

MINUTES**Regular Meeting – Aurora City Council
Monday, May 16, 2016****CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:04 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF MAY 16, 2016 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, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	Berzins
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

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

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF MAY 9, 2016**

Motion by Roth, second by Pierce, to approve the minutes of May 9, 2016 as presented.

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

Abstained: Bergan

- ◆ *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.*

6. **CEREMONY**

- a. Proclamation declaring May 15-21, 2016 as Emergency Medical Services Week – Mayor Hogan

Mayor Hogan invited David Patterson, Faulk Rocky Mountain, and Fire Chief Garcia, Aurora Fire, to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring May 15-21, 2016 as Emergency Medical Services week. Each guest expressed appreciation for the proclamation.

- b. Recognition of Winners of the Student Art Contest for the City-Wide Clean-up Campaign – Mayor Hogan

Mayor Hogan and Mayor Pro Tem Peterson recognized the Student Art Contest for the City-Wide Clean-up winners.

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

None

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

General Business

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Cross Line Construction Corp., Castle Rock, Colorado in the amount of \$52,210.00 for the Hoffman Heights Minor Remodel Project, Project Number 15-128211. **(Staff Requests a Waiver of Reconsideration.)** STAFF SOURCE: Lynne Center, Facility Project Delivery Manager, Public Works

Motion by Cleland, second by Roth, to approve items 9a with a waiver of reconsideration.

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CoCal Landscape Services, Inc., Denver, Colorado in the amount of \$130,104.00 for Urban Park Mowing Services (B-4166). **(Staff Request a Waiver of Reconsideration)** STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space

Motion by Cleland, second by Roth, to approve items 9b with a waiver of reconsideration.

- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Loomis, Aurora, Colorado in the amount not-to-exceed \$60,000.00 for armored car services. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Council Member Pierce asked staff to speak to the 20 percent price increase.

Nancy Wishmeyer, Controller, Finance, did so, noting the amounts were anticipated and rounded up.

Council Member Pierce noted the Council backup material called out a five percent increase.

Ms. Wishmeyer confirmed that was the anticipated increase.

Motion by Pierce, second by Mounier, to approve item 9c.

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

- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Neve's Uniforms, Incorporated, Denver, Colorado in an amount not-to-exceed \$304,278.00 for police uniforms and tailoring services as required through May 31, 2017. STAFF SOURCE: Lieutenant Joseph D'Agosta, Police
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT TO Academy Sports Turf, Englewood, Colorado in the amount of \$142,740.45 for the Wheel Park - Box Lacrosse Synthetic Field Project, Project Number 5504A. STAFF SOURCE: Tracy Young, Planning, Design, Construction Manager, Parks, Recreation & Open Space

Motion by Cleland, second by Roth, to approve items 9d and 9e.

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

10. **RESOLUTIONS**

- ◆ a. **R2016-36**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Tax Waiver Agreement between the City and JPMorgan Chase Bank, National Association. STAFF SOURCE: Chad Argentar, Economic & Business Development Supervisor, Planning & Development Service

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

Chad Argentar, Economic & Business Development Supervisor, Planning & Development Service, gave a brief overview of the item, noting it related to a tax rebate agreement for JPMorgan Chase Bank for a location in Aurora.

Council Member Lawson asked if the 30 jobs were to be maintained within the timeframe of the contract. Mr. Argentar stated 20 jobs would have to be generated with the salary requirements and then 30 jobs by year four in order for them to earn the incentive.

Council Member Bergan asked if the incentive would change if they fell below the 30 jobs. Mr. Argentar stated they would not be able to earn any additional incentives, noting however they did have a period of time to rehire.

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

- ◆ b. **R2016-37**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora, Colorado, by and through its utility enterprise, the Urban Drainage and Flood Control District, the City and County of Denver, Department of Aviation, Adams County, the City of Commerce City, and the City of Brighton regarding funding of major drainageway planning and flood hazard area delineation for Second Creek. STAFF SOURCE: Sarah Young, Water Planning Service Manager, Aurora Water

Motion by Peterson, second by Lawson, to approve item 10b.

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

- ◆ c. **R2016-38**

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Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City and the Board of County Commissioners of Arapahoe County regarding contribution of Arapahoe County open space program funds for the acquisition of real property related to the Triple Creek Greenway Corridor Phase 3 Project. STAFF SOURCE: Patricia Schuler, Manager of Open space & Natural Resource Operation, Parks, Recreation & Open Space

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

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

- ◆ d. **R2016-39**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing Terri Velasquez as a Director of the Aurora Capital Leasing Corporation. (**Staff Request a Waiver of Reconsideration**) STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Bergan, to approve item 10d with a waiver of reconsideration.

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

- ◆ e. **R2016-40**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing a member of the Board of Directors of the Havana Business Improvement District. STAFF SOURCE: Melissa Rogers, Senior Development Project Manager, Planning & Development Services

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2016-18**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing to acquire certain equipment during the 2016 fiscal year pursuant to the terms of an equipment Lease Purchase Agreement by and between the Aurora Capital Leasing Corporation, as lessor, and the City of Aurora, Colorado, as lessee; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby; declaring the intent of the City to reimburse itself with the proceeds from such lease. (Heavy Vehicle Lease-Purchase Financing) STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

- ◆ b. **2015-19**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 134-361 of the City Code of the City of Aurora, Colorado relating to Safety Zones. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

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

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Council Member Bergan asked if there was sufficient warning for drivers to be made aware they were driving in a school zone if charter schools did not have proper signage.

Anna Bunce, Traffic Manager, Public Works, stated the charter schools were issued school zone signage, noting the ordinance related to a defined walking area and that was not always the case with some charter school so staff wanted to be sure there was sufficient flexibility to post effectively for each school location.

Council Member Lawson asked if there was a fine scale in this regard. Ms. Bunce stated the courts set the fine structure and this was an increase in the fine condition.

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

- ◆ c. **2016-15**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapters 6, 22, 86 and 146 of the City Code related to updating the marijuana code. **(Deferred from the May 9, 2016 Council meeting.)**
STAFF SOURCE: Robin Peterson, Manager Marijuana Enforcement Division, Finance

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

Motion by Richardson to amend page 147, section 39, subsection c, of item 11c by striking the language *or a government owned public park, recreation or open space*.

Mayor Hogan noted the motion died for lack of a second.

Council Member Richardson asked if the item would go to the Amendment 64 committee or Planning, Economic Development Policy committee (PED) for review. Mayor Hogan answered no.

Council Member LeGare stated his understanding that the issue of the remaining land and 100 foot buffer would go to PED for review.

Mayor Hogan concurred.

AMENDMENT I

Motion by Richardson, second by Cleland, to amend page 125, section 308 of item 11c by striking paragraphs 2 and 3 by substituting them with the original staff recommendation for the reporting of criminal offenses as follows: *an applicant or licensee has a duty to notify the local licensing authority in writing of any pending criminal charge, the issuance of a criminal summons and complaint and any criminal conviction whether felony, misdemeanor or petty offense or any violation of the City code, Colorado Retail Marijuana Code, Colorado Medical Marijuana Code, any building, fire, health or zoning statute, code or ordinance by the applicant, any owner, principle officer, director, manager or employee within ten days of the event.*

Council Member Richardson stated his intent to go back to the original staff recommended reporting requirement in the context of a marijuana license renewal.

Council Member Cleland concurred, noting one of goals of the Amendment 64 committee was to make sure it was not easy to get a license in the City of Aurora and this would make sure that those with licenses and those renewing their licenses were good, upstanding citizens.

Council Member Roth stated the goal of the Amendment 64 committee was to go above and beyond the state regulations in this regard. He spoke in opposition to the amendment, noting the existing version was staff's recommendation after much discussion.

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Council Member Bergan asked for clarification on the amendment. Council Member Richardson stated it expressed the breadth of reporting that he would like to see. Council Member Bergan noted the existing version stated that requirement.

Council Member Richardson stated the existing language required reporting if an issue was pending but not if it was concluded.

VOTE ON AMENDMENT I

Voting Aye: Hogan, Cleland, Mounier, Peterson, Richardson

Voting Nay: Bergan, Lawson, LeGare, Pierce, Roth

Mayor Hogan stated it was his intent to create a tie so that the amendment would automatically be returned to Council for a decision at the next meeting when all council members could be present to vote.

Council Member Richardson asked the City Attorney if the amendment would be considered a substantive change to the ordinance at final approval.

Mike Hyman, City Attorney, answered affirmatively, noting it would require a reintroduction and then would be brought back at final approval.

Council Member LeGare asked staff to comment on the state mandated deadline in this regard.

Robin Peterson, Manager Marijuana Enforcement Division, Finance, did so, noting there was a timing issue with the medical marijuana testing license at the testing facility in Aurora. She pointed out the initial deadline has passed.

Council Member LeGare stated the timing would not negatively impact the facility at this point.

Ms. Peterson concurred.

Mayor Hogan asked if it were possible to list the item as a reintroduction of the ordinance on the same agenda so as not to lose more time. Mr. Hyman answered affirmatively, noting it could be spelled out in the motion.

Council Member Bergan asked for a reconsideration of her vote. Mr. Hyman confirmed that was permitted.

Motion by Bergan, second by Richardson, to reconsider the vote on item 11c.

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

Voting Nay: Lawson, LeGare, Roth

SECOND VOTE ON AMENDMENT I

Mayor Hogan stated his initial intent with the previous vote was to have full Council vote on the item and in order to remain consistent in that regard, he would vote in opposition to the item.

Voting Aye: Bergan, Cleland, Mounier, Peterson, Richardson

Voting Nay: Mayor Hogan, Lawson, LeGare, Pierce, Roth

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Council Member Richardson stated making the argument that one council member's absence gave rise to a precedent that an item could not be evaluated was wrong as a matter of public policy.

Mayor Hogan stated his opinion that the item deserved full Council consideration and the only way to do so was by deferral.

Council Member Bergan pointed out due to her chemotherapy schedule, she would likely miss the meeting when the item returned thereby putting Council in the same situation.

Council Member Richardson stated the issue was which ordinances required a full Council consideration and which did not.

Mayor Hogan noted he was being consistent in the argument laid out by the City Attorney who declared the amendment to be of such importance that it would require republishing if it were to pass.

Council Member Bergan asked if the change of one word in the ordinance required republishing. Mayor Hogan pointed out that was not Council Member Richardson's intent in his amendment and noted an additional amendment would be required if Council Member Bergan wanted to change one word.

AMENDMENT II

Motion by Bergan, second by Richardson, to amend item 11c to remove the word *pending* from paragraph 2.

Council Member Lawson asked Council Member Richardson if doing so would meet the intent of his previous amendment. Council Member Richardson answered affirmatively.

Council Member LeGare asked for clarification that the only change was to remove the word *pending* from the ordinance language. Council Member Bergan answered affirmatively.

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

VOTE ON ORIGINAL MOTION AS AMENDED

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

Mayor Hogan asked Council Member Richardson if his failed amendment was withdrawn. Council Member Richardson answered affirmatively.

12. **ANNEXATIONS**

- ◆ a. **2016-17**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning 4301 S Parker Road, City of Aurora, County of Arapahoe, State of Colorado, to B-3 Highway Service District, and amending the zoning map accordingly. (Parker & Quincy) (***Deferred from the May 9, 2016 Council meeting.***) STAFF SOURCE: Steven Ingoldsby, Planner II, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Motion by _____, second by _____, to introduce item 12a.

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

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13. **RECONSIDERATIONS AND CALL-UPS**

Motion by LeGare, second by Roth, to bring the appointment of Dala Giffen to the Open Space back to the July 20, 2016 City Council meeting for reconsideration because Ms. Giffen withdrew her application prior to the vote.

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

14. **GENERAL BUSINESS**

- a. Consideration of the appointment of one (1) person and the reappointment of one (1) member to the Metropolitan Wastewater Reclamation District Board. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk

Motion by Roth, second by Lawson, to appoint Igrid Lindemann and reappoint John Dingess to the Metropolitan Wastewater Reclamation District Board.

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

- b. Consideration of the appointment of two (2) persons to the Veterans Affairs Commission. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk

Motion by LeGare, second by Mounier, to appoint Greg Echols and Richard Roberts to the Veterans Affairs Commission.

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

- c. Consideration of the appointment of one (1) person to the Citizens Water Advisory Committee. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk

Motion by LeGare, second by Mounier, to appoint Jay Campbell to the Citizens Water Advisory Committee.

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

- d. Consideration of the appointment of one (1) person to the Local Licensing Authority. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk

Motion by Roth, second by LeGare, to appoint Thomas Scarano to the Local Licensing Authority.

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

- e. Consideration of the appointment of two (2) persons to the Human Relations Commission. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk

Motion by Roth, second by Lawson, to appoint Derek Killebrew and Krista Snow to the Human Relations Commission.

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

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16. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Mounier invited everyone to attend the upcoming Aurora Clean-up event scheduled on Saturday, May 21, 2016 from 10:00 a.m. to 1:00 p.m. and the Big Wonderful at the Stanley Marketplace from noon to 8:00 p.m. that same Saturday and to the Memorial Day celebration scheduled for Saturday, May 28 from 11:00 a.m. to 3:00 p.m. at the Colorado Freedom Memorial.

Council Member Pierce discussed the success of the recent annual state of the city luncheon.

Council Member Cleland discussed her attendance at the recent Aurora Mental Health's annual luncheon that benefitted the Projects to Assist in the Transition from Homelessness (PATH).

Council Member LeGare discussed the success of the recent Developmental Pathways annual fundraising banquet.

Mayor Pro Tem Peterson discussed her recent attention at the Hyatt Hotel grand opening.

Council Member Roth echoed Council Member Mounier's invitation to the Big Wonderful event and invited all those interested in attending to the Ward V Town Hall meeting scheduled for Tuesday, May 17, 2016 at Shalom Cares at 6:00 p.m. where Aurora Housing Authority and Aurora Animal Shelter representatives would be present.

Council Member Bergan announced Amazon was opening a facility in Aurora that would bring a significant amount of jobs to the City.

Council Member Richardson announced a pet vaccination clinic was scheduled at Del Mar Park on Saturday, May 21, 2016 from 9:00 a.m. to 1:00 p.m. and invited all those interested in attending to Ward IV meeting scheduled for Thursday, May 19, 2016 at Echotech at 6:30 p.m. where Greg Hayes, City Budget Officer, would be present.

Mayor Hogan pointed out with the approval of JPMorgan Chase Bank and Amazon, the City of Aurora would have two top 50 companies in the United States located in Aurora.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:45 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:

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JANICE NAPPER, City Clerk

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