MINUTES

Regular Meeting – Aurora City Council
Monday, November 20, 2017

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 5:30 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:	Interim City Manager Batchelor, 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 Roth, to recess for executive session.

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF NOVEMBER 13, 2017 AND CALL TO ORDER**

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

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

3. **INVOCATION** Pastor Adrian Dominguez, New Heights Baptist Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 13, 2017**

   Motion by Mounier, second by Roth, to approve the minutes of November 13, 2017 as presented.

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

   Abstained: Bergan

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6. **CEREMONY**

a. Recognition of George "Skip" Noe, City Manager 2010 – 2017 – Mayor Hogan

Mayor Hogan invited Skip Noe, former City Manager, to come forward. He read the proclamation recognizing Mr. Noe for his efforts on behalf of the City of Aurora. Mr. Noe expressed appreciation for the proclamation.

b. November 25th is Shop Small Business Saturday Proclamation – Mayor Hogan

Mayor Hogan read the proclamation declaring November 25th is Shop Small Business Saturday Proclamation.

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

Arnie Schultz, Aurora, Colorado, expressed his disappointment over the recent annexation agenda items approved by City Council.

8. **ADOPTION OF THE AGENDA**

Mayor Hogan corrected language in item 9e. The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-l**

General Business

a. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $112,000 in 2018 between the city of Aurora, and Aurora Sister Cities International. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

Motion by LeGare, second by Roth, to approve item 9a.

Council Member Richardson stated it was a great program but he did not think the taxpayers of Ward IV should be paying for international travel for City Council.

Council Member Bergan raised the topic of the Aurora Sister Cities fundraising efforts and asked for an update in that regard.

Karlyn Shorb, CEO, Aurora Sister Cities, did so, noting Sister Cities applied for four grants, planned a winter fundraising event and held a mini-fundraiser in 2017. She pointed out Sister Cities received 70 percent of their current funding from the City, but were continuing to grow their budget and funding sources through fundraising.

Council Member Bergan asked the status of the grants. Ms. Shorb stated two of the grants were denied, one was received and one was pending.

Council Member Cleland asked if Aurora Sister Cities planned to pursue a sister city in El Salvador. Ms. Shorb stated there was currently a friendship city in El Salvador and she was aware a committee has been formed in that regard but she stated she was not aware of them being pursued as a sister city at this time. Council Member Cleland expressed concerns that while she supported giving space for the program in the City, she did not agree with using taxpayer money to do it. She noted the City was in need of police officers and the funds provided to Sister Cities could be used to hire a police officer. She pointed out the anticipated economic development of bringing businesses to the City through this program have not been realized.

Council Member Peterson concurred, noting she would not support the item.

Council Member Pierce discussed the benefits of the program to the City of Aurora such as the 2018 Sister Cities International Conference that was coming to Aurora which would bring in many new visitors and revenue that exceeded what was provided to the program from the City. He pointed out the majority of the international travel was paid for by private funds and only a small portion of the $112k was used was taxpayer funds. He contended the program was a benefit to the City and that it paid for itself many times over.

Mayor Pro Tem Lawson asked if the educational exchange related to international exchange only. Ms. Shorb stated it related to both international and local exchange and cited the existing local youth leaders program where some of the local youth were sent to an international youth leadership summit. She stated there was also interest in a municipal exchange agreement between the City of Aurora and Seongnam City, South Korea.

Council Member LeGare stated his support of the item, noting he participated in the trip to Seongnam City, South Korea, and he did see a benefit in it. He pointed out the International Sister Cities Conference was a sign of substantial success in getting the word out that the City of Aurora was open to international business and relations. He noted the importance in moving forward to reducing the 70 percent of the budget from the City of Aurora.

Council Member Roth pointed out he attended the recent National League of Cities (NLC) Conference in Charlotte, North Carolina where at least five different people throughout the week mentioned to him that Aurora would be the site of International Sister Cities Conference for 2018. He reiterated the benefits of the program as called out by Council Members Pierce and LeGare and asked Ms. Shorb how many business people attended the spring trip to Seongnam City. Ms. Shorb stated four. Council Member Roth asked how many business people were in the South Korean delegation that came to Aurora. Ms. Shorb stated there were eight small to mid-size business representatives who came to Aurora specifically to attend a trade conference.

Council Member Bergan expressed appreciation for the grant applications fundraising efforts in this regard, noting she would support it because of these efforts but pointed out she would like to see the effort to reduce the taxpayer portion continued.

Council Member Berzins stated she would support the item, noting however it was time for the program to work on a proposal that would wean them off City funds and make them more self-sustaining. She stated she spoke with many city representatives at the NLC Conference who stated their cities did not spend more than $2000 per year for their Sister Cities programs.

Council Member Roth stated the Aurora Sister Cities had a separate sub-committee of the board that focused exclusively on fundraising.

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

Voting Nay: Cleland, Peterson, Richardson

b. Consideration to AWARD A SINGLE SOURCE Contract to the Aurora Economic Development Council (AEDC), Aurora, Colorado in an amount not to exceed $550,000 for services to retain, expand, and attract companies and employment within the City of Aurora. STAFF SOURCE: Chad Argentar, Planning Supervisor, Planning & Development Services

Motion by Roth, second by LeGare, to approve item 9b.

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Kristin Mallory, Aurora, Colorado, stated she emailed her concerns and questions to Council Member Roth but received no reply. She expressed concerns related to the cost of the contract for services to retain, expand and attract companies with the Aurora Economic Development Council (AEDC). She stated her understanding that this was a sole source contract and stated it was not best practices to not competitively bid a contract.

Penfield Tate III, Kutak Roc, stated his support of the item.

Council Member Bergan stated it was imperative to have economic development in order to bring primary jobs and companies to the area. She listed the accomplishments of the AEDC and noted spending $215 per job was a great return on investment that contributed to further economic benefits for the City.

Council Member LeGare clarified this was not a lobbying contract as was suggested by Ms. Mallory. He confirmed it was a contract for Aurora's exclusive economic agency whose exclusive role was to bring businesses to Aurora. He stated an average of $1.2M came from the private sector each year for years 2014-2016 and the City's expenditures averaged approximately $450k each year which more than doubled the City's investment.

Council Member Peterson stated the value to the City went far behind what was expected because not only did the AEDC bring in jobs to Aurora but they sustained them.

Council Member Roth expressed appreciation to Ms. Mallory for her email and explained he had a day full of meetings starting in the early morning with just enough time to get from meeting to meeting. He stated he had prepared information to address her questions and would craft an email in that regard. He discussed the importance of him sitting on the AEDC board was so that he could oversee that the money was wisely spent.

Council Member Richardson asked staff how much Water fund money was given to the AEDC in 2016 and 2017.

Chad Argentar, Planning Supervisor, Planning & Development Services, stated $200k.

Council Member Richardson stated his opinion that it was ludicrous logic for the Water fund to give money to AEDC to bring in more businesses that would use more water because it gave the perception that Aurora Water was a cash cow. He stated he would not support any water rate increases as long as Aurora Water gave money to the AEDC. He stated he did not participate in the economic development incentive items that came before City Council during the executive session. He stated it was his symbolic protest because in his mind, it demonstrated that the AEDC did not trust the City Council to provide the contract material prior to the executive session and that was bad public policy. He asked staff if the City spent $100k on international activity. Mr. Argentar answered affirmatively, noting $100k was used for outreach. Council Member Richardson stated he did not see any benefit in that regard. He urged AEDC to divorce itself from choosing winners and losers in the City's municipal elections.

Council Member Cleland expressed concerns related to where the money came from and asked how much came out of the Water fund in 2015 and 2016. Mr. Argentar stated $200k came from the Water fund in 2015. Council Member Cleland stated her support of the AEDC and expressed concerns related to the appropriateness of the money that came out of the Water fund, noting it should instead come out of the General fund.

Mr. Argentar clarified $75k was used for outreach and $25k for Accelerate Aurora.

Mayor Pro Tem Lawson stated her support of the item, noting the AEDC provided $262M in capital improvements with produced new growth and contributed to payrolls in the City. She discussed the high level of transparency of the board.

Council Member Pierce stated his support of the items for the reasons previously stated by those council members who spoke in support. He stated his offense at Ms. Mallory's claim of impropriety and corruption and subsequent challenge of his integrity and character because he sat on the AEDC board.

Council Member LeGare discussed why he thought it was wholly appropriate for Aurora Water to partially fund the work that the AEDC did.

Council Member Peterson concurred, noting it was not unusual at all for Aurora Water to support other departments.

Mayor Hogan asked staff if there was any concern with the contracting process used in this matter.

Mike Hyman, City Attorney, answered no.

Mayor Hogan asked if there were any other organizations that could provide what the AEDC provided.

Wendy Mitchell, President & CEO, AEDC, answered no, noting unless the City wanted a group that was in direct competition with the City.

Yuri Gorlov, Vice-President, AEDC, addressed Council Member Cleland's question related to international businesses.

Mayor Hogan referenced Council Member Richardson's comments related to the material provided at executive sessions and asked Ms. Mitchell how often the AEDC contracts were subject to non-disclosure agreements. Ms. Mitchell stated always, noting it was a requirement of every company.

Council Member Richardson stated the material could be objected to by the City Attorney under multiple provisions of the Open Records Act if the data was provided on Friday prior to the Monday night executive session.

Mayor Hogan stated the issue was not of City Council inadvertently releasing information but rather how many hands touched the information during preparation. He stated he understood Council Member Richardson's argument but he failed to see how to get around the non-disclosure agreement.

Council Member Richardson stated the non-disclosure agreement involved the chain of command which included the City Clerk and City Attorney's offices.

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

Voting Nay: Richardson

c. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $1.9 Million in 2018 between the City of Aurora, Colorado, and Visit Aurora, Inc. Destination Marketing Organization. STAFF SOURCE: Kim Stuart, Director, Communications

Motion by Cleland, second by Roth, to approve item 9c.

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

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d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Adrenalin Inc., Denver, Colorado in the amount of $250,000.00 for professional consulting services to support the City's Branding and Marketing Program. STAFF SOURCE: Kim Stuart, Director, Communications

Motion by LeGare, second by Roth, to approve item 9d.

Juan Marcano, Aurora, Colorado, spoke in opposition to the item, noting the efficacy of advertising and branding campaigns for municipalities has long been called into question and he contended the money could be used to help the City's overall economic health and infrastructure.

Council Member Bergan stated she was a big believer in advertising, noting businesses used it to attract customers and the amount of this contract was a small amount in the world of advertising. She stated the City needed a cohesive marketing concept to attract residents and businesses. She noted this has been going on since 2013 and asked staff to elaborate on where the branding was headed for 2018.

Kim Stuart, Director, Communications, stated staff was currently working on mapping out strategies and messages and the processes for 2018, noting staff would provide an update to Council at the beginning of the year.

Council Member Richardson discussed the use of taxpayer funds by City Council in this regard, noting there were so many other important issues to address.

Ms. Stuart stated her understanding of the value of other projects and noted those to whom the City wanted to recruit such as police, fire and dispatchers did look at things like quality of life and all of the branding work added up to aid in that regard.

Council Member Bergan agreed taxpayer dollars should never be wasted and noted however that there was a great benefit to bringing in new residents and businesses to Aurora. She pointed out doing so built on that revenue base and helped with those public works deficits which were funded primary on sales tax and some on property tax.

Council Member Berzins stated she was happy with the work that Adrenalin has done so far but she suggested the City begin to think about doing their own branding. She asked if some of the money given actually went to the ads and printing. Ms. Stuart confirmed 75 percent of the funds went to purchasing paid media.

Mayor Pro Tem Lawson asked if the City of Aurora's image has improved since 2013 as a result of this program. Ms. Stuart discussed the various outreach impressions the City has received. Mayor Pro Tem Lawson asked if looking at the pulse of the community to determine what they thought about the branding was considered. Ms. Stuart answered affirmatively.

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

Voting Nay: Richardson

e. Consideration to AUTHORIZE the Risk Manager to expend funds for the City of Aurora's property and liability insurance policies and surety bond due on January 1, 2018, paid through the insurance broker Arthur J. Gallagher & Co., Denver, Colorado

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in the amount of $1,744,300.00. STAFF SOURCE: Renee Pettinato Mosley, Risk Manager, Internal Services

Motion by Cleland, second by Roth, to approve item 9e.

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

f. Consideration to APPROVE A PROFESSIONAL SERVICES CONTRACT with First Southwest Financial (a division of Hilltop Securities) to provide financial advisory services for a five-year term beginning January 1, 2018 through December 31, 2022. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

Council Member Richardson asked if this was a sole source contract.

Terri Velasquez, Director, Finance, answered no.

Council Member Richardson asked if this was a competitively bid contract. Ms. Velasquez answered affirmatively. Council Member Richardson asked why the five year term was chosen. Ms. Velasquez stated that was based on past relationship, noting the value was there and extending the contract rather than making it for five years was less cost effective.

Council Member Roth stated he represented Council on the investment committee and he asked similar questions to those asked by Council Member Richardson, noting he thought the length of the contract was appropriate based on the information he received from the committee.

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

g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to K.R. Swerdfeger Construction, Inc., Pueblo West, Colorado in the amount of $1,117,781.00 for the Griswold Water Treatment Plant and South Satellite Surface Storm Water Conveyance, Project No. 5592A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Layne Inliner, LLC, Kiowa, Colorado in the amount of $1,591,530.00 for the Sand Creek Interceptor CIPP from Tower to Airport, Project No. 5595A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

i. Consideration to AWARD A SOLE SOURCE CONTRACT to the 18th Judicial District Juvenile Assessment Center, Centennial, Colorado in the amount of $220,606.00 to provide services to delinquent and at-risk juveniles through December 31, 2018. STAFF SOURCE: Chief Nicholas "Nick" Metz, Police

j. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Facilities Contracting, Inc., Littleton, Colorado in the amount of $268,967.60 for the Coal Creek Arena Improvements Project, Project Number 17016. STAFF SOURCE: Dennis Eden, Principal Engineer, Public Works

Motion by Cleland, second by Roth, to approve items 9g – 9j.

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

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k. Consideration to AWARD A SINGLE SOURCE CONTRACT to GBSM, Denver, Colorado in the not-to-exceed amount of $61,705.00 for public opinion polling and professional facilitation services associated with Phase 1 of the City's Transportation Initiative. ***STAFF REQUESTS A WAIVER OF RECONSIDERATION***. STAFF SOURCE: Nancy Freed, Deputy City Manager, General Management

Motion by LeGare, second by Roth, to approve item 9k with a waiver of reconsideration.

Council Member Richardson stated he would not support the item because this was by far the most egregious use of taxpayer money on the agenda, noting the item allowed the City to pay $61k to poll citizens on how to fix bad roads.

Council Member Bergan stated she would not support the item for the same reasons cited by Council Member Richardson. She stated her support of putting a citizen and transportation experts committee together to solve the problem.

Council Member LeGare stated he initiated the effort to find a solution for transportation funding in the City. He discussed the reduction in the public works transportation budget in the City and the gradual increase over the past five years, noting even with the full restoration, the budget still lacked $18M each year. He suggested additional alternatives be considered such as polling citizens and gaining citizen input, noting it was a minimal effort to find a solution. He pointed out doing so would also get the word out that the City could not afford to maintain its streets and all of the money was being directed to arterial roads rather than neighborhoods.

Mayor Pro Tem Lawson stated she would not support the item because she did not believe in spending money to take a poll on something that was obvious.

Council Member Pierce noted everyone agreed the roads were bad and that $18M more was needed in the budget but the question was what would be done about it.

Council Member LeGare pointed out the contract was not exclusively for polling. He asked staff to speak to how much of the contract went to polling.

Nancy Freed, Deputy City Manager, stated $33k - $44k depending on what polling technique was used. She pointed out this has been an ongoing problem and polling was only one source of information.

Mayor Pro Tem Lawson stated her hope that in this instance, staff would actually use the information gained in this study, as opposed to not using the information from the recent $500k study.

Ms. Freed stated the information would be brought back to Council to consider how to move forward.

Council Member Peterson stated polling started a conversation that brought forth more and different information than that which could be gathered at a City Council meeting. She stated her support of the item because she felt it was the way to get the word out about how terrible the roads were.

Council Member Bergan stated social media, the water bill newsletter, and website outreach were additional means of communicating this information. She discussed how she has had these discussions at her Ward VI Town Hall meeting.

Voting Aye: Mayor Hogan, LeGare, Peterson, Pierce, Roth

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Voting Nay: Bergan, Berzins, Cleland, Lawson, Mounier, Richardson

l. Consideration of the STATE LOBBYING CONTRACT Renewal for 2018. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

Motion by Bergan, second by Mounier, to approve item 9l.

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

Voting Nay: Cleland, Richardson

m. Consideration of the FEDERAL LOBBYING CONTRACT Renewal for 2018. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

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

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

10. **RESOLUTIONS**

♦ a. **R2017-93**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, concerning the taxable direct loan to be obtained by the Fitzsimons Redevelopment Authority for its Bioscience 3 Project, and the initial funding and replenishment of the debt service reserve fund therefor, and authorizing certain other actions in connection with such loan. STAFF SOURCE: Terri Velasquez, Director, Finance

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

Council Member Cleland stated her hope that the Fitzsimons Redevelopment Authority (FRA) would do something to honor former President Eisenhower.

Jason Batchelor, Interim City Manager, stated he spoke with John Shaw, FRA, in that regard, noting they would be happy to do so.

Council Member Peterson stated she would not support the item because she could not support a moral obligation for an outside entity.

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

Voting Nay: Peterson

♦ b. **R2017-94**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, supporting the continuation of the Federal Deferred Action for Childhood Arrivals (DACA) program. ***STAFF REQUESTS A WAIVER OF RECONSIDERATION*** STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by Richardson, second by Mounier, to approve item 10b with a waiver of reconsideration.

AMENDMENT I

♦ ***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.***

Motion by Pierce, second by Bergan, to amend the title of item 10b to state as follows: A RESOLUTION of the City Council of the City of Aurora, Colorado, supporting an overhaul of the United States Immigration System encouraging the United States Congress and the Colorado Delegation to pass legislation supporting the continuation of the Federal Deferred Action for Childhood Arrivals (DACA) program.

Council Member Richardson stated his opposition to the amendment and stated he would appreciate it if the City Council would vote one way or the other on this issue. He stated he would be forced to vote against his own resolution if the amendment passed because he would not compromise his ideals. He stated the DACA dreamers were a working class population and it made common economic sense to support this program.

Council Member Cleland stated she would not support the amendment because it spoke to overall immigration but she pointed out her view that DACA and immigration were two different issues.

Council Member Mounier stated she would support the amendment because it requested an overhaul of the immigration system. She did not agree that DACA and immigration were separate issues, noting that was false and narrow thinking. She stated City Council must recognize immigration was as large of an issue as the Affordable Care Act.

Council Member Peterson stated it was imperative to work on the Dream Act now and send a message to Congress prior to the March deadline. She stated she would support the original motion but not the amendment.

Council Member LeGare stated he would not support the amendment or resolution because the resolution was irrelevant considering DACA was eliminated by the President and it would not be reinstituted by the current Congress.

Council Member Pierce reiterated the verbiage in the amendment supported the continuation of DACA. He stated the audience for the resolution was the Aurora community and not necessarily Congress.

VOTE ON AMENDMENT

Voting Aye: Bergan, Lawson, Mounier, Pierce, Roth

Voting Nay: Mayor Hogan, Berzins, Cleland, LeGare, Peterson, Richardson

Mayor Hogan noted he would not ordinarily vote on the item but did so in this instance to break the tie.

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Cleland, Mounier, Peterson, Pierce, Richardson

Voting Nay: Bergan, Lawson, LeGare, Roth

♦ c. **R2017-95**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing submission of an application to Great Outdoors Colorado for a grant in the amount of $110,000 to partially fund design documents and construction of the Side Creek Elementary School Playground Renovation Project. STAFF SOURCE: Tracy Young, Manager of Planning, Design, and Construction, Parks, Recreation & Open Space

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Motion by Roth, second by Peterson, to approve item 10c.

Council Member Roth mentioned the school was located in Ward V and his granddaughter attended the school so he would like to see the item move forward.

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

♦ d. **R2017-96**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, supporting reauthorization by the general assembly of the Colorado Lottery Division in 2018. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

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

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

♦ e. **R2017-97**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to approve the first amendment to The Intergovernmental Agreement regarding construction and construction management of the Northglenn Ralston House. STAFF SOURCE: Michelle Wolfe, Deputy City Manager, General Management

Motion by Roth, second by Pierce, to approve item 10e.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

♦ a. **2017-82**
Public Hearing and Consideration for INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Saddle Rock East General Development Plan to allow for the development of a drive-thru coffee shop on a site currently zoned as planned development – commercial, identified as "Planning Area 16" of the Saddle Rock GDP, and to amend the GDP standards for after-hours uses to be consistent with the provisions of the City of Aurora zoning code. STAFF SOURCE: Sara Ullman, Planner, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Sara Ullman, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a request to amend the Saddle Rock East General Development Plan to allow for the development of a drive-thru coffee shop.

Council Member Bergan asked the hours of operation, noting the use was located in Ward VI. Ms. Ullmann stated the hours of operation were 4:30 a.m. to 9:00 p.m. because the use was not considered conditional because it was located more than 300 feet from residential. Council Member Bergan asked if the lighting would be dimmed. Ms. Ullman answered affirmatively, noting the lighting would be dimmed after midnight.

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Council Member Pierce asked if a site plan note stating the lighting would be dimmed after midnight could be added so that it could be enforced by Code Enforcement. Ms. Ullman answered affirmatively.

John Spencer, Sterling Design, representing Vertical Design Management, provided a brief summary on the item.

Council Member Bergan stated she frequented the existing Starbucks location and it was congested so she was glad a new one would be opened in that vicinity.

Mayor Hogan closed the public hearing on the item.

Motion by Bergan, second by Richardson, to approve item 11a.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

a. Public Hearing and Consideration to Appeal the Planning Commission's decision to deny a Sign Waiver request for Gleam II Car Wash located at 15911 East Colfax Avenue in Aurora, Colorado. STAFF SOURCE: Brenden Paradies, Planner, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Brenden Paradies, Planner, Planning & Development Services, provided a summary of the item, noting it related to a request to appeal the Planning Commission's decision to deny a sign waiver request.

Council Member Bergan asked if the resident who spoke in opposition to the item represented an HOA. Mr. Paradies answered affirmatively, noting the person represented the Norfolk Glen Neighborhood Association.

Emilie Baratta, Turnbuckle Development, representing the applicant, gave a presentation on the item.

Council Member Bergan asked if the change from a 20' sign to a 22' sign required less square footage on the sign. Ms. Baratta answered affirmatively. Council Member Bergan asked if the LED lights could be dimmed. Ms. Baratta answered affirmatively. Council Member Bergan expressed concerns related to the impact on the mobile home park. Ms. Baratta stated the park was not adjacent to the car wash site therefore spillover was not a concern. Council Member Bergan asked Ms. Baratta to speak to how the material did not meet the City's design standards. Ms. Baratta declined, noting she did not agree with staff's assessment in that regard.

Mr. Paradies stated the zoning code related to superior quality of design required compatibility with surrounding uses and this sign did not meet the monument sign criteria in the area.

Council Member Bergan asked how that related to the sign material. Mr. Paradies stated it was less about material and more about compatibility.

Ms. Baratta stated the existing signage did a disservice to what was proposed.

Council Member Pierce asked if the Planning Commission heard the item twice. Ms. Baratta answered affirmatively, noting there were a few issues to attend to. Council Member Pierce stated the original proposal was for a 32' sign that was later reduced to 22'.

Ms. Baratta concurred.

Council Member LeGare asked staff to speak to the concern with this item would set precedent for another applicant to request a sign much taller than what was allowed.

Daniel Money, Assistant City Attorney, did so, noting that was just one of the concerns because multiple waivers of the sign standards could result in an amendment of City code. He pointed out other businesses would request higher signs to be more competitive.

Council Member LeGare asked staff to speak to compatibility. Mr. Money did so, noting each sign would be reviewed on its own merit.

Council Member Pierce noted notices were sent to seven abutting property owners and asked if one of those was the mobile home park owner. Mr. Paradies answered affirmatively. Council Member Pierce asked if the mobile home tenants were notified. Mr. Paradies stated that was the responsibility of the owner. Council Member Pierce pointed out this item would impact the mobile home park residents the most and given the fact that they were not present, perhaps they had no objection or else they did not receive notification. Mr. Paradies stated each application that came through the application process invited all abutting property owners to provide comments and no comments were received from the mobile home park, noting comments from other abutting property owners were received.

Council Member Bergan pointed out the existing signs on Colfax were tall.

Mr. Paradies stated those were grandfathered in.

Council Member Bergan stated that made it compatible with what was existing.

Mr. Paradies stated that was up to Council to decide.

Mayor Hogan closed the public hearing on the item.

Council Member Peterson stated her support of the item because she was excited for the business to come to Colfax, noting she liked the sign and branding and the idea that 25 percent of the employees were disabled.

Motion by Peterson, second by Berzins, to approve item 12a.

Council Member Cleland stated her support of the item, noting waivers were approved on their own and therefore did not set precedent.

Mayor Pro Tem Lawson stated she would support the item because she appreciated the business model, noting it was a unique and clean business.

Council Member LeGare clarified the motion included the additional signage square footage and the sign waiver. He stated his opinion that if this set precedent for sign design then he agreed the code should be rewritten. He stated this would be a great addition to the Colfax corridor.

Council Member Roth stated his support of the item, noting he appreciated the City's sign code but concurred with Council Member LeGare's comments related to the item setting a precedent.

Council Member Berzins stated her support of the item and concurred with Planning Commissioner Hardy's comments on the sign.

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

13. **ORDINANCES FOR INTRODUCTION**

♦ a. **2017-83**
Consideration for INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in ordinance nos. 2016-50, and 2017-15 for the 2017 fiscal year. STAFF SOURCE: Jackie Ehmann, Financial Supervisor, Finance

Motion by Roth, second by Mounier, to introduce item 13a.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **REPORTS**

a. Report by the Mayor

Mayor Hogan discussed the recent Fire Department Academy's graduation ceremony, noting one third of the graduates were women or minorities. He stated the Aurora Chamber of Commerce received the 2017 Air Force Space Command Community Support Award for its efforts with Buckley Air Force Base. He discussed the success of the first annual African Leadership Group's flu shot clinic and his attendance at the recent Tri-County Health Department's presentation for elected officials and the determinants of health.

b. Reports by the Council

Council Member Richardson stated the City charter stated City Council could not give orders to staff, noting the charter did not prohibit City Council from making recommendations for bonuses. He stated his recommendation of Vinessa Irvin, Manager of development Assistance, for a bonus because of her discussions with developers regarding closing the expenditure revenue gap. He congratulated Mayor Hogan on his presidency of the Civic League.

Council Member Bergan discussed her attendance at the recent NLC Conference in Charlotte, North Carolina. She announced the Ward VI Town Hall meeting scheduled for Wednesday, November 29, 2017 at the Mission Viejo Library from 6:30 p.m. to 8:30 p.m. where Park and Open Space and Code Enforcement representatives would be present to make presentations. She wished everyone a happy Thanksgiving and reminded everyone to be thankful for their family, friends and what they have.

Council Member Roth discussed his attendance at the recent NLC Conference.

Council Member Peterson wished everyone a happy Thanksgiving.

♦ ***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.***

Council Member Cleland wished everyone a happy Thanksgiving.

Council Member Pierce stated this was his last Council meeting where he could make a report, and considering he has made reports at approximately 95 percent of the 300+ Council meetings he has attended during his tenure on City Council, he did not have a report.

Council Member Berzins wished everyone a wonderful Thanksgiving and suggested everyone give their loved ones an extra squeeze because one never knew what tomorrow would bring.

Council Member Mounier stated this was her final Council meeting where she could provide a report, noting much has been accomplished in the last five years. She stated she was most proud of the LED stop signs installed at 14th Avenue and Dayton Street and 11th Avenue and Vaughn because they have probably saved lives. She wished everyone a happy Thanksgiving, noting she would be around.

Mayor Pro Tem Lawson wished everyone a happy Thanksgiving, noting it has been a very difficult year for her family. She stated she was thankful to serve in this capacity and for her family.

16. **PUBLIC INVITED TO BE HEARD**

Arnie Schultz, Aurora, Colorado, expressed appreciation to Council Members Pierce, Cleland, Mounier and Peterson for their service to the City of Aurora.

Kristin Mallory, Aurora, Colorado, clarified her previous comments for Council Member Pierce and the record that one of the reasons why her work did not suggest non-competitive contracts was because it lent itself to the image of impropriety and corruption. She noted the appearance was the point and why she brought up best practices. She expressed appreciation to Mayor Hogan for actively listening to and addressing her earlier concerns and to the City Manager for providing interpretations, noting she still believed that competition provided the best value and was the best practice. She also expressed appreciation to Mayor Pro Tem Lawson for her focus on whether the City actually used collected data and to Council Member Richardson for his remarks considering budgetary concerns. She discussed budgetary issues and how they personally impacted her and the citizens of Aurora. She discussed her disappointment in the lack of leadership in the Aurora City Council and wished City Council a happy Thanksgiving.

Martha Lugo, Aurora, Colorado, discussed the oath she took as a former probation officer, noting City Council also took an oath. She expressed her disappointment in the City Council's continued dismissal of 20 percent of Aurora's population and discussed the appalling nature of the Council's lack of courage to speak up for this vital part of the community. She discussed DACA and shared a quote from Margaret Mead, "never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it's the only thing that ever has."

Mayor Hogan clarified for the record that Council Member Richardson's resolution that passed was a clear statement of support of DACA.

Aly DeWills-Marcano, Aurora, Colorado, discussed her confusion with regards to the DACA resolution. She asked if the resolution that passed was the same resolution Council Member Richardson presented a few weeks ago.

Council Member Richardson stated he removed Congressman Coffman and the Bridge Act from the original resolution.

Ms. DeWIlls-Marcano asked if commissions weighed in on the item. Mayor Hogan stated under City Council rules, an individual council member could take anything to the floor of Council at any time and bypass the process which is what Council Member Richardson did. He discussed the amendment that failed as it related to the resolution. He stated the resolution clearly stated that the City of Aurora supported DACA.

Ms. DeWIlls-Marcano expressed appreciation for the clarification and to Council Member Richardson for presenting the resolution. She asked how much input the Immigration & Refugee committee or other committees had on that amendment, or the other changes. Council Member Pierce clarified the Management & Finance (M&F) committee as well as the Immigration & Refugee Commission reviewed and provided input on the resolutions.

17. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 10:48 p.m.

Stephen D. Hogan

STEPHEN D. HOGAN, Mayor

ATTEST:

Linda S. Blackston

LINDA S. BLACKSTON, City Clerk

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