

MINUTES**Regular Meeting – Aurora City Council
Monday, September 12, 2016****CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 5:00 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:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF SEPTEMBER 12, 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, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Rick Cole, Wheatfield Fellowship

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 22, 2016**

Motion by Bergan, second by Roth, to approve the minutes of August 22, 2016 as presented.

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

Abstained: None

- ♦ *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 September 16, 2016 as Mexican Independence Day – Mayor Hogan/ Hon. Jeremias Guzman Barreda, Consul of Mexico in Colorado

Mayor Hogan invited the Honorable Guzman Barreda, Consul of Mexico in Colorado, to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring September 16, 2016 as Mexican Independence Day. Consul Guzman Barreda expressed appreciation for the proclamation.

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

- a. Public Invited to be Heard on the 2017 Budget. STAFF SOURCE: Hays, Greg

David Gruber, Vice-President, Eagle Bend Metro District Board of Directors, Aurora, Colorado, expressed concerns regarding the increased traffic and increased speeds of vehicles traveling within the Eagle Bend Metro District area.

Steve Hungerford, President, Heritage Eagle Bend Golf Club, Aurora, Colorado, requested Council consider earmarking funds from the 2017 City budget to mitigate increased safety concerns at the intersection of Heritage Parkway and Gartrell Road. He asked those present in support of his comments to stand.

Mayor Hogan estimated 200+ people standing.

Council Member Bergan expressed appreciation to those in attendance and asked City Council to be open-minded in terms of providing a viable solution to this safety issue.

Council Member Richardson stated his interest in the presentation and asked the primary objective of the residents. Mr. Hungerford stated there were traffic concerns at all three neighborhood exit points, noting the Gartrell Road at Heritage Eagle Bend Golf Club exit point was of the most concern. Council Member Richardson asked if a traffic study had been completed. Mr. Hungerford answered affirmatively, noting the results were that a traffic signal was not warranted. He stated the residents' request was to partner and participate in the City's proposed traffic study.

Council Member Richardson stated Ward IV would support this issue because they too had traffic issues. He expressed concerns related to staff stating that traffic calming was not warranted when common sense said it did.

Mayor Pro Tem Peterson expressed appreciation to the Heritage Eagle Bend residents for their efforts in this regard.

Council Member Cleland stated she was not a proponent of roundabouts. She stated her hope that the study would not cost \$500k, noting that money could go into mitigating this concern.

Council Member Bergan stated the study was being conducted by the City and the \$500k would be used towards a viable option to mitigate the safety concerns.

Neil Wiler, Aurora, Colorado, discussed the new rec center proposed for Aurora, noting the necessity of mitigating the median conditions from Buckley Road to Tower Road along Iliff and from Tower Road to Hampden Avenue so that the area reflected the same as the rec center.

Council Member LeGare noted 100 percent of the funds used to build the rec center would be marijuana tax revenue funds.

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Council Member Roth stated there was currently 50+ miles of medians in the City that required improvements, noting money was set aside each year in that regard.

Council Member Cleland stated her support of median improvements on Tower Road.

Mayor Hogan stated the Council budget session was scheduled for Saturday, October 1, 2016.

CJ Matthews, Aurora, Colorado, discussed the need for street improvements on Tower Road, requested Council Member Roth oppose the development on 11th and 14th until the developer's court orders were settled and suggested the steady flow of marijuana tax revenues should be given to the police department.

Mayor Hogan called for a two minute recess and reconvened the meeting after the recess.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-k**

General Business

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Culture Change Consultants, Larchmont, New York, in the amount of \$60,949.40 to provide training services for safety culture implementation. STAFF SOURCE: Renee Pettinato Mosley, Risk Manager, Internal Services
- b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Metro Pavers, Inc., Henderson, Colorado in the amount of \$730,136.00 for the 2016 Utility Asphalt Patching Program, Project Number 14009B. ***(Staff Requests a Waiver of Reconsideration)*** STAFF SOURCE: Thomas McMinimee, Facilities Projects Delivery Manager, Public Works
- c. Consideration to AWARD CHANGE ORDER #9 TO THE OPENLY SOLICITED DESIGN/BUILD CONTRACT with Adolfson & Peterson Construction, Aurora, Colorado with a Guaranteed Maximum Price of \$77,533.71 for final services associated with the City of Aurora Public Safety Training Center (CAPSTC). R-1658 STAFF SOURCE: Thomas McMinimee, Facilities Projects Delivery Manager, Public Works
- d. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to KUBL Group, Aurora, Colorado in the total amount of \$86,300.00 to upgrade the hardware and software for the Detention Center Cell Management System. (R-1778) STAFF SOURCE: Dr. Zelda DeBoyes, Court Administrator

Motion by Roth, second by Bergan, to approve items 9a- 9d with a waiver of reconsideration on item 9b.

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

- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Accela, Inc., San Ramon, California in the total amount of \$3,910,371.00 to provide a Workflow Process Software System for the City's Development, Permit, Licensing and Maintenance Divisions. (R-1780) STAFF SOURCE: Aleta Jeffress, Director, Information Technology

Council Member Roth asked if Accela was the top value contractor but not the lowest bid.

Aleta Jeffress, Director, Information Technology, answered affirmatively.

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Council Member Roth stated Accela was the best value, pointing out he wanted to make sure it was noted they were not the lowest bid.

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

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

Voting Nay: Richardson

- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Stanek Constructors, Inc., Golden, Colorado in the amount of \$1,051,000.00 for construction of the Prologis Lift Station Improvements Project, Project Number 5499A. STAFF SOURCE: Vern Adam, Engineering Services Manager, Aurora Water

Council Member Roth stated Stanek was the low bidder but expressed concerns regarding the engineer estimate range noting in all likelihood it was the engineer's estimate that was inaccurate.

Vern Adam, Engineering Services Manager, Aurora Water, stated the majority of the difference between the bid and the engineer estimate related to the dewatering of the existing lift station.

Mayor Hogan asked if the \$52k contingency also related to the dewatering issue. Mr. Adam answered no. Mayor Hogan stated five percent contingency was not a big deal but noted it was not a comfortable feeling to have such a difference between the bid and the estimate.

Mr. Adam stated steps were in place to make sure the final estimate would be more accurate.

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

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

Voting Nay: Lawson

- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Presidential Roofing & Restoration, LLC, Englewood, Colorado in the amount of \$126,182.53 for construction of the Nome Street Building Improvements Project, Project Number 5528A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- h. Consideration to AWARD CHANGE ORDER NUMBER THREE TO A COMPETITIVELY BID CONTRACT with Moltz Constructors, Inc., Castle Rock, Colorado in the amount of \$33,525.00 for additional construction services to complete the Rampart Dam Outlet Tower Bridge & Trash Racks Project. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water

Motion by Roth, second by Bergan, to approve items 9g – 9h.

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

Final Ordinances

- ◆ i. **2016-23**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating the existing Millbrook Way right-of-way North of the
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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

- ◆ j. **2016-40**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan by including the Fitzsimons Station Area Plan and changing all references to Montview Station to Fitzsimons Station accordingly. STAFF SOURCE: Chad Argentar, Economic and Business Development Supervisor
- ◆ k. **2016-42**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Eagle Bend General Development Plan to establish phasing of public improvements over parcels described as C4A, C4B, and C4C, in the City of Aurora, County of Arapahoe, State of Colorado (Eagle Bend GDP) STAFF SOURCE: Libby Tart Schoenfelder, Senior Planner II, Planning & Development Service

Motion by Pierce, second by Roth, to approve items 9i – 9k.

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

10. **RESOLUTIONS**

- ◆ a. **R2016-67**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to reimburse itself with the proceeds of a municipal lease or bond financing for capital expenditures related to the construction of the central recreation facility, identifying such capital expenditures, and providing other matters in connection therewith. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

- ◆ b. **R2016-69**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for an Intergovernmental Agreement by and between the Urban Drainage & Flood Control District, the City and County of Denver, the City of Lakewood, and the City regarding funding of joint wet weather monitoring and other CDPS activities. STAFF SOURCE: Dan Mikesell, Deputy Director of Operations and WQEP, Aurora Water

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

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

- ◆ c. **R2016-70**
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

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at the Beck Recreation Center. **Staff requests a Waiver of Reconsideration** STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by LeGare, second by Cleland, to approve item 10c with a waiver of reconsideration.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2016-43**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, organizing the Porteos Business Improvement District; providing for an election of the Board of Directors of the district; and approving the 2017 operating plan and budget for the district. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor Hogan opened the public hearing on the item.

Mark Geyer, Development Project Manager, gave a brief summary of the item, noting it related to the development of the Porteos Business Improvement District.

Mayor Hogan closed the public hearing on the item.

Motion by Peterson, second by Cleland, to introduce item 11a

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2016-68**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for Trolley Station Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City and the District. **(Staff requests a waiver of reconsideration)** STAFF SOURCE: Mark Geyer, Development Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

Mark Geyer, Development Project Manager, gave a brief summary of the item, noting it related to the execution of an intergovernmental agreement.

Mayor Hogan closed the public hearing on the item.

Motion by Peterson, second by Mounier, to approve item 12a with a waiver of reconsideration.

Mayor Pro Tem Peterson noted her support of the item, stating it was unusual for her to support metro districts.

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

13. **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. **2016-44**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the issuance and sale by the City of Aurora, Colorado, acting by and through its utility enterprise, of first-lien sewer refunding revenue bonds, series 2016, in an aggregate principal amount not to exceed \$32,000,000, for the purpose of financing, in whole or in part, the cost of refunding obligations outstanding with respect to the sewer system operated by the utility enterprise, pledging certain funds and revenues of the enterprise to the payment of such bonds. Prescribing the form of such bonds, and providing other details in connection therewith. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

Council Member Roth asked staff to comment on the amount of the interest rate reduction.

Terri Velasquez, Finance Director, did so, noting the current interest rate was 4.5 percent and the anticipated amount for the refinancing was 1.75 percent.

Council Member Roth stated that was evidence of great management on the part of the Water department.

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

14. **ORDINANCES FOR FINAL**

- ◆ a. **2016-41**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, amending the Fitzsimons Army Medical Center General Development Plan, to allow for residential uses, incorporate transit-oriented development strategies, and respond to the new light rail location along Fitzsimons Parkway, City of Aurora, County of Adams, State of Colorado (Fitzsimons Innovation Campus, General Development Plan Amendment No. 6) STAFF SOURCE: Mindy Parnes, Manager of Planning, Planning & Development Services

Motion by Mounier, second by Bergan, to approve item 14a.

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

Voting Nay: Peterson

15. **RECONSIDERATIONS AND CALL-UPS**

Motion by Richardson, second by Cleland, to call up agenda item 5c, conditional use for a fueling station, from the August 24, 2016 Planning Commission meeting.

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

Voting Nay: Roth

16. **GENERAL BUSINESS**

- a. Consideration of the appointment of one (1) member to the Golf Course Advisory Committee. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management
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Motion by Roth, second by Pierce, to appoint Nancy O' Shields to the Golf Course Advisory Committee.

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

- b. Consideration of the appointment of one (1) person and the reappointment of one (1) member to the Career Service Commission. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by LeGare, second by Peterson, to reappoint Garland Osborne and appoint Leo Abrashevich to the Career Service Commission.

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

- c. Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado and the Aurora Police Association for the years 2017-2018. STAFF SOURCE: Dan Quillen, Director of Internal Services, Internal Services

Motion by Cleland, second by Berzins, to approve item 16c.

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

17. **REPORTS**

- a. Report by the Mayor

No report.

- b. Reports by the Council

Council Member Bergan expressed appreciation to the Heritage Eagle Bend residents for their efforts in attending the meeting and providing their input and stated her interest in the traffic study findings in that regard.

Council Member Roth announced the Ward V Town Hall meeting scheduled for Tuesday, September 20, 2016 at Shalom Cares at 6:00 p.m. where representatives from the Aurora Small Business Development and the Homeowners Assistance program would be present.

Council Member Cleland discussed the success of the 7/20 Memorial committee and the work they have done and expressed appreciation to City staff in that regard.

Council Member Pierce announced the latest production at the Aurora Fox Theater, *Dracula, the Musical*, would run from Friday, October 7, 2016 through Sunday, November 6, 2016, noting those interested in attending could purchase tickets at www.aurorafox.org. He discussed the various events associated with the production and stated the electronics recycling event was scheduled for Saturday, September 17, 2016 from 9:00 a.m. to 1:00 p.m. at the Aurora Central Facilities.

Council Member Berzins discussed the success of the recent 9/11 remembrance event and announced the Ward III meeting was scheduled for Wednesday, September 14, 2016 at the Aurora Chamber office at 6:00 p.m. and the joint Wards I and III meeting scheduled for Thursday, September 15, 2016 at the Aurora Hills Golf Course Tin Cup at 7:15 a.m. She

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noted representatives from Aurora Public Schools and the Aurora Marijuana Task Force would be present at both meetings.

Council Member Lawson discussed her attendance at the recent Xcel Energy Day of Service event and expressed appreciation to Xcel for their efforts in this regard.

18. **PUBLIC INVITED TO BE HEARD**

Patricia Ferrero, Aurora, Colorado, Conservation Colorado, spoke in support of the proposed Xcel wind farm. She asked City Council to sign the affirmation statement that would be sent to Governor Hickenlooper in that regard and invited Council to the upcoming Conservation Colorado meet and greet event scheduled for Thursday, September 22, 2016.

19. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:50 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

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