pastor Bill Ingram, Mississippi Avenue Baptist Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 27, 2017**

Motion by Bergan, second by Roth, to approve the minutes of February 27, 2017 as presented.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, 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.*

Abstained: Pierce

6. **CEREMONY**

- a. Swearing in of newly appointed Associate Judge – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office of Associate Judge to Judge Dion Arguelle. Mayor Hogan and City Council congratulated Judge Arguelles and thanked him for his service to Aurora.

- b. 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>
Mark Hopkins	Citizens Advisory Committee on Housing & Community Development
Alisha Gilley	Citizens Water Advisory Committee
Tom Coker	Citizens Water Advisory Committee
Tom Tobiassen	Citizens Water Advisory Committee
Phillip Holmes	Oil & Gas Advisory Committee

- c. Proclamation declaring March 2017 Women’s History Month – Mayor Hogan

Mayor Hogan invited Heather Dolan, Aurora Mental Health; Claudia Frey, Metro Community Provider Network; Pastor Anitha Jones, For His Glory Christian Fellowship; Carla Ladd, Mortgage Loan Originator; Asia Lyons, CCSD –Sky Vista Middle School; Mary Jackson Meeks, Community College of Aurora; Aurora Ogg, Director of Consultant Outreach; Quill Phillips, Special Asst. President at CCAURORA; Jeanette Rodriguez, Co-Chair, Aurora Immigrant and Refugee Commission; Kristol Snow, Humans Relation Commission; Linda Berry, Chair, Aurora Colorado Women’s Hall of Fame; Yvonne Rivera, Aurora Immigrant and Refugee Commission; Toni Baruti, Human Relations Commission; Chartashia Miller, Secretary, NAACP; Maisha Fields, Executive Director, Fields Foundation; Sandy Sweeney, President, Aurora Historical Society & Aurora Colorado Women’s Hall of Fame; Dr. Barbara Shannon-Banister, Community Relations Division Chief; Ellen Belef, Aurora Colorado Women’s Hall of Fame and Christie Toliver, Sagebrush Elementary School to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring March 2017 Women’s History Month and each person expressed appreciation for the proclamation.

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

Deborah Boyd, Aurora, Colorado, discussed her opposition to the Bridge House, a ready-to-work program planned for Aurora, due to its proximity to schools and the potential danger to Aurora’s children. She requested City Council’s help in halting the project for those reasons.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-c**

General Business

- ◆ *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.*

- a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Broomfield, Colorado in the amount of \$199,508.00 for engineering services during construction for the Wemlinger WPF Treated Water Reservoir Project. (R-1772) STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- b. Consideration to award a SINGLE SOURCE CONTRACT to CH2M Hill Engineers, Inc., Englewood, Colorado in the amount of \$102,963.00 for engineering services associated with the investigation of ground and pipe deformations and selected repairs at the Binney Water Purification Facility. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water

Motion by Roth, second by Bergan, to approve items 9a and 9b.

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

- c. Consideration to approve the SECOND AMENDMENT TO GROUND LEASE by and between the City of Aurora and MRIGLOBAL F/K/A Midwest Research Institute, a Missouri Corporation. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it related to an amendment of the SolarTac lease to accommodate the community solar garden.

Council Member Peterson stated her support of the project, noting it was located in a no-build zone which made it a good location.

Council Member Mounier asked if it was necessary for Aurora to amend the lease since it was located in Denver. Ms. Irvin answered affirmatively, noting that while the Xcel award was given to the Denver Housing Authority specifically for lower income homes to qualify for the energy, the Aurora Housing Authority issued a letter of support and wanted to subscribe to the solar garden as well.

Dustin Smith, SolarTac, discussed the community solar program.

Council Member Mounier asked where the low-income people who benefitted from this program would be drawn from. Mr. Smith stated organizations with programming for low income people such as the Denver Housing Authority, the Aurora Housing Authority and anyone who had a low income project on a mass basis in an adjacent county.

Council Member LeGare stated SolarTac was a research facility and noted his presumption that as such the project would be built by a private sector entity.

Mr. Smith confirmed it would be built by a non-profit.

Council Member LeGare asked if there would be any research benefit involved. Mr. Smith answered affirmatively.

Council Member Bergan pointed out the Aurora Housing Authority had not yet received an answer to their subscriber request and expressed concerns regarding supporting the item when a partnership agreement was not yet in place.

Mr. Smith explained the steps involved in the agreement process, noting it could not be accomplished until site control was completed.

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Council Member Richardson asked that the Aurora Housing Authority be given preference when it came to a subscription. Mr. Smith confirmed that was his hope as well.

Council Member Bergan asked if the item related to a 20-year operating commitment. Mr. Smith answered affirmatively.

Ms. Irvin stated it was a 21-year contract with six years as the initial term and three five-year extensions.

Council Member Richardson asked if something would come back to City Council in six years in this regard. Ms. Irvin answered no. She explained the lease terms, term limits and extensions.

Council Member LeGare asked the City Attorney to speak to the issue of options and extensions.

Mike Hyman, City Attorney, did so, noting under the original lease renewal provision, the renewal was at the option of the lessee, which was SolarTac. He stated there were three option terms of five years apiece so SolarTac could exercise that option unless there was an event of default on their part.

Council Member LeGare stated this was essentially a real estate transaction with a 21-year total term and a one-way extension option.

Mr. Hyman concurred.

Motion by Peterson, second by Berzins, to approve item 9c.

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

Voting Nay: Berzins, Mounier

10. **RESOLUTIONS**

- ◆ a. **R2017-11**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, in Support of the High Line Canal Vision Plan. STAFF SOURCE: Tracy Young, Of Planning, Design, Construction Manager, Parks, Recreation & Open Space

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

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

- b. **R2017-12**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to reimburse itself with the proceeds of one or more municipal leases or bond financings for capital expenditures related to the Fire Station No. 5, Fire Station No. 15 and Fire Station No. 16 projects, identifying such capital expenditures and providing other matters in connection therewith. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury Manager, Finance

For purposes of considering the following items 10c and d, the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2016.

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Motion by Pierce, second by Cleland, to approve item 10b.

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

- ◆ c. **R2017-13**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, acting Ex-Officio as the Board of Directors of the Cobblewood General Improvement District (1-2016); adopting an official seal and designating the City as the Authorized Agent of the District for all purposes relating to the Street Improvements within the District. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

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

- ◆ d. **R2017-14**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, acting Ex-Officio as the Board of Directors of the Cobblewood General Improvement District (1-2016), affirming the official intent of the district to reimburse itself for certain capital expenditures for the construction and installation of street improvements within the district. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury Manager, Finance

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

Council Member Berzins expressed appreciation to the Cobblewood residents for their demonstration of leadership in this regard.

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

Voting Nay: Peterson

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2017-10**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing for the construction of a Recreation Center pursuant to the terms of a 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; and related matters. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury Manager, Finance

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

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

- ◆ b. **2017-11**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-lease back financing to finance the construction of the District 2 Police Substation during the 2017 fiscal year pursuant to

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the terms of a lease-lease back 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; and related matters. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury Manager, Finance

Motion by Peterson, second by Cleland, to introduce item 11b.

Mayor Pro Tem Lawson asked what would go into the extension of the District 2 Police Station.

Skip Noe, City Manager, stated the District 2 offices and the Traffic Division.

Mayor Pro Tem Lawson asked staff to speak to accessibility for the site.

Mike Shannon, Debt, Investments & Treasury Manager, Finance, stated he was involved in the financing and not the design.

Nancy Freed, Deputy City Manager, stated Public Works oversaw the renovation and construction with the support of the Police, noting there was adequate access and parking.

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

- ◆ c. **2017-12**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing for the construction of the Aurora Fire Station #15 pursuant to the terms of a 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; and related matters. STAFF SOURCE: Mike Shannon, Debt, Investments & Treasury Manager, Finance

Motion by Cleland, second by Peterson, to introduce item 11c.

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

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration to approve the CONTRACT RENEWAL of the Photo Red Light with Xerox State and Local Solutions Inc., Denver, Colorado, for photo red light enforcement systems. STAFF SOURCE: Lieutenant Michael McClelland, Police

Motion by Cleland, second by Roth, to approve item 13a.

Council Member Richardson asked if all of the left-turn yellow light timing had been standardized.

Lieutenant Michael McClelland, Police, answered affirmatively, noting they were all set by the photo red light vendor. He pointed out the timing by Public Works and Engineering had not changed but the violation time had.

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Council Member Mounier asked if an unpaid bill went against a person's credit report as an uncollected debt. Lieutenant McClelland answered no, noting credit marking for unpaid violations no longer occurred due to a federal mandate that went into effect June 2016. Council Member Mounier asked what happened if someone did not pay the fine. Lieutenant McClelland stated the person could be process-served with a collection fee and sent to collections but they would not credit marked.

Council Member Richardson stated he understood the reasoning behind the one year extension but expressed concern that the City was being held hostage by the legislature in this case. He expressed his hope that the whole program in its entirety could be reviewed after the year extension was up in May.

Voting Aye: Mayor Hogan, Bergan, Cleland, Lawson, LeGare, Pierce, Richardson, Roth

Voting Nay: Berzins, Mounier, Peterson

- b. Consideration of the appointment of two (2) persons to the Board of Adjustment and Appeals. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk, General Management

Council Member Berzins nominated Gary Raisio.

Council Member LeGare nominated Rondell Swope.

Motion by LeGare, second by Cleland, to appoint Gary Raisio and Rondell Swope to the Board of Adjustments and Appeals.

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

14. **REPORTS**

- a. Report by the Mayor

Mayor Hogan discussed his attendance at the recent E-470 board workshop.

- b. Reports by the Council

Council Member Bergan reminded everyone of the upcoming Ward VI Town Hall meeting scheduled for Wednesday, March 22, 2017 at the Police and Fire Training Center at 6:00 p.m. where the Police and Fire departments would provide a presentation.

Council Member Roth announced the upcoming Ward V Town Hall meeting scheduled for Tuesday, March 21, 2017 at Shalom Cares at 6:00 p.m. where the five Adams County Commissioners would be in attendance to discuss what went on in Adams County on a daily basis.

Council Member Peterson invited everyone to the Ward II Budget Town Hall meeting scheduled for Monday, March 13, 2017 at the Municipal building Aurora Room at 7:00 p.m.

Council Member Cleland noted the passing of Dr. Thomas Starzl, the premiere transplant surgical pioneer.

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Council Member Pierce announced the appointment of Jim Bickford to the Business Advisory Board effective March 15, 2017.

Council Member Berzins reminded everyone that the Ward III meeting was scheduled for Wednesday, March 8, 2017 at Mimi's Cafe at 6:00 p.m. where Dr. Zelda DeBoyes, Court Administrator, Aurora Courts, would be present to discuss jails, the sanctuary cities issue and the court system.

Council Member Mounier stated Dr. DeBoyes would present at the morning meeting, *Marsha and Mounier*, on Thursday, March 16, 2017 at the Aurora Hills Golf Course Tin Cup and clarified the *Say it to Sally* session scheduled for Saturday, March 11, 2017 at the MLK library was cancelled as she would be out of town.

Mayor Pro Tem Lawson expressed appreciation to Jason Batchelor, Deputy City Manager, for the recent homelessness presentation and to the council members who attended the presentation and for the opportunity she was given to present a proclamation to the Aurora Singers.

15. **PUBLIC INVITED TO BE HEARD**

None

16. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:37 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:
