

MINUTES

Regular Meeting – Aurora City Council Monday, December 19, 2016

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 4:45 p.m.

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, 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:	Richardson

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 Peterson, to recess for executive session.

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF DECEMBER 5, 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** Pastor Greg McDonald, Heritage Christian Center

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 5, 2016**

Motion by Bergan, second by Roth, to approve the minutes of December 5, 2016 as presented.

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

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Abstained: Mayor Hogan

6. **CEREMONY**

None

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-o**

General Business

- a. Consideration to APPROVE A LEASE AGREEMENT between the City of Aurora and Vintage Theatre Productions, Inc. for the City-owned property at 1468 Dayton Street. STAFF SOURCE: Jennifer Orozco, Senior Development Project Manager, Planning & Development Services

Council Member Bergan congratulated the Vintage Theatre on the increase in ticket sales and attendance over the past year, noting in that regard and with the goal of requiring less subsidy from the City, perhaps an increase in rent over time should be considered.

AMENDMENT I

Motion by Bergan, second by Peterson, to modify the lease agreement to establish a lease rate of \$1000 per year.

Council Member LeGare stated his opposition to the amendment, noting it was an issue that should be reviewed by committee. He pointed out that while an increase from \$10 per year to \$1000 per year was not necessarily significant, there has never been a profitable theatre in the Colfax corridor and that increase might be substantial to them.

Council Member Bergan pointed out revenues in 2012 were \$296K and \$640K in 2016.

Council Member Berzins suggested it was not fair to taxpayers and businesses that the Vintage Theatre received \$52K of subsidy per year and suggested a sliding lease rate scale would be appropriate. She asked staff if the theatre was otherwise subsidized.

Tony Chacon, Urban Renewal Supervisor, stated the City provided grant funding to the organization and even though revenue was up, the organization did not break even and required additional resources at this time. He pointed out a rent increase would not help the bottom line and the theatre would continue to approach the City for further grant funding.

Council Member Berzins asked if the theatre sought additional funding from other entities besides the City. Mr. Chacon answered affirmatively, noting staff could provide a list of those sources at a later date. Council Member Berzins asked if there were any private/public partnerships in this regard. Mr. Chacon stated the theatre had a plethora of funding resources such as patron donations and membership fees but at this time, the revenues did not cover the costs.

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Council Member Mounier stated her support of implementing a sliding lease rate scale but noted it was asking too much of the Fox and Vintage theatres to do so until more restaurants were established and a known artist was in residence in the Aurora Arts District.

Mayor Pro Tem Lawson asked if ticket sales were sold on a sliding scale or were sold at one set price. Mr. Chacon stated they did not have that specific information at this time but could provide it to Council for review. Mr. Chacon suggested Vintage representatives could also meet with City Council at a later date to better answer their questions.

Council Member Roth agreed it was important for the City to closely review City-subsidized entities however he agreed the item should be reviewed by a committee in order to obtain a more detailed dialogue that might generate a more measurable process.

Council Member Bergan pointed out the rent increase came to \$83 per month.

VOTE ON AMENDMENT I

Voting Aye: Bergan, Berzins, Peterson

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

ORIGINAL MOTION

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

Council Member Peterson stated it was sad that the City subsidized the theatre with public dollars when the people in the neighborhood could not afford to attend the productions. She stated it made more sense to support a theater that could support itself with ticket prices that people in the same area could afford to purchase.

Council Member Mounier stated both the Vintage and Fox theatres had a great relationship with both residents and businesses in the area. She pointed out she had not received any complaints about the ticket prices from her constituents, noting the tickets prices were half as expensive as those charged by Denver Center of Performing Arts. (DCPA)

Council Member Bergan pointed out the increase in ticket revenues from \$238,269 to \$640,089 was a difference of approximately \$412K and was not realized through ticket sales.

Council Member Berzins pointed out Council did not decide if the Vintage Theatre representatives would be invited to committee to provide a presentation.

Council agreed to have the Vintage Theatre representatives provide a presentation to the appropriate Council committee.

Council Member Roth suggested the Council committee should set the expectation of what should be presented and then have the theatre respond to it.

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

Voting Nay: Bergan, Peterson

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- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Sungard Public Sector Inc., Lake Mary, Florida in the amount of \$60,529.74 for annual maintenance and support of the One Solution software system through June 30, 2017. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Innovative Interfaces Inc., Emeryville, California in the amount of \$107,836.00 for the annual subscription fee for the Sierra integrated library software system used citywide by Aurora's libraries. STAFF SOURCE: Patti Bateman, Director, Library & Cultural Services

Motion by Roth, second by Berzins, to approve items 9b – 9c with a waiver of reconsideration on 9b.

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

- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Bassett & Associates, Inc., Centennial, Colorado in the amount of \$4,275,977.00 for the District 2/Traffic Building and Site Renovation Project, Project Number 5516A. STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works

Council Member Cleland expressed concerns regarding the bid acceptance expiration date of January 17, 2017, and asked if that would be a good date as long as Council approved it by then.

Elly Watson, Manager of Business Services, Public Works, answered affirmatively, noting the contract would not be affected by the credit union move-out date.

Motion by Cleland, second by Lawson, to approve item 9d.

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

- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Norman Machine Tool, LTD., Baltimore, Maryland in the amount of \$66,643.74 for the purchase of a Betenbender 10' x 120, 120 Ton Hydraulic Press Brake and Specific Press Brake Dies tooling accessories for use by Fleet. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- f. Consideration to AWARD SINGLE SOURCE CONTRACT to H&E Equipment Services, Henderson, Colorado in the amount of \$1,486,742.00 for the purchase of one (1) Emergency One custom pumper fire truck and one (1) Emergency One custom aerial ladder truck. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to Gexpro, Centennial, Colorado in the amount of \$105,120.00 for pedestrian scale lighting that meets the current City standards. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to D&M Machine Division, Inc., Montesano, Washington in the amount of \$55,465.00 for the purchase of a "SLASHBUSTER"® XL 480S brush cutter for use by Water's Stormwater Section. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** (B-4208) STAFF SOURCE: Thomas Ries, Manager of Aurora Water Operations and Maintenance, Public Works

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- i. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Felsburg, Holt & Ullevig, Centennial, Colorado in the not-to-exceed amount of \$77,612.00 for additional environmental assessment services for the 6th Avenue Parkway Extension Project, RFP R-1656. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works
- j. Consideration to AWARD A SINGLE SOURCE CONTRACT to Neve's Uniforms, Incorporated, Denver, Colorado in the not-to-exceed amount of \$90,000.00 for Fire uniforms and related tailoring services through December 31, 2017. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Scott Sare, Deputy Fire Chief
- k. Consideration to APPROVE the Pipeline Easement Deed and Agreement (Todd Creek Existing Pipelines). STAFF SOURCE: Lisa Darling, Regional River Basin Program Manager, Aurora Water
- l. Consideration to APPROVE the Pipeline Easement Deed and Agreement (Todd Creek Multiple Parcels). STAFF SOURCE: Lisa Darling, Regional River Basin Program Manager, Aurora Water

Motion by Roth, second by Berzins, to approve items 9e – 9l with waivers of reconsideration on 9e, 9g, 9h, and 9j.

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

Final Ordinances

- ◆ m. **2016-68**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning a parcel of land from B-3 (Highway Service District), to Transit-Oriented Development District, and amending the zoning map accordingly (King Soopers at Regatta Plaza - Rezone from B-3 to TOD) STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Services
- ◆ n. **2016-69**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Pine Ridge Ranch General Development Plan to allow for assisted living/memory care, other uses permitted by right, and improve design standards generally located East of E-470 and North of the Intersection of South Addison Court and Aurora Parkway in the City of Aurora, County of Arapahoe, State of Colorado. (Pine Ridge Ranch - General Development Plan Amendment) STAFF SOURCE: Libby Tart Schoenfelder, Senior Planner II, Planning & Development Service
- ◆ o. **2016-70**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Development Agreement between the City of Aurora, Colorado, and Dayton Station Investors, LLC, creating a vested property right pursuant to Article 68 of Title 24, C.R.S, for certain lands located in the East one-half of the West one-half of Section 3, Township 5 South, Range 67 West of the 6th principal meridian, County of Arapahoe, State of Colorado. (14.03 Acres more or less) STAFF SOURCE: Gary Sandel, Development Project Manager, General Management

Motion by Roth, second by Pierce, to approve items 9m – 9o.

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

10. **RESOLUTIONS**

- ◆ a. **R2016-96**
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, and Todd Creek Village Metropolitan District, a Colorado Metropolitan District, regarding easements. STAFF SOURCE: Lisa Darling, Regional River Basin Program Manager, Aurora Water

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2016-71**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, declaring the organization of the Cobblewood Streets General Improvement District (1-2016). STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

Council Member Berzins expressed appreciation to the Cobblewood neighborhood for their efforts in this regard.

Council Member LeGare pointed out the discrepancy in the vote count and asked staff to provide the accurate count in the ordinance.

Mike Hyman, City Attorney, agreed to do so.

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

Voting Nay: Peterson

12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration of the appointment of four (4) members to the Civil Service Commission. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Council Member Bergan nominated Michael Gorin.

Council Member Roth nominated Robert Christoffersen.

Council Member LeGare nominated Pamela Turner.

Council Member Berzins nominated Tim Ehgotz.

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Motion by LeGare, second by Bergan, to appoint Robert Christoffersen, Timothy Ehgotz, Michael Gorin and Pamela Turner to the Civil Service Commission.

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

- b. Consideration of the reappointment of one (1) person to the Building Code and Contractors Appeals and Standards Board. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by Pierce, second by LeGare, to reappoint Greg Echols to the Building Code and Contractors Appeals and Standards Board.

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

- c. Consideration to SET REGULAR COUNCIL MEETINGS AT 7:30 pm and approve Location for Public Posting of Agenda at East entryway to Aurora Municipal Center, 15151 E. Alameda Parkway, Aurora, CO 80012. STAFF SOURCE: Janice Napper, Assistant City Manager/City Clerk, General Management

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

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

14. **REPORTS**

- a. Report by the Mayor

Mayor Hogan discussed his recent visit to the Gaylord Texan in Dallas, Texas. He wished everyone a merry Christmas, happy holidays, and a happy New Year.

- b. Reports by the Council

Council Member Bergan stated the Ward VI Town Hall meeting was scheduled for January 25, 2017 at the Heritage Eagle Bend clubhouse from 6:00 p.m. to 8:00 p.m. and discussed a social media poll she conducted for Ward VI in terms of giving. She wished everyone a merry Christmas, happy holidays and a wonderful 2017, noting her gratitude to those who prayed for her during the first half of 2016.

Council Member Roth wished everyone a very merry Christmas, happy holidays and a happy New Year. He stated on a personal note that his children would be in town for the holidays and he looked forward to spending time with them.

Council Member Peterson wished everyone a merry Christmas and a very good New Year.

Council Member Cleland wished everyone a merry Christmas, happy Hanukkah and a great New Year.

Council Member Pierce wished everyone a very merry Christmas and a happy and prosperous New Year.

On a note of personal privilege, Council Member Berzins commended her daughter, Monica, who sang first soprano with the Denver Pro Chorale, on a job well done at the recent

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Christmas program held in Denver. She wished everyone a merry Christmas, happy Hanukkah and a good New Year.

Council Member Mounier wished everyone a merry Christmas and a happy and prosperous New Year. She reminded everyone to tell the people they love that they loved them and to hug them closely. She noted this was a wonderful, joyous time of year to share the love of family and friends.

Mayor Pro Tem Lawson discussed her recent attendance at the Shop for Cops event and a charity fundraiser for disadvantaged families and individuals hosted by the Colorado United Korean Association. She wished everyone a merry Christmas, expressed appreciation to everyone who supported her efforts and asked everyone to be kind to one another and to be thankful for those in their lives.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:10 p.m.

Second Executive Session

CALL TO ORDER – REGULAR MEETING

Mayor Hogan reconvened the regular meeting of City Council at 8:25 p.m.

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Lawson, LeGare, Mounier, Peterson, Pierce, Roth
COUNCIL MEMBERS ABSENT:	Cleland, Richardson
OFFICIALS PRESENT:	City Manager Noe, 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, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Abstaining: None

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

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STEPHEN D. HOGAN, Mayor

ATTEST:

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