

MINUTES**Regular Meeting – Aurora City Council
Monday, June 20, 2016****CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 3:45 p.m.

ROLL CALL

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

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

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

1. **RECONVENE REGULAR MEETING OF JUNE 20, 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:	Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	Bergan
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Lieutenant Timothy Pemberton – Salvation Army

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF MAY 16, 2016**

Motion by LeGare, second by Roth, to approve the minutes of May 16, 2016 as amended.

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

Abstained: Berzins

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6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Richard Weinberg

Judge Richard Weinberg 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>
Michael Thomas	Citizens Advisory Committee on Housing and Community Development
Derek Killebrew	Human Relations Commission
Krista Snow	Human Relations Commission
Thomas Scarano	Local Licensing Authority
John Dingess	Metropolitan Wastewater Reclamation District
Ingrid Lindemann	Metropolitan Wastewater Reclamation District
Shannon Crouthers	Parks and Recreation Board
Greg Echols	Veterans Affairs Commission
Richard Roberts	Veterans Affairs Commission

- b. Swearing in of new Assistant City Attorneys – Presiding Judge Richard Weinberg

Judge Richard Weinberg administered the oath of office to Assistant City Attorneys Kimberly Skaggs, Kyle McDaniel and Andrea VanDyke.

Mike Hyman, City Attorney, congratulated the newly appointed Assistant City Attorneys and thanked them for their service to Aurora.

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

Endale Getahun, Aurora, Colorado, provided an update on the status and challenges of constructing the Community Radio Station created for the immigrant community.

Council Member Richardson complimented Mr. Getahun on his professionalism and apologized to him on behalf of the City for getting the “run around.” He asked staff to help Mr. Getahun to complete his intended task of putting up his radio station antennae as he was now on the last extension of his radio license.

Mr. Getahun stated the Mayor has been very helpful to the Ethiopian community.

Nicole Plybon, Aurora, Colorado, discussed the mismanagement of Beg Builders, who built the Rock Ridge Condos.

Kori Hemingway, Aurora, Colorado, echoed Ms. Plybon’s comments regarding the mismanagement of the Rock Ridge Condo builders.

Jennifer Bailey, Aurora, Colorado, discussed Beg Builders mismanagement.

Robert Weiss, LCM Property Management, confirmed the developer has created a hardship situation for the homeowners at Rock Ridge Condos.

Yolanda Gallardo, Aurora, Colorado, Property Manager, Rock Ridge Condos, stated the Sterling Hills HOA who has taken over the Rock Ridge HOA did not allow access to the bank records or the clubhouse and facilities.

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Council Member Richardson stated the money was not going where it should and suggested Ms. Gallardo file a police report in this regard.

CJ Matthews, Aurora, Colorado, stated the City of Aurora Police Department refused to accept her police report regarding construction cost misappropriation in this regard.

Council Member Richardson expressed his hope that Ms. Matthews would make another attempt at filing a police report.

Ms. Matthews discussed the history of legal battles related to the mismanagement of funds and properties by Beg Builders.

Craig Fleishman, Fleishman & Shapiro, discussed his representation of Rock Ridge Condos and the business travesties created by Beg Builders.

John Fognani, Haynes & Boone, representing Rock Ridge HOA, requested the City utilize its authority to evaluate and investigate Kelly Beg and Beg Builders.

Council Member Richardson asked staff to provide a position in a short amount of time of whether the City would in fact investigate the issues raised with this builder.

Kenneth Bingham, Aurora Colorado, Rock Ridge Community, suggested the Mayor appoint CJ Matthews to the Planning Commission.

Mayor Hogan noted City Council had no advanced knowledge of this issue and asked the City Manager and City Attorney to make a determination in this regard.

Skip Noe, City Manager, asked if something could be decided by the next Council meeting.

Mike Hyman, City Attorney, answered affirmatively.

Council Member Roth stated this community was located within Ward V, noting he did not have any advanced knowledge of the issue and agreed to be involved with the issue moving forward.

Mayor Pro Tem Peterson suggested Mr. Fognani leave his card with the City Clerk so that Council Member Roth would have his contact information.

Council Member Roth discussed the formal process for recommending someone to the Planning Commission.

Mayor Hogan noted additional vacancies on the Planning Commission would come up at the end of the year and suggested those interested in serving should contact the City Clerk's office to fill out an application to be considered.

Jerry Furman, Aurora, Colorado, discussed his negative experiences with the Aurora Police Department.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 15c having a substitute agreement.

9. **CONSENT CALENDAR - 9a-w**

General Business

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Dataskill Inc., San Diego, CA in the total amount of \$50,991.08 to purchase the annual subscription and support of IBM Informix and Maximo software. (B4170). STAFF SOURCE: Aleta Jeffress, Director, Information Technology

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

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

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Goodland Construction, Inc., Golden, Colorado in the amount of \$2,287,351.40 for the 2015 Aurora Line/I-225 Rail Line Station Access Improvements & Florida Avenue Pedestrians Path project, Project Number 15028. STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

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

Council Member Roth stated this was a great example of staff's dedication to the DRCOG Transportation Improvement.

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

- c. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Alfred Benesch & Company, Denver, Colorado in the not-to-exceed amount of \$197,600.00 to provide consulting services to work as an extension of staff in the Transportation Projects Delivery team of the Public Works Department. R-1775. STAFF SOURCE: Cindy Colip, Transportation Projects Delivery Manager
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to SAFEbuilt Colorado, LLC, Loveland, Colorado in the amount not-to-exceed \$750,000.00 for residential roof inspection services as required for building permit requests for the period through July 31, 2017. STAFF SOURCE: Scott Berg, Chief Building Official, Public Works
- e. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with JHL Constructors, Inc., Centennial, Colorado in the amount of \$294,733.00 for the award of the People's Building Renovation Work Package No. 1 Project, Project Number 5496A. **(Staff Requests Waiver of Reconsideration)** STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- f. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with DLR Group, Inc., Denver, Colorado in the not-to-exceed amount of \$117,054.00 for construction phase design services associated with the District 2/Traffic Renovation Project. R-1730 STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- g. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Felsburg, Holt & Ullevig, Centennial, Colorado in the not-to-exceed amount of \$157,492.00 for additional services associated with the Environmental Assessment, Preliminary Design and Right-of-Way Plans for the 6th Avenue Parkway Extension Project, RFP R-1656. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works
- h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Clearspan Fabric Structures International, South Windsor, Connecticut in the amount of \$151,458.29 for the purchase and installation of a prefabricated structure for the storage of granular de-icing material at the City's North Satellite Maintenance Facility. **(Staff Requests**

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Waiver of Reconsideration) STAFF SOURCE: Thomas McMinimee, Street Operations Manager, Public Works

- i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Wagner Equipment Company, Aurora, Colorado, in the amount of \$67,224.82 to cover the cost of parts and labor for a complete transmission rebuild on a 2004 Caterpillar Motor Grader. **(Staff Requests Waiver of Reconsideration)** STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- j. Consideration to AWARD A SINGLE SOURCE CONTRACT to McCandless Truck Center, Aurora, Colorado in the not-to-exceed amount of \$220,000.00 for OEM repair parts on an as needed basis for the City's heavy duty International trucks from August 1, 2016, through July 31, 2017. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- k. Consideration to AWARD A SOLE SOURCE CONTRACT to Emergency One, Inc., Ocala, Florida in the not-to-exceed amount of \$90,000.00 for repair parts on an as needed basis for the City's Emergency One fire trucks from September 1, 2016, through August 31, 2017. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- l. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Factory Motor Parts, Aurora, Colorado in the not-to-exceed amount of \$80,000.00 to purchase AC Delco parts as required from September 1, 2016, through August 31, 2017. (B-4074) STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- m. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Layne Heavy Civil, Inc., Denver, Colorado in the amount of \$2,829,650.00 for construction of the Rampart Pipeline Phase III Project, Project Number 5518A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- n. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Garney Companies, Inc., Littleton, Colorado in the amount of \$1,279,403.00 for the award of the Pump & Lift Stations Improvements Work Package No. 2 Project, Project Number 5448A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- o. Consideration to AWARD A SINGLE SOURCE CONTRACT with Muller Engineering Company, Lakewood, Colorado in the amount of \$58,520.00 for providing consulting services to complete the Montview Park Letter of Map Revision Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- p. Consideration to AMEND A SINGLE SOURCE CONTRACT with Black & Veatch Corporation, Denver, Colorado in the amount of \$309,940.00 for providing construction phase engineering support services for Construction Work Package No.'s 1 & 2 for the Pump Stations Rehabilitation Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- q. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of \$382,274.20 for providing final design, bid and construction phase engineer support services for the Channel Aggradation Remediation Phase II Improvements Project, RFP R-1725. STAFF SOURCE: STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

Motion by Cleland, second by Roth, to approve items 9c – 9q with a waiver of reconsideration on items 9e, 9h and 9i.

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

Final Ordinances

- ◆ r. **2016-12**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 12245 East 14th Avenue, City of Aurora, County of Arapahoe, State of Colorado, from PD-MF (Planned Development District, Multi-Family Subarea) to FBAD 1 (Fitzsimons Boundary area District, Subarea 1) and amending the zoning map accordingly (12245 E 14th Ave Rezone) STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services
- ◆ s. **2016-13**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning the Northwest corner of Colfax Avenue and Airport Boulevard, City of Aurora, County of Adams, State of Colorado, from R-A (Residential Agricultural District) to B-4 (Business and Commercial District) and SIR (Sustainable Infill and Redevelopment District) amending the zoning map accordingly. (Trolley Park) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Services

Motion by Roth, second by Richardson, to approve items 9r and 9s.

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

- ◆ t. **2016-14**
Consideration for ADOPTION 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. 2014-35, 2015-20, and 2015-64 for the 2015 fiscal year and Ordinance No. 2015-50 for the 2016 fiscal year. STAFF SOURCE: Jackie Ehmann, Budget/Finance Program Manager, Finance

Motion by LeGare, second by Mounier, to approve item 9t.

Council Member Richardson stated this was a supplemental budget ordinance that was esoteric, noting his concerns related to the under-budgeting of the worker's compensation component of the risk fund. He asked staff if money was shifted in the risk fund to bring it down to \$600k.

Greg Hays, Budget Manager, answered affirmatively.

Council Member Richardson asked if the true number was over \$1M. Mr. Hayes answered affirmatively. Council Member Richardson stated putting this into the supplemental ordinance removed the opportunity for Council to question why the City administration underfunded the workers compensation obligation by over \$1M and/or to realize there was a safety concern for City employees. He asked Mr. Hayes how much was budgeted for workers compensation. Mr. Hays estimated \$4M. Council Member Richardson stated his opposition to the item.

Council Member Roth stated this was a one year aberration based on a very small handful of incidences as compared to the previous ten years of history.

Mr. Hays concurred, noting it was a two year aberration where the workers compensation claims jumped up considerably. He pointed out the 2016 budget accounted for that possibility.

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

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Voting Nay: Richardson

- ◆ u. **2016-15**
Consideration for ADOPTION 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. STAFF SOURCE: Robin Peterson, Manager Marijuana Enforcement Division, Finance

Motion by Richardson, second by Pierce, to approve item 9u.

Council Member Richardson stated his understanding that the ordinance was necessary at this time to regulate the marijuana testing facilities and time was of the essence, however he noted he had concerns regarding the conforming amendments as they related to criminal history provisions. He asked the ad hoc marijuana committee to seriously review this issue.

Mayor Hogan confirmed the ad hoc marijuana committee has been reinvigorated.

Council Member Richardson stated Council Member Mounier has stated her interest in being appointed to the committee.

Mayor Hogan asked Council Member Mounier if she was interested in the appointment. Council Member Mounier answered affirmatively.

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

- ◆ v. **2016-18**
Consideration for ADOPTION 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
- ◆ w. **2015-19**
Consideration for ADOPTION 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 Roth, second by Richardson, to approve items 9v and 9w.

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

10. **RESOLUTIONS**

- ◆ a. **R2016-41**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, setting the date of a Public Hearing concerning the organization of the Cobblewood General Improvement District (No. 1-2016) and ordering publication and mailing of the notice of hearing to electors of the proposed district. **(Staff Requests Waiver of Reconsideration)** STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

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

- ◆ b. **R2016-42**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of an Intergovernmental Agreement between the City of Aurora and the Board of County Commissioners of the County of Arapahoe approving the installation of one 24-hour mail ballot drop-off box for Arapahoe County at the Utah Park Recreation Center. **(Staff Requests Waiver of Reconsideration)**
STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by LeGare, second by Berzins, to approve item 10b with a waiver of reconsideration.

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

- ◆ c. **R2016-43**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of an Intergovernmental Agreement between the City of Aurora and the Board of County Commissioners of the County of Arapahoe approving the installation of one 24-hour mail ballot drop-off box for Arapahoe County at the Martin Luther King, Jr. Library. **(Staff Requests Waiver of Reconsideration)**
STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by Mounier, second by Lawson, to approve item 10c with a waiver of reconsideration.

Council Member Richardson referenced page 235 and asked if, considering the ballot mail drop box was a dual purpose drop, it would state Adams County as well as Arapahoe County.

Karen Goldman, Deputy City Clerk, answered affirmatively, noting the box would state something to the effect of "ballots may be dropped off by Arapahoe and Adams County."

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2016-20**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning a parcel of land at the Southeast corner of Alameda Avenue and Sable Boulevard, City of Aurora, County of Arapahoe, State of Colorado, from CCZD (City Center Zone District) to TOD (Transit-Oriented Development) and amending the zoning map accordingly. (Metro Center Rezone)
STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Stephanie Stevens, Planner II, Planning & Development Services, gave a brief summary of the item, noting it proposed the rezoning of approximately 70 acres from CCZD (City Center Zone District) to TOD (Transit-Oriented Development) with the exception of the county-owned property.

Mayor Hogan closed the public hearing on the item.

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

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

- ◆ b. **2016-21**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 2361 N. Dayton Street, City of Aurora, County of Adams, State of Colorado, from M-I (Light Industrial) to SIR (Sustainable Infill and Redevelopment District) and amending the zoning map accordingly (2361 N. Dayton Street) STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Stephanie Stevens, Planner II, Planning & Development Services, gave a brief summary of the item, noting it proposed the rezoning of a 1.24 acre site from M-I (Light Industrial) to SIR (Sustainable Infill and Redevelopment District).

Council Member Mounier asked if the rezoning included the American Legion Hall. Ms. Stevens answered no, noting an application for that rezoning has been submitted. Council Member Mounier asked if that would also be rezoned to SIR zoning. Ms. Stevens answered affirmatively.

Council Member Cleland expressed concerns regarding the rezoning of land to SIR zoning when the City was removing that type of zoning from its code, noting it was a waste of money and time to do it now when it would have to be changed later.

Ms. Stevens stated the City was currently undergoing a zoning code rewrite, noting the rewrite would include a zoning code map amendment process. She stated doing so took time and this rezoning was a result of development pressure, noting at this time, SIR zoning was the most appropriate zoning for this site.

Council Member Cleland stated doing it this way would not cost anyone who had SIR zoning anything to change their zoning at the appropriate time.

Ms. Stevens concurred, noting rezoning fees for SIR zoning were currently waived through 2016. She noted staff was aware of the concern and would ensure that all of those permitted uses remained permitted uses.

Council Member LeGare asked for clarification regarding the reference to seven stories with three of the stories as a garage and four of the stories as condos. Ms. Stevens agreed those concepts have been a part of the preliminary design process, noting the only choice in this case was to go up. Council Member LeGare asked if there was a height limit in SIR zoning. Ms. Stevens answered no, noting the exception was if the site was adjacent to residential.

Council Member Richardson asked if SIR zoning would eventually become a non-conforming use. Ms. Stevens answered no, noting there was a list of uses currently permitted under SIR zoning that would be included when the new zoning code was adopted. Council Member Richardson asked if a developer would be required to pay additional fees or hire additional staff as a result of the zoning code overhaul. Ms. Stevens answered no.

Mayor Hogan closed the public hearing on the item.

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

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Council Member LeGare stated the potential development at 100 units per acre would be a true TOD development and expressed his hope that the developer could obtain financing and figure out the parking to make a 16-story condominium development in Aurora, noting it would set off a very positive movement in Northwest Aurora.

Council Member Lawson concurred.

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

- ◆ c. **2016-22**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, Rezoning 3.1 acres more or less from B-1 (Retail Business District) to TOD - Core (Transit-Oriented Development, Core Sub-District) to comply with the Iliff Station Area Plan. (Southeast Crossing) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Sarah Wieder, Planner I, Planning & Development Services, provided a brief summary of the item, noting it related to a rezone request of 3.1 acres from B-1 (Retail Business District) to TOD - Core (Transit-Oriented Development, Core Sub-District) to comply with the Iliff Station Area Plan.

Council Member Richardson stated he received lots of questions about this issue and suggested staff consider holding a special public meeting on the item.

Ms. Wieder agreed to do so.

Mayor Hogan closed the public hearing on the item.

Motion by Richardson, second by Pierce, to introduce item 11c.

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

- ◆ d. **2016-23**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating the existing Millbrook Way right-of-way North of the intersection of South Millbrook Way and Davies Drive, City of Aurora, County of Arapahoe, State of Colorado, and reserving a trail and a utility easement therein (Serenity Ridge Commercial- Street Vacation) STAFF SOURCE: Libby Tart Schoenfelder, Senior Planner II, Planning & Development Service

Mayor Hogan opened the public hearing on the item.

Libby Tart Schoenfelder, Senior Planner II, Planning & Development Service, stated the applicant requested a postponement of the hearing to the August 22, 2016 City Council meeting because the HOA was not aware of the street vacation and its subsequent results.

Mayor Hogan closed the public hearing on the item.

Motion by Richardson, second by LeGare, to defer item 11d to the August 22, 2016 City Council meeting.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

- ◆ a. **2016-24**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 2 of the City Code of the City of Aurora, Colorado, establishing the Aurora Immigrant and Refugee Commission. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

Motion by LeGare, second by Roth, to introduce item 12a.

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

13. **ANNEXATIONS**

- ◆ a. **2016-16**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a Parcel of land located in the Northeast Quarter of Section 12, Township 5 South, Range 67 west of the 6th Principal Meridian, county of Arapahoe, State of Colorado (Parker Quincy) 1.052 acres. STAFF SOURCE: Gary Sandel, Development Project Manager, General Management

Gary Sandel, Development Project Manager, General Management, provided a brief summary of items 13a – 13c.

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

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

- ◆ b. **2016-17**
Consideration for ADOPTION 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) STAFF SOURCE: Steven Ingoldsby, Planner II, Planning & Development Services

Motion by Lawson, second by Mounier, to approve item 13b.

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

- c. Consideration of an Annexation Agreement between the City of Aurora and Richardson Flyers, LLP, a Colorado limited liability limited partnership, regarding a parcel of land located in the Northeast Quarter of Section 12, Township 5 South, Range 67 west of the 6th Principal Meridian, County of Arapahoe, State of Colorado (Parker Road - Quincy Avenue) 1.052 acres. STAFF SOURCE: Gary Sandel, Development Project Manager, General Management

Motion by Roth, second by Lawson, to approve item 13c.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Reconsideration of the appointment of one (1) person to the Open Space Board. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

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Motion by LeGare, second by Roth, to appoint Mark Christopher to the Open Space Board.

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

- b. Consideration of the appointment of two (2) persons to the Planning and Zoning Commission. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

MOTION I

Motion by Mounier, second by Roth, to appoint John Watson to the Planning and Zoning Commission.

MOTION II

Motion by Roth, second by LeGare, to appoint Dan Staley to the Planning and Zoning Commission.

MOTION III

Motion by Berzins, second by Mounier, to appoint Heather Vader to the Planning and Zoning Commission.

Council Member Cleland discussed the difference between a nomination and a motion to appoint, noting in accordance with Council Rules of Order & Procedure, a motion and a second required a vote.

Mayor Hogan concurred.

VOTE ON MOTION I

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

Voting Nay: Richardson

VOTE ON MOTION II

Voting Aye: Mayor Hogan, Lawson, LeGare, Peterson, Richardson, Roth

Voting Nay: Berzins, Cleland, Mounier, Pierce

Council Member Richardson expressed concerns regarding the need to publically vote against someone who was willing to volunteer their time for City business.

Council Member Cleland concurred, noting the rules committee was sorting through these issues and suggested Council nominate someone rather than make a motion to appoint.

Mayor Hogan asked the motion maker and second if it was their desire to withdraw Motion III.

Council Members Berzins and Mounier agreed to do so.

- ◆ ***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.***

- c. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT with Xerox State and Local Solutions Inc., Denver, Colorado, for photo red light enforcement systems and related services through June 30, 2017. RFP R-1394 STAFF SOURCE: Lieutenant Michael McClelland, Police

Motion by Cleland, second by Roth, to approve item 15c with the substitute draft of the agreement.

Lieutenant Michael McClelland, Police, identified the change in the substituted form of agreement in the motion, noting it related to the elimination of the wording for an extension opportunity into 2018 and the elimination of a request to use photo red light funds to pay for an intersection study.

Council Member Richardson asked if there was an idea of when staff would formulate the RFP process of the ensuing time after July 1, 2017. Lieutenant McClelland answered no, noting it should be easier because staff has been through the process. Council Member Richardson discussed the many issues that must be included in the RFP process.

Council Member LeGare asked if the potential ballot question in this regard would be amended to establish an effective date so that it would not impact the contract.

Mike Hyman, City Attorney, answered affirmatively.

Council Member Lawson stated she would vote to extend the contract only considering the special election, noting it gave the voters the opportunity to vote on the item.

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

Voting Nay: Berzins, Mounier, Peterson

16. **REPORTS**

- a. Report by the Mayor

Mayor Hogan discussed his attendance at the National Civic League All-American Cities session in Denver where 11 new All-American cities were selected, noting the City of Lakewood was chosen. He pointed out the City of Aurora received recognition of the 2016 Mayor's Challenge for Water Conservation for the second year in a row.

- b. Reports by the Council

Council Member Richardson expressed his appreciation to Tom Tobiassen, RTD Director, on his attendance and presentation at the recent Ward IV meeting. He suggested Mr. Tobiassen be considered for recognition by Council for his efforts on behalf of the City.

Council Member Roth invited all those interested in attending to the Ward V Town Hall meeting scheduled for Tuesday, June 21, 2016 at the Mission Viejo Library at 6:00 p.m. where Office of Youth Development and boards and commissions representatives would be present. He discussed the importance of those who volunteer on the City's boards and commissions.

Council Member LeGare discussed his attendance at the Kiwanis Club of Aurora's 75th anniversary celebration.

- ◆ ***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 stated the recent shooting in Orlando brought up the 7/20 shooting in Aurora and she recognized the Aurora Police Department for their efforts in making a really nice YouTube video in support of the Orlando Police Department.

Council Member Pierce discussed his attendance at the recent Regatta Plaza demolition ceremony and announced the upcoming Bike to Work Day scheduled for Wednesday, June 22, 2016.

Council Member Berzins announced the Wards I and III annual picnic was scheduled for Saturday, July 23, 2016 from 11:00 a.m. to 2:00 p.m. at Bicentennial Park.

Council Member Mounier discussed the upcoming Marsha and Mounier series second meeting that was scheduled for Thursday, August 4, 2016 at the Aurora Hills Golf Course Tin Cup Restaurant where they would be reaching out to homeless children by filling new backpacks for them.

Council Member Lawson announced the upcoming At-Large meeting scheduled for Thursday, July 21, 2016 where Chief Vanessa Wilson would be present to provide information on police community involvement and programming.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 9:23 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

- ◆ *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.*