

MINUTES**Regular Meeting – Aurora City Council
Monday, November 14, 2016****CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:00 p.m.

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Attorney Hyman, Assistant City Manager/City Clerk Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Lawson

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 Roth, to recess for executive session.

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

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

1. **RECONVENE REGULAR MEETING OF NOVEMBER 14, 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, Peterson, Pierce, Richardson
COUNCIL MEMBERS ABSENT:	Mounier, Roth
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Reverend Ed Dow, St. Luke's Christian Methodist Episcopal Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 24, 2016**

Motion by LeGare, second by Peterson, to approve the minutes of October 24, 2016 as presented.

- ◆ *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.*

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

Abstained: Roth

6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the board and commission members. Mayor Hogan and City Council congratulated the members and thanked them for their service to Aurora. Each expressed appreciation for the appointment.

<u>Name</u>	<u>Board or Commission</u>
Nicholas Onyszczak	Citizens Advisory Committee on Housing and Community Development
Toni Baruti	Human Relations Commission
Stephanie Clement	Human Relations Commission
Charlene Wisher-Howard	Human Relations Commission
Nicole Rodriguez	Human Relations Commission

- b. Proclamation declaring November 12 – 20, 2016 as Homelessness and Hunger Awareness Week – Mayor Hogan

Mayor Hogan invited Shelley McKittrick, Homelessness Program Director, City of Aurora, to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring November 12 -20, 2016 as Homelessness and Hunger Awareness Week. Ms. McKittrick expressed appreciation for the proclamation.

- c. Proclamation declaring November 2016 as National American Indian Heritage Month – Mayor Hogan

Mayor Hogan invited Mrs. Debbie Stafford; Ms. Kimberly Rivera; Pastor, Reid Hettich; Mr. Anthony Youngblood; Mr. Glen Morris; Ms. Shannon Francis; Mr. Robert Ironshield; Mr. Cordell Kills Crown; Mr. Sid Whiting Jr.; Mr. Thomas Yellowhorse- Davis; Ms. Molly Ryan-Kills Enemy; Ms. Cecelia Bull Bear; Mrs. Mandi Christensen- Trujillo; Ms. Skai Trujillo; Ms. Keya Clairmont; Wambdi Clairmont; Mr. Elias Her Many Horses; Mrs. Star Her Many Horses; Mr. Gerald Montour; Mrs. Linda Montour and Mrs. Sunshine Yellowhorse-Davis to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring November 2016 as National American Indian Heritage Month. Several recipients expressed appreciation for the proclamation.

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

Linda Lehrer and Bridget Duggan, Antelope Property Owners Association, discussed the Kings Point development, as it related to the closure of Ireland Way, traffic safety and safe access for children who attend Creekside Elementary School.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-n**

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 APPROVE THE PURCHASE of 17 Shares of the Godfrey Ditch Company Stock in the amount of \$2,100,000.00, by the City of Aurora, acting by and through its Utility Enterprise. STAFF SOURCE: Alexandra L. Davis, Deputy Director, Water Resources
- b. Consideration to APPROVE THE PURCHASE of 16 Shares of the Godfrey Ditch Company Stock in the amount of \$1,968,000.00, by the City of Aurora, acting by and through its Utility Enterprise. STAFF SOURCE: Alexandra L. Davis, Deputy Director, Water Resources
- c. Consideration to AWARD CHANGE ORDER NUMBER THREE TO A COMPETITIVELY BID CONTRACT to Edge Contracting, Inc., Golden, Colorado in the amount of \$464,936.69 for additional construction services to complete the Baranmor Ditch Improvements Reach 4-5 Project. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Edge Contracting, Inc., Denver, Colorado in the amount of \$224,775.00 for construction of the Storm Sewer Grate Improvements Project, Project Number 5532A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- e. Consideration to AMEND A SINGLE SOURCE CONTRACT with Dewberry Engineers, Inc., Denver, Colorado in the amount of \$151,679.00 for providing construction phase engineering support services for the Rampart Raw Water Delivery System Phase III Improvements Project. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Layne Heavy Civil, Inc., Denver, Colorado in the amount of \$1,344,660.00 for construction of the Tollgate & Sand Creek Interceptor Diversion Structures Rehabilitation Project, Project Number 5517A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to National Meter and Automation, Inc., Centennial, Colorado in the amount of \$555,847.00 for the purchase of Badger water meters for 2017. STAFF SOURCE: Steven Sciba, Manager Water Service Operations, Aurora Water
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to RDP Barricade Co., LLC dba Colorado Barricade Co., Denver, Colorado in the amount of \$95,118.60 for the Bike Plan Improvement-Signing and Pavement Markings Project, Project Number 16020. STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Pierce, second by Mounier, to approve items 9a – 9h.

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

- i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Lewis Fowler LLC, Englewood, Colorado in the amount of \$404,156.00 for professional consulting services to support implementation of the Business Transformation Office (BTO) and the citywide workflow management system through December 2017. STAFF SOURCE: Aleta Jeffress, Director, Information Technology

Council Member Bergan asked if the contract amount would assist in the smooth transition of the \$4M software previously approved by Council.

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Aleta Jeffress, Director, Information Technology, answered affirmatively.

John Dougherty, Aurora, Colorado, expressed concerns regarding the item, noting Council did not have enough information to make a good decision in this regard.

Council Member Richardson expressed appreciation to Mr. Dougherty for his comments and attendance, noting he agreed the contract was flawed.

Council Member LeGare noted Denver had problems with their similar contract process and asked what staff learned from Denver's mistakes. Ms. Jeffress stated Denver had a lot of turnover during the project implementation and they attempted to change processes at the same time as they were implementing the new software.

Council Member Cleland stated her understanding that the \$4M was the total cost for the project and asked if the contract amount was in fact the final amount. Ms. Jeffress stated this amount was budgeted through the end of 2017 and should cover the majority of the project. She noted that could not be determined in all certainty until the project plan was finalized. Council Member Cleland asked what assurances Council had if the software did not work well. Ms. Jeffress stated the purpose of the governance board was to hone in on governance to assure all decisions were validated and verified.

Motion by LeGare, second by Bergan, to approve item 9i.

Mayor Pro Tem Peterson stated it would be helpful to Council in making future decisions if projects were not piecemealed together and upfront costs associated with the project were known.

Ms. Jeffress concurred, noting that could be built into the contract moving forward.

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

Voting Nay: Mounier, Peterson, Richardson

- j. Consideration to AWARD A SOLE SOURCE CONTRACT to Correctional Healthcare Companies, Incorporated, Greenwood Village, Colorado in the amount \$557,038.32 for medical services required at the Aurora Detention Center through December 31, 2017. STAFF SOURCE: Dr. Zelda DeBoyes, Court Administrator
- k. Consideration to AWARD A SOLE SOURCE CONTRACT to Niquito's, Aurora, Colorado in the not-to-exceed amount of \$85,000.00 for delivery of prepared food and other food items to the Aurora Detention Center through December 31, 2017. STAFF SOURCE: Dr. Zelda DeBoyes, Court Administrator
- l. Consideration to AWARD A SOLE SOURCE CONTRACT to Nicoletti-Flater Associates, Lakewood, Colorado in the amount not-to-exceed \$100,000.00 for police psychological counseling services through December 31, 2017. STAFF SOURCE: Nicholas "Nick" Metz, Police Chief
- m. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Enviro-Vac, Incorporated, Denver, Colorado in the not-to-exceed amount of \$53,573.80 for sand trap pumping and cleaning services required through November 30, 2017, B-4186. STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works

Motion by Pierce, second by Mounier, to approve items 9j – 9m.

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

Final Ordinances

- ◆ n. **2016-61**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning a parcel of land from O (Open Zone District) to M-2 (Medium Industrial District) and amending the zoning map accordingly (17050 East Smith Road - Tower Pointe Rezone) Case Number 2016-2011-00. STAFF SOURCE: Jonathan Woodward, Planner II - Planning & Development Services

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

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

10. **RESOLUTIONS**

- ◆ a. **R2016-80**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Amended and Restated Intergovernmental Agreement for Restoration of Yield Cost Sharing among the City of Aurora, acting by and through its Utility Enterprise, Southeastern Colorado Water Activity Enterprise, City of Fountain, acting by and through the City of Fountain Electric, Water and Wastewater Utility Enterprise, the City of Colorado Springs, on behalf of its Utility Enterprise, and the Board of Water Works of Pueblo, Colorado. STAFF SOURCE: Gerald Knapp, Regional River Basin Program Manager, Aurora Water

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

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

- ◆ b. **R2016-81**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the Loan Agreement between the City of Aurora and the Aurora Urban Renewal Authority in a principal amount not to exceed \$21,500,000 to be used for the costs to be incurred by the authority in association with the condemnation and redevelopment of the property within the Regatta Plaza Urban Renewal Area. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

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

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

- ◆ c. **R2016-82**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the submission of an application to Great Outdoors Colorado for a mini grant in the amount of \$45,000 to partially fund the construction of a multi-use trail on city-owned property located at 16th Avenue and Akron Street. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Tracy Young, Planning, Design, Construction Manager, Parks, Recreation & Open Space

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

Karen Hancock, Planning & Development Services, provided a brief summary of the item, noting it related to the mini-grant application that would help the adjacent proposed project to be more cohesive.

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

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2016-83**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the first amendment to the consolidated service plan for Traditions Metropolitan District No. 2. (**Staff Requests a Waiver of Reconsideration**). STAFF SOURCE: Mark Geyer, Development Project Manager, General Management

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

Motion by LeGare, second by Bergan, to approve item 11a with a waiver of reconsideration.

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

Voting Nay: Peterson, Richardson

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2016-62**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating the public right-of-way for Perth Street, directly North of East 32nd Parkway and West of Piccadilly Road, City of Aurora, County of Adams, State of Colorado, and reserving a utility easement therein. (Perth Street Vacation) STAFF SOURCE: Brenden Paradies, Planner I, Planning & Development Services

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

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

- ◆ b. **2016-63**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending various sections of Chapter 2 and Chapter 6 of the City Code related to the alcohol beverages Local Licensing Authority and the City's Liquor Code. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by LeGare, second by Mounier, to introduce item 12b.

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

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- ◆ c. **2016-64**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 26 of the City Code related to sales of lodging in private residences. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Pierce, second by Berzins, to introduce item 12c.

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

Voting Nay: Peterson, Richardson

13. **ORDINANCES FOR FINAL**

- ◆ a. **2016-51**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending certain Sections of Chapter 138 and Chapter 146 of the City Code of the City of Aurora, Colorado, relating to rates, fees, and services for the provision of water. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

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

Council Member Mounier expressed appreciation to Aurora Water for providing great service to the City of Aurora, noting she would not support the item because of the negative financial impact it would have on citizens' day-to-day lives.

Council Member Bergan asked staff to speak to the effect the denial of this item would have on resident rates in future years.

Marshall Brown, Director, Aurora Water, did so, noting the City deferred rate increases each year and doing so resulted in a half to one percent increase the next year as costs went up, noting the alternative would be to lower service levels.

Council Member LeGare asked staff how long it had been since water rates were increased in the City. Mr. Brown stated it had been seven years. Council Member LeGare stated his understanding that Council requested Aurora Water find a way to not raise rates but that now was the time when it had to be done.

Mr. Brown agreed staff looked for other ways to avoid rate increases, create efficiencies and increase revenue but as costs increased the time came to raise rates.

Council Member Roth stated in addition to there not being any rate increases in the last seven years, wastewater increases that were passed on to the City have been mitigated to only be minimally passed onto residents. He stated he would support the item because everything possible was done to delay the rate increase.

Council Member Lawson asked how a substantial drought phase with impacted reservoirs would impact the increase. Mr. Brown stated there would not be an immediate impact and the increases would be reevaluated if the drought extended for two to three years.

Council Member Berzins stated she would not support the item because the citizens could not afford a rate increase and there were other sources of money coming into the City with regards to water.

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Mayor Pro Tem Peterson stated she would support the item because it was necessary to raise rates at this time to prevent previous situations where rates had to be raised by a higher percentage just to play catch-up to rising costs.

Council Member Richardson stated he would not support the item because the water fund continued to support non-water related activities.

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

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

- ◆ b. **2016-59**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Sections 130-158, 130-160, 130-161, 130-167, 130-196 and 130-199 of the City Code related to the sales and use tax on retail marijuana and retail marijuana products STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by LeGare, second by Roth, to approve item 13b.

Council Member Richardson stated he would not support the item because it was a tax increase.

Council Member Cleland stated she would not support the item because she did not agree with the amount of money being spent.

Council Member Roth pointed out this was a tax increase specifically on retail sales and marijuana products in the City of Aurora and would not affect those who were not purchasing retail marijuana products in the City of Aurora, noting the money was being earmarked to address the homelessness initiative.

Council Member LeGare added he introduced the tax based on the understanding that the State of Colorado was lowering the retail state sales tax on marijuana by two percent and that Aurora could increase its tax by two percent which resulted in a net wash to the marijuana consumer. He noted this would generate approximately \$1.5 million annually to serve homeless individuals and families in the City. He stated he reached out to three different marijuana company owners and all three supported the offset tax.

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

Voting Nay: Berzins, Cleland, Richardson

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

16. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by Council

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Council Member Lawson discussed the success of the recent Heritage Eagle Bend Veterans Day program and expressed appreciation to the Heritage Eagle Bend residents for their efforts in that regard and to all those who have served or who were currently serving in the armed forces in Afghanistan and Iraq.

Council Member Mounier discussed the recent election. She stated the first three words of the United States Constitution read "we, the people" noting the people had spoken. She suggested citizens participate in the election process by walking precincts, knocking on doors and talking to neighbors and elected officials so that their voices were heard.

Council Member Berzins concurred, noting most council members' cell phone numbers were posted online. She stated elected officials represented the people and they wanted to hear from those they represent. She expressed appreciation to all those involved in the success of the recent Veterans Day Salute.

Council Member Pierce announced the results of the recent Household Chemical Roundup event.

Council Member Cleland discussed the recent Aurora Mental Health annual meeting where 350 art objects done by local children were on display. She noted Council Member Berzins retired after serving eight years on the Aurora Mental Health board and expressed appreciation to Council Member Berzins for her efforts in that regard.

Council Member Roth concurred with Council Members Berzins and Mounier, noting another way to contact ward council members was through attending HOA meetings.

Council Member Bergan discussed the success of both Veterans Day events in Aurora and expressed appreciation to all those who have served in the military. She announced the Ward VI Town Hall meeting was scheduled for Thursday, November 17, 2016 at the Mission Viejo library where Code Enforcement representatives would provide a presentation.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

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

STEPHEN D. HOGAN, Mayor

ATTEST:
