MINUTES

Regular Meeting – Aurora City Council
Monday, September 11, 2017

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 2:30 p.m.

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Berzins, Cleland Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	Bergan
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 Roth, second by Pierce, to recess for executive session.

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

Voting Nay: Cleland, Peterson, Richardson

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF SEPTEMBER 11, 2017 AND CALL TO ORDER**

   Mayor Hogan reconvened the regular meeting of City Council at 5:00 p.m.

2. **ROLL CALL** Linda S. Blackston, City Clerk

3. **INVOCATION** Pastor Mark Spence, Mississippi Avenue Baptist Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 21 & 31, 2017**

   Motion by Roth, second by Pierce, to approve the minutes of August 21 & 31, 2017 as presented.

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

   Abstained: Cleland

6. **CEREMONY**

a. Proclamation recognizing Michigan Hill for 25 years of service on the Aurora Planning and Zoning Commission – Mayor Hogan

Mayor Hogan invited Mr. Hill to come forward. Mayor Hogan read the proclamation recognizing Michigan Hill for 25 years of service on the Aurora Planning and Zoning Commission. Mr. Hill expressed appreciation for the proclamation.

b. 2017 Colfax Marathon Government Cup presentation – Mayor Hogan

Mayor Hogan invited Andrea Dowdy, CEO of the Colfax Marathon, Tara Martin, Account Executive, Kaiser Permanente and Officer Sean Springer, Fire, Colfax Marathon Relay Team, to come forward. Officer Springer expressed appreciation for the recognition.

c. 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.

Name	Board or Commission
Alecia Peabody	Building Code and Contractors & Appeals
John Dougherty	Building Code and Contractors & Appeals
Wendy Flax	Library Board

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

a. Public Invited to be Heard on the 2018 Budget

Endale Gefahum, Aurora, Colorado, wished everyone a happy Ethiopian New Year and commemorated the 9/11 tragedy that occurred 16 years ago. He expressed appreciation to Mayor Hogan and City Council for their efforts related to helping KETO-LP 93.9, Denver/Aurora's first Ethiopian and African Immigrant FM radio station get on the air.

Jonathan Endale, Aurora, Colorado, echoed Mr. Gefahum's comments related to appreciation to Mayor Hogan and City Council for their efforts related to helping the 93.9 FM radio station get on the air.

George Duran, Aurora, Colorado, expressed concerns regarding access points of the new Cherry Creek School District school planned for the corner of Harvest and Belleview. He asked for the issue to be reviewed.

Council Member Bergan confirmed she had been speaking with City staff and the issue was being addressed through the finishing of the street that would accommodate the neighborhood.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-h**

General Business

a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Colorado Barricade Co., Denver, Colorado in the amount of $85,760.00 for the I-225 Light Rail Line-Enhanced Crosswalk Construction Services Project, Project Number 12039B. STAFF SOURCE: Victor Rachael, Principal Engineer, Public Works/Engineering Services/Engineering Services

b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to T. Lowell Construction, Inc., Castle Rock, Colorado in the amount of $2,577,000.00 for the Large Valve Rehabilitation, Project No. 5593A. STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water

c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Inland Potable Services, Inc., Centennial, Colorado in the amount of $1,322,055.00 for the Aurora Reservoir Improvements Project Work, Package 1 & 2, Project No. 5589A. ***(Staff requests a Waiver of Reconsideration)*** STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water

d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to BT Construction, Inc., Henderson, Colorado in the amount of $3,867,175.00 for the Rampart Pipeline Rehabilitation Phase IV, Project No. 5586A. STAFF SOURCE: STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water

e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Hydro Resources – Rocky Mountain, Inc., Fort Lupton, Colorado in the amount of $2,406,120.00 for the Cherry Creek Well Field Rehabilitation and Controls Upgrade, Project No. 5594A. STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water

f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Norm Services, LLC, Aurora, Colorado in the not-to-exceed amount of $295,200.00 for removal and disposal of residual material from the Griswold Water Purification Facility Lagoon No. 2, Invitation for Bid B-4266. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water

g. Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland, Colorado in the not-to-exceed amount of $195,000.00 for the purchase of water quality monitoring equipment and supplies for the Water Department as required through August 31, 2018. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water

h. Consideration to AWARD A SOLE SOURCE CONTRACT to West Safety Solutions Corp. (formerly Intrado), Longmont, Colorado in the amount of $66,000.00 for annual maintenance and support of the City's Text to 911 Answering System in the main and backup communications centers through September 2022. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

Motion by Richardson, second by Bergan, to approve item 9a – 9h with a waiver of reconsideration on 9c.

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

10. **PUBLIC HEARING WITH RELATED ORDINANCE**

♦ a. **2017-35**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, organizing the Citadel on Colfax Business Improvement District; providing for an election of the Board of Directors of the District; and approving the 2017 Operating Plan and Budget for the District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

Gary Sandel, Project Manager, General Management, provided a brief summary of the item, noting it related to a request to organize the Colfax Business District, appoint the board of directors and approve the operating plan, budget and intergovernmental agreement.

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

Mayor Hogan closed the public hearing on the item.

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

♦ b. **2017-36**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, organizing the Painted Prairie Business Improvement District Number One; providing for an election of the Board of Directors of the District; and approving the 2017 Operating Plan and Budget for the District. STAFF SOURCE: Jacob Cox, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

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

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

♦ c. **2017-37**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, organizing the Painted Prairie Business Improvement District Number Two; providing for an election of the Board of Directors of the District; and approving the 2017 Operating Plan and Budget for the District. STAFF SOURCE: Jacob Cox, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

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

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

♦ d. **2017-38**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, organizing the Parkside at City Centre Business Improvement District; providing for an election of the Board of Directors of the District; and approving the 2017 Operating Plan and Budget for the District. STAFF SOURCE: Mark Geyer, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

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

Council Member Berzins stated Parkside was located at the northeast corner of Alameda and Sable.

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

11. **ORDINANCES FOR INTRODUCTION**

♦ a. **2017-39**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating a portion of the public right-of-way for Inspiration Lane, located on the west side of Inspiration Lane approximately 930 feet North of the intersection of Inspiration Lane and Inspiration Drive, City of Aurora, County of Douglas, State of Colorado. STAFF SOURCE: Sara Ullman, Planner, Planning & Development Services

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

Council Member Bergan pointed out the item was being introduced because the right-of-way was not necessary.

Sara Ullman, Planner, Planning & Development Services, concurred.

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

♦ b. **2017-40**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, An Ordinance of the City Council of the City of Aurora, Colorado, repealing Ordinance No. 2017-23 regarding the amendment of Section 11-18.5 of the City Charter. STAFF SOURCE: Jason Batchelor, Deputy City Manager, General Management

Motion by Mounier, second by Roth, to introduce item 11b.

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

Voting Nay: Peterson

12. **ORDINANCES FOR FINAL**

♦ a. **2017-32**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 50-37 of the City Code of the City of Aurora, Colorado relating to Municipal Court Surcharges. STAFF SOURCE: Presiding Judge Shawn Day, Judicial

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

Council Member Richardson asked if it was correct that the pet surcharge did not go to animal shelter at all but went into the general fund.

Jason Batchelor, Deputy City Manager, answered affirmatively, noting the ordinance increased the amount of offenses that the surcharges were applied to and City Council set the surcharge programs by ordinance.

Presiding Judge Shawn Day, Judicial, concurred, noting the funds went to a designated Nexus program.

Council Member Richardson asked if any of the Nexus programs had anything to do with animals. Judge Day answered no, noting the funds went to the five beneficiaries designated by Council.

Council Member Cleland pointed out City Council made those designations and they could choose to remove the funds from Nexus to be used elsewhere.

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

Voting Nay: Berzins, Richardson

♦ b. **2017-33**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan by including the North East Plains-Central East Strategic Area. STAFF SOURCE: Karen Hancock, Planning Supervisor, Planning & Development Services

Motion by Cleland, second by Roth, to approve item 12b.

Council Member Cleland stated by not doing it would hamper the future of the City of Aurora. She stated her understanding that the annex discussion was for the future and her hope was that it would be decided to be advantageous for Aurora.

Duane Senn, President, Laredo Highline Homeowners Association and Margaret Sobey, President, MCGC Neighbors, spoke in opposition to the item.

Council Member Bergan stated she would not support the item. She noted she was not anti-growth but believed it was important to have smart measured growth. She pointed out consultants for the City did a study that cost $500k which indicated the City would have a $15M deficit to the general fund, therefore she stated it was important to look at the impact to current residents and the services they needed. She stated her understanding that this was a boundary issue, noting however, she was not naïve and understood it was also about accepting petitions for annexation. She pointed out the City still had a lot of undeveloped land and the study indicated it could take up to 50 years to absorb the actual development the City had available to them.

Mayor Pro Tem Lawson concurred, noting her concern as a citizen and policymaker that a $500k study was not being considered at all in this instance.

Voting Aye: Berzins, Cleland, LeGare, Peterson, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier

♦ c. **2017-34**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, acting by and through its Utility Enterprise, to exercise the power of eminent domain for acquisition of certain properties in Park County, Colorado for a

water reservoir project. STAFF SOURCE: Alexandra Davis, Deputy Director Water Resource, Aurora Water

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

Council Member Mounier asked who absorbed the costs associated with eminent domain.

Marshall Brown, Director, Aurora Water, stated the costs came out of the project budget which was funded through two revenue sources, noting 65% came from connection fees and 35% from water rates, which included everyone's water bill.

Council Member Mounier asked Mr. Brown to clarify section 6. Mr. Brown did so, noting it related to allowing the City to use eminent domain if it could not acquire the property by other means. Council Member Mounier asked how the City of Aurora and other counties outside of Park County could invoke eminent domain. Mr. Brown explained the City's water system expanded over a much greater area than the City proper and that type of authority could be exercised to ensure the public benefitted from having reliable sustainable water supplies in the future. Council Member Mounier asked if Wild Horse was one of three reservoirs the City was looking at. Mr. Brown answered affirmatively, noting all three were located outside of the City. Council Member Mounier asked if there were alternatives. Mr. Brown answered affirmatively, noting those options were expensive and were also located outside of the City.

Council Member Cleland stated the process with the federal government for the other two would take longer because of where they were located.

Mr. Brown concurred, noting they were decades out from being pursued.

Council Member Cleland stated Wild Horse would provide the City with the opportunity to store water.

Mr. Brown concurred, noting water rights and storage went hand-in-hand.

Council Member Cleland asked for an explanation of eminent domain. Mr. Brown did so, noting eminent domain gave the City the ability to pay the fair market value for the property. Council Member Cleland stated the property owner, the City and a third party assessed the valuation on the property which made it fair to the property owner.

Council Member Richardson asked if East Reservoir was in trouble. Mr. Brown agreed there were significant challenges with the East Reservoir. Council Member Richardson asked if those challenges included other parties in the water business putting unacceptable conditions on the City's acquisition of the East Reservoir. Mr. Brown concurred. Council Member Richardson stated eminent domain actions would be brought up in Park County because that was where the property was and the landowner could choose a jury of Park County residents or panel of Park County property owners to determine the amount of compensation so they would be appropriately compensated.

Council Member Roth discussed the many good things the City has done in the past that went above and beyond to be a good neighbor with regards to water. He stated he would not support the item because he had a philosophical problem with the City going into Park County and exercising eminent domain.

Council Member Bergan stated she would support the item because while she supported property rights and was not generally in favor of eminent domain, this was a unique opportunity where a reservoir was positioned to meet the City's future needs for water storage. She pointed out it was to the benefit of future citizens of Aurora and other jurisdictions.

Council Member Cleland stated the land was basically open range.

Mr. Brown concurred.

Council Member LeGare discussed the correlation between the right of eminent domain as it related to public projects such as local roads and state highways. He stated this was different than turning land over to a developer for commercial use, noting he would support the item because it related to public infrastructure and roads.

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

Voting Nay: Berzins, Mounier, Roth

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

a. Consideration to appoint one (1) member to the Veterans Affairs Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Richardson, second by Bergan, to appoint Christopher Crandall to the Veterans Affairs Commission.

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

Council Member Berzins noted Robert O'Reilly lived in Ward II.

b. Consideration to reappoint two (2) and the appointment of three (3) members to the Art in Public Places Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Pierce, second by Cleland, to reappoint Amy Cheslin and Rachel Granrath and appoint Tarilynn Moore, Julie Weinheimer and Nicole Schaeur to the Arts in Public Places Commission.

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

16. **REPORTS**

a. Report by the Mayor

Mayor Hogan discussed the 2001 9/11 attacks and pointed out Americans should never forget those who gave their lives in the attack or saving those impacted by the attack. He noted it was the Ethiopian New Year and wished a Happy New Year to Aurora's sister city.

b. Reports by the Council

Mayor Pro Tem Lawson noted the importance of recognizing the families impacted by 9/11.

Council Member Mounier stated the Ward I Town Hall meeting was scheduled for Tuesday, September 12, 2017 at the MLK library from 6:00 p.m. to 7:30 p.m. where Tom Tobiassen would discuss cyber security.

Council Member Berzins asked everyone to remember those impacted by 9/11 and also those impacted by the recent hurricanes. She invited all those interested in attending to the Ward III meeting scheduled for Wednesday, September 13, 2017 at Mimi's Café at 6:00 p.m.

Council Member Pierce echoed everyone's comments on the 9/11 remembrance and announced the current production, *Company*, was playing at the Aurora Fox from September 22 through October 22, 2017. He noted tickets could be purchased at www.aurorafox.org.

Council Member Cleland echoed everyone's comments regarding 9/11, noting it was difficult for the families of all those affected to watch each year. She pointed out it was important to remember those affected by the recent hurricanes and fires as well.

Council Member Roth stated Chief Oates left Aurora and resides in Miami Beach, Florida and was no doubt dealing with the hurricane. He noted RTD was proposing a reduction of the R Line services that ran along 225 and discussed the shortsightedness of this proposal because it was obvious that ridership was being impacted by construction. He suggested citizens contact RTD and express their views on the possible reduction of services. He announced the Ward V Town Hall meeting was scheduled for Tuesday, October 17, 2017 at 7:00 p.m. at the Heather Gardens Clubhouse where a candidate forum would take place.

Council Member Bergan discussed a video she watched recently that related the news events of 9/11 and urged everyone to love their families and friends because life could be taken at any moment. She extended prayers to all those impacted by the fires and hurricanes and expressed thanks that Hurricane Irma did not make landfall as a category 5 as was predicted. She expressed appreciation to the Saddle Rock community for their invitation and warm welcome at the recent community picnic and invited everyone to the Ward VI Town Hall meeting scheduled for Wednesday, September 27, 2017 at the Tallyn's Reach library at 6:30 p.m. where Greg Hayes, Budget Manager, would provide a budget presentation.

Council Member Richardson stated he and his wife, Sue, flew from Boston to Denver on September 9, 2001 where they met a flight attendant that would only live for two more days and that really brought it home.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 6:30 p.m.

Stephen D. Hogan

STEPHEN D. HOGAN, Mayor

ATTEST:

Linda S. Blackston