

MINUTES

**Regular Meeting – Aurora City Council
Monday, May 1, 2017**

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 4:45 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF MAY 1, 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
COUNCIL MEMBERS ABSENT:	Roth
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, City Clerk Blackston

3. **INVOCATION** Pastor Barbara Lemke, Bethel Lutheran Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 17, 2017**

Motion by Bergan, second by Berzins, to approve the minutes of April 17, 2017 as presented.

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

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Abstained: 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. 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 Burry	Parks and Recreation Board
Kellen Schull	Parks and Recreation Board
Arnie Schultz	Parks and Recreation Board
Fred Borcharding	Veterans Affairs Commission
Harold Burrell	Veterans Affairs Commission
Lawrence Kirsch	Veterans Affairs Commission

- b. Proclamation declaring May 2017 Mental Health Month – Mayor Hogan

Mayor Hogan invited Aurora Mental Health board members Debi Hunter-Holen, Harrison Cochran, Terry Todd and Randy Stith to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring May 2017 Mental Health Month. Each guest expressed appreciation for the proclamation.

Mayor Hogan recognized Colorado State Senator Nancy Todd who was present in the audience. He discussed the upcoming Aurora Vistas Golf Tournament scheduled for August 28, 2017, noting the funds raised would be used towards children's mental health programs.

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

Debra Boyd, Aurora, Colorado, Apache Mesa neighborhood, stated her opposition to the location of the proposed Bridge House in Aurora and invited City Council to attend a meeting on the proposal that was scheduled for Tuesday, May 2, 2017 at 6:30 p.m.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-e**

General Business

- a. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Liberty Waste Management, Englewood, Colorado for portable toilet rental services in the not-to-exceed amount of \$90,000.00 as required through June 30, 2018, B-4153. STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Revolution Foods, Commerce City, Colorado in the amount of \$66,506.95 for providing food vendor services for the 2017 Summer Food Program, B-4167. STAFF SOURCE: Byron Fanning, Manager of Recreation Services, Parks, Recreation & Open Space
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to G4S Secure Solutions (USA), Incorporated, Aurora, Colorado in the amount not-to-exceed \$146,006.88 for

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security guard services, as required for Aurora Police Department District 2 and 3, B-4209. STAFF SOURCE: Chief Nicholas "Nick" Metz, Police

- d. Consideration to APPROVE THE PURCHASE of 4 shares of the Union Ditch Company Stock in the amount of \$1,250,000, by the City of Aurora, acting by and through its Utility Enterprise. STAFF SOURCE: Alexandra L. Davis, Water Resources Deputy Director, Aurora Water
- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Western Ag Inc., Rocky Ford, CO in the total amount of \$210,000.00 to provide herbicide application services for the Rocky Ford Ditch Revegetation Project through April 2018. (R1709) STAFF SOURCE: Gerry Knapp, Regional River Basin Program Manager, Aurora Water

Motion by Peterson, second by Richardson, to approve items 9a – 9e.

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

10. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2017-24**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the amended and restated service plan for the Saddle Rock Metropolitan District and authorizing the execution of an amended and restated Intergovernmental Agreement between the City and the District. STAFF SOURCE: Jason Batchelor, Deputy City Manager, General Management

Mayor Hogan opened the public hearing on the item.

Jason Batchelor, Deputy City Manager, General Management, provided a brief summary of the item, noting it related to the metro district's request to amend their service plan to adopt the City's new model service plan so that the existing HOA could consolidate into the metro district.

Council Member LeGare stated his understanding that there was extensive outreach to the districts involved in this item including letters sent to each individual home.

Mr. Batchelor concurred.

Robert Rogers, White Bear Ankele, attorney for the metro district, addressed several topics primarily in response to the handful of opposition communications included in the backup material.

Council Member Bergan asked if apartments were proposed in the district. Mr. Rogers answered no. Council Member Bergan referenced page 86, the savings chart, and asked if the trash costs would be consistent with the current trash services costs. Mr. Rogers stated there would not be a change. Council Member Bergan asked if the same service provider would be used at the same cost to the residents. Mr. Rogers stated the contract was up for renewal soon and the district would negotiate for the lowest cost service. Council Member Bergan asked if it was the goal to have one service provider. Mr. Rogers answered affirmatively. Council Member Bergan referenced the petitions provided in the backup material that were signed by approximately 130 homeowners, noting there were approximately 600 residents in the community and asked if the letter dated March 20 was sent out to all of them. Mr. Rogers answered affirmatively. Council Member Bergan asked if notice of the City Council public hearing on the item was provided to each resident. Mr.

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Rogers answered affirmatively. Council Member Bergan asked how the district board would communicate to the residents that the ARI mill levy was a yearly commitment. Mr. Rogers stated it was a complicated issue and residents were informed through notices and public meetings. Council Member Bergan stated her understanding that the amendment was contingent upon dissolution of the HOA by district delegate elections.

Mr. Rogers concurred and discussed the delegate voting process.

Council Member Bergan pointed out this was a different system than most and asked if those delegates would convey information to residents. Mr. Rogers answered affirmatively. Council Member Bergan asked if the current HOA was responsible for pool maintenance. Mr. Rogers stated all capital improvements including the pool maintenance within the metro district were the responsibility of the metro district. Council Member Bergan asked if the HOA was in charge of covenant enforcement, landscaping guidelines and trash. Mr. Rogers answered affirmatively. Council Member Bergan noted her main concern was transparency in communications with the neighbors, noting the consolidation made sense for efficiency and the reduction of bureaucracy.

Council Member LeGare asked if there was \$29M in debt spread over 625 homes. Mr. Rogers clarified the \$29M was in assessed valuation that would generate \$29,000 spread across 625 homes. Council Member LeGare asked if that assessment was just on the residential or if it included commercial. Mr. Rogers stated the impact of the commercial was an ongoing discussion.

Timothy Morris, Aurora, Colorado, spoke in opposition to the item and discussed the lack of communication between the metro district board, the HOA and the residents and the confrontational approach of the HOA board.

Aiesha Morris, Aurora, Colorado, discussed the lack of communication, public outreach and transparency related to this item.

Frederick Edwards, Aurora, Colorado, discussed the lack of transparency and the confrontational, defensive position of the metro board and HOA.

Lori Smith, Aurora, Colorado, disagreed with the previous comments related to the lack of notification and communication on the item. She spoke in support of the item and asked those present in support of the item to raise their hands.

Mayor Hogan stated approximately 15 people raised their hands.

Council Member Bergan asked Ms. Smith if the district delegates voted on behalf of the residents. Ms. Smith stated there were four delegates that represented four districts. Council Member Bergan asked if 67 percent of yea votes from the four delegates would constitute an affirmative vote.

Mr. Rogers answered affirmatively, noting there were five delegate districts.

Council Member LeGare noted there were 200 petition signatures in support and asked the actual number of signatures. Mr. Roger noted some of them were duplicate signatures, noting there were approximately 129 non-duplicate signatures. Council Member LeGare asked if the item would go to a vote of the residents. Mr. Rogers stated it would go to a vote of the delegates.

Council Member Richardson asked Mr. Rogers if he was aware that the 24-page service plan was delivered to City Council via email this afternoon. Mr. Rogers answered affirmatively, noting he received a courtesy phone call from City staff in that regard. Council Member Richardson stated there were many references to the service plan that was to be approved

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via the agreement in the backup material and expressed concerns regarding the lack of adequate time to review the service plan prior to the vote.

Council Member LeGare asked staff to speak to the substantive nature of the service plan in the overall view of the item.

Mike Hyman, City Attorney, asked staff to speak to whether the service plan was filed with the City Clerk in a timely fashion and if it was a clerical error that caused it to be sent to City Council at such a late date.

Jack Bajorek, Client Group Manager/Senior Assistant City Attorney, discussed the missteps in his office that resulted in the late timing of City Council's receipt of the service plan.

Mr. Hyman stated the key issue was if the district residents and property owners had access to the service plan, noting the service plan was a part of the public record of the hearing. He stated the description in the narrative stated where the plan was changed from the model previously approved but if any council member was not comfortable voting given the lack of review then he advised the item be continued to the next meeting so the service plan could be reviewed.

Council Member Bergan noted her plan to move for a continuance of the item.

Council Member Peterson stated the importance of dealing with the testimony provided by some of the residents related to their experiences with the HOA regarding the installation of a fence.

Mayor Hogan closed the public hearing on the item.

Motion by Bergan, second by Cleland, to defer item 10a to the May 15, 2017 City Council meeting.

Council Member Richardson asked if each of the five delegates were voted into office by resident votes. Mr. Rogers answered affirmatively.

Council Member Pierce stated two weeks was enough time to review the service plan but not enough to address the issues raised by the speakers.

Mr. Rogers stated the agreements would take time to negotiate and for the documents to be recorded, noting there were also budget considerations to factor into the timeline.

Council Member Bergan stated any residents who had questions in this regard should contact Mr. Rogers or City Council, noting there would only be two weeks to address the fence issue.

Council Member Pierce agreed those who raised concerns related to communication and fences should meet with Mr. Rogers in the next two weeks because he could not vote on the item if these issues were not resolved.

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

- ◆ b. **R2017-25**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, establishing the Southlands Entertainment District and authorizing a common consumption area. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Mayor Hogan opened the public hearing on the item.

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Trevor Vaughn, Manager of Tax and Licensing, Finance, provided a brief summary of the item, noting it related to the recently approved ordinance regarding the creation of Entertainment Districts and the subsequent common consumption area applications.

Council Member Bergan asked if each event required an application. Mr. Vaughn answered affirmatively.

Mayor Hogan closed the public hearing on the item.

Motion by Bergan, second by Richardson, to approve item 10b.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2017-15**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2015-50, 2016-14, and 2016-66 for the 2016 fiscal year and Ordinance No. 2016-50 for the 2017 fiscal year. STAFF SOURCE: Jackie Ehmann, Budget/Finance Program Manager, Finance

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

Council Member Richardson stated he would vote in opposition to the item because of a few line items.

Mayor Pro Tem Lawson asked what happened to the FTE vacancy savings.

Jackie Ehmann, Budget/Finance Program Manager, Finance, stated any vacancy savings went back into funds available.

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

Voting Nay: Peterson, Richardson

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration of the appointment of two (2) people to the Aurora Cultural Affairs Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Bergan, to appoint Leon Duran and Jake Geronimus to the Aurora Cultural Affairs Commission.

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

- b. Consideration of the appointment of three (3) new members to the Citizens Advisory Committee on Housing and Community Development Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

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Motion by LeGare, second by Lawson, to appoint Charlene Wisner-Howard, Robert Plowden and James Weeks to the Citizens Advisory Committee on Housing and Community Development Commission.

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

- c. Consideration of the appointment of two (2) people to the Historic Preservation Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Berzins, second by Pierce, to appoint Charles Peters and Michael Ackman to the Historic Preservation Commission.

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

- d. Consideration of the appointment of two (2) people to the Human Relations Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Pierce, to appoint Lexmi Sunker and Jaren Gomez to the Human Relations Commission.

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

- e. Consideration of the appointment of three (3) people to the Open Space Board. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Bergan, second by Berzins, to appoint Tom Isaacson, Suzanna Cress and Kiana Johnson to the Open Space Board.

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

14. **REPORTS**

- a. Report by the Mayor

Mayor Hogan discussed the success of the recent delegate visit to Seongnam City, South Korea.

- b. Reports by the Council

Council Member Richardson listed the various speakers scheduled to speak at the upcoming Ward IV meetings.

Council Member Bergan announced the upcoming Ward VI Town Hall meeting scheduled for Wednesday, May 31, 2017 at the Mission Viejo Library at 6:30 p.m. where a budget presentation would be provided. She discussed her recent meeting with YMCA youth leaders from Grandview and Cherokee Trail high schools.

Council Member LeGare discussed the recent delegate trip to Aurora's Sister City of Seongnam City, South Korea.

Council Member Cleland raised the topic of once a month dates when food trucks would be present outside the City of Aurora www.aurora.gov.org for more information.

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Council Member Pierce discussed the recent delegate trip to Aurora's Sister City of Seongnam City, South Korea.

Council Member Berzins announced the upcoming National Day of Prayer on Thursday, May 4, 2017, noting the Aurora National Day of Prayer event would be held at Aurora First Church at 6:30 p.m. and discussed her attendance at the recent tree planting event at Hoops Park. She expressed appreciation to all those who volunteered at that event. She invited all those interested in attending to the Ward III meeting scheduled for Wednesday, May 10, 2017 at Mimi's Café at 6:00 p.m. where a budget presentation would be provided.

Mayor Pro Tem Lawson discussed her participation at recent events celebrating Aurora's students at Overland and Hinckley high schools, Bring Your Child to Work Day and the Adams County, Mayor and Commissioner Youth Awards and expressed appreciation to Myra Valdez and Maria Alejandra Ferreri for sharing their stories of diversity and achievement in the community. She wished the City of Aurora a happy 126th birthday.

15. **PUBLIC INVITED TO BE HEARD**

Kelly Schull, Aurora, Colorado, stated her husband was appointed to the Parks and Recreation Board and she was excited to learn about politics in the City of Aurora.

16. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 9:32 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:
