AGENDA



Planning and Economic Development Policy Committee

March 8, 2023
8:30 am
VIRTUAL MEETING
City of Aurora
15151 E Alameda Parkway

Public Participation Dialing Instructions

Call in Number: 1(408)418-9388 Access Code: 2499 956 2448

Click here to join the WebEx meeting

This meeting will be live-streamed on the city's YouTube channel. Watch at YouTube.com/TheAuroraChannel

Council Member Francoise Bergan, Chair Council Member Steve Sundberg, Vice Chair Council Member Angela Lawson, Member

Council Goal: Be a great place to locate, expand and operate a business and provide for well-planned growth and development.

Pages

1. Call to Order

2. Approval of Minutes

1

February 8, 2023 Draft Subject to Approval Councilmember Bergan

3. General Business

3.a A/D Works!

9

Presentation on A/D Works! Sponsor: Françoise Bergan

Staff Source/Legal Source: Andrea Amonick, Development Services

Manager/Rachel Allen, Client Group Manager

Outside Speaker: Sasha Easton, Workforce Director, A/D Works! Estimated Presentation/Discussion time: 10 minutes/10 minutes

4.

4.c

Aurora Chamber of Commerce

NO REPORT

4.d Planning Commission

NO REPORT

4.e Oil and Gas Committee

NO REPORT

4.f Business Advisory Board

NO REPORT

4.g Retail

NO REPORT

4.h Small Business

Marcia McGilley

4.i Visit Aurora

NO REPORT

5. Confirm Next Meeting Date

Tentatively scheduled for April 12, 2023, at 8:30 AM MT- Hybrid

6. Adjournment

PLANNING AND ECONOMIC DEVELOPMENT POLICY COMMITTEE MEETING MINUTES

Date: February 8, 2023

Time: 8:30 am

Members Present Chair: Council Member Françoise Bergan, Vice Chair: Council Member

Steve Sundberg, Council Member Angela Lawson

Others Present Council Member Jurinsky, Adrian Botham, Alicia Montoya, Andrea

Amonick, Andrea Barnes, Austin Kane, Becky Hogan, Brad Pierce, Brandon Cammarata, Brent Window, Brian Rulla, Bruce Dalton, Cathy

DeWolf, Cesarina Dancy, Chad Argentar, Crystal Vigil, Daniel

Brotzman, Daniel Krzyzanowski, Daniel Money, Darcy Dodd, David

Schoonmaker, Gayle Jetchick, Hector Reynoso, Jason Batchelor,

Jeannine Rustad, Jeffrey Moore, Jennifer Orozco, Julie Patterson, Kim Skaggs, Kim Stuart, Leah Ramsey, Marcia McGilley, Marisa Noble, Mark Smith, Mark Witkiewicz, Megan Waldschmidt, Melissa Rogers, Melvin E. Bush, Michelle Gardner, Mindy Parnes, Peter Wall, Rachel Allen, Robert Oliva, Sandra Youngman, Scott Berg, Stephen Rodriguez,

Steve Cecil, Tod Kuntzelman, Tom Clark, Wendy Mitchell, Yuriy

Gorlov

1. CALL TO ORDER

2. APPROVAL OF JANUARY 11, 2023, DRAFT MINUTES-COUNCIL MEMBER BERGAN

2.a. The minutes were approved.

3. GENERAL BUSINESS

3.a. Monument Signs

Summary of Issue and Discussion:

Jeannine Rustad, Planning and Development Services Director

Steve Cecil, Real Estate Manager of Lamar Advertising, presented this item. S. Cecil introduced Parquee, the partnership opportunity that they hoped to have with Aurora City. Parquee is a digital city communication device located on municipal properties. It is uniquely designed to promote and complement the surrounding

areas, which would become the source of civic pride for the community. Parquee provides an attractive medium to promote the vision and provide passive income to the local governments.

Jurisdictions, such as Aurora, were searching for new and innovative ways to increase revenue without overburdening their constituents with additional taxes. The Parquee Program was designed specifically that would address the issue.

Parquee was owned, operated, maintained, and constructed by Lamar Advertising at zero cost to the taxpayers. It was designed to promote the city's vision with enhancements that would complement the surrounding areas. Lamar Advertising would be open to any ideas on the designs presented by S. Cecil.

Each design had the Aurora logo. They have incorporated some of Aurora's campaigns that they have used to convey the messages for certain events. Aurora has also partnered with Lamar on traditional advertising space to promote events.

Parquee's benefits would include a dedicated slot that would promote civic events and announcements. Dedicated slots can be used for many sponsorships. Lamar has operated with eight sponsorship opportunities. After the city's messaging, seven sponsorships would go through the digital communication device, and then the cities would populate on the eighth one.

Parquee would provide a steady revenue stream to the city through these sales and sponsorships. Aurora has control over the messaging. Lamar was also open to potential locations that would be a good fit to get their messaging out to the residents. For size options, the poster option is a 10 by 21 feet small size. However, there were larger sizes depending on location. Aurora City was allocated to one full slot in the digital cycle. It could be used for many services. Lamar has used the digital faces to promote AMBER Alert.

Parquee has over 150 years of combined experience in the outdoor digital sign industry. Brent Window, Territory General Manager, and Steve Cecil were just one of the support team. On the company side, Lamar had a corporate office that would help monitor these signs and help maintain them.

Aurora City would receive licensing fee and revenue share to be agreed upon by both the city and Lamar. In addition, the city would receive one of the eight sponsorships to communicate the events. The projected annual would be close to a million based on six locations in Aurora City. LEDs were replaced every seven years. A team of people were constantly viewing these monitors for maintenance at zero cost to the city. Lamar would be open to training a staff member(s) and a pilot program. Parquee would be custom-made depending on what the city needs at zero cost to taxpayers.

CM Sundberg acknowledged the presentation and the item. He thought that Parquee and Lamar would help fill the gap on the lack of reach for messaging and announcements throughout the city. CM Sundberg asked the types of advertising and companies placed across the screen. S. Cecil stated the partnership varies across entities who would need advertising, however, it would have to be within the city's guidelines. CM Sundberg also asked for clarification on the dedicated slot. S. Cecil explained that each digital face was programmed to have eight sponsorships. Lamar had removed one slot and dedicated that slot to Aurora City. Each slot messaging would stay for 8 seconds until it would come back to the slot dedicated for the Aurora City. The dedicated slot could have different messages at different times of the day. S. Cecil also stated that each sponsorship has a library. Normally, clients cannot access the library, but the city would have that option.

CM Lawson asked if the advertising could be used for hazard signs, warning signs, or road signs that would be a detriment for the community. S. Cecil stated that the slot could be used for those. They already have a template ready for the city to use as they saw fit. CM Lawson followed-up a question regarding the cameras on the digital slot. S. Cecil clarified that the cameras they used to monitor would be directly angled towards the screen and not towards the sidewalk or out to the street.

CM Bergan asked on the permanent monument sign presented on the slide. S. Cecil stated that the structure would be permanent. It would only be removed if the partnership would end, as the monuments were heavy. He also stated that the monuments would comply with the architectural standards in Aurora City.

CM Bergan appreciated the 8-second display as the 4-second display would only be fast for drivers driving by. She asked the location on where the digital face would be situated if the advertisement involved traffic-related messages, as these are city-owned property while road signs were situated on public properties. S. Cecil discussed that it would be typically on a parcel close to the sidewalk or curb. It could be located in places where it was visible for traffic.

CM Bergan acknowledged the pilot program idea to see how it would work. She asked for the period for the pilot program. S. Cecil stated the pilot program would require the local city approval and it would be around the six-month range before they would get the materials needed for building it.

Jeannine Rustad, Director of Planning and Development Services presented the update on the concerns on the item. The UDO placed restrictions on location, size, and type of signs. Lamar Group shared with them the draft UDO language and certain government signs. Public Works had concerns on the right of way, however, none of the locations suggested were right of way, and they would construct the UDO to make sure that they would not allow these in the right of way.

They have worked with the real estate and were recommended a lease over a license. They would coordinate between Public Works, Real Estate, Planning, and

other departments on locations. Any lease proposal would come back to Council for approval.

K. Skaggs discussed that there would be a public forum for the public to put their messages for the signs to set limited restrictions on what those messages might be. Any limits they would set on the content of the messages would potentially open up to liability for constitutional violations. On the other hand, if they would not exercise control over messages, they would face potential PR and political issues.

J. Rustad explained that they would have to dive deeper on how they would carve out an exception to allow the signs on the right of way and billboards throughout the city, as several years ago, the Council decided they did not want billboards throughout the city. They would then look into the staff and legal time in monitoring the messages and would make sure that they would be staying above board.

CM Bergan asked if there was anything in the city allowing advertisers to advertise with them on the website. K. Stuart stated they would not take advertising for that. The only exception was with Channel Eight. Beyond limited public service-type announcements, they would not take advertising, as they cannot choose the content and have control over that. K. Skaggs added that they could set up a limited public forum and have a forum with a very specific purpose. They would have to look very closely at the content. S. Cecil also added that Lamar would not advertise negative messaging. They've been in business since 1902 and they're here to help the municipalities and cities they partnered with.

D. Money asked who the decision-maker would be of what's negative and whether or not they get to advertise. S. Cecil stated it would be their general manager and their territory manager. They would get the corporate officials if there would be a gray area.

CM Lawson asked the difference between the messaging in Arapahoe Road and in the city. CM Bergan clarified that in Centennial, the messaging was all Centennial content. J. Rustad stated that the slot would stay revenue neutral or they would only get money from the seven other advertising slots, whereas, if they were to install a sign that just had city messaging, they would shoulder the full cost and not get any revenue. S. Cecil further clarified that Lamar can agree to not put certain things on the slot.

CM Sundberg asked for the guidelines they had within the city for what they would post on their social media outlets and its applicability on the advertisements. K. Stuart stated that what they post on social media would be city-generated and city referenced. They did have a policy on their website and social media. They had a strict practice of never to remove interaction with social media. What they post would be either from the city, quasi-governmental agencies, city, and formal city partners. K. Skaggs stated they control the message 100%. They may promote partners, but they would also have full editorial control. With these signs, it would

have to be extremely limited. K. Stuart added this would also echo on their Aurora TV. They have full editorial control on the stories and contents, and these would apply on their social media and websites as well.

K. Stuart asked the liability on the city if the Lamar Group would be the one making the decisions. S. Cecil stated it would be a supply and demand. Messages, sponsorships, or campaigns would have to follow Lamar's guidelines. CM Bergan followed-up on monopolization and if Lamar had multiple competitors on the same cycle. S. Cecil stated there would be multiple sales options that they provide to help generate revenue for the city and some of those were called preemptible. They would try to be as fair as possible, as they would not want any conflicts with their advertisers and sponsorships. Their goal was to not be a burden to these sponsorships. They also had the side-by-side signs, where they would not put side-by-side the same type of business.

CM Jurinsky suggested having their legal team converse with other legal teams in other cities to see how they were able to do the advertisements without the negative advertising. S. Cecil agreed and stated that their team is available for the Aurora City staff and attorneys. They would be open for conversation.

CM Jurinsky stated that Aurora City missed many opportunities. She asked her colleagues to consider moving forward the item for further discussions. She stated she would be happy to work with Lamar to coordinate meetings and discussions with other legal departments in the city. CM Bergan echoed CM Jurinsky's suggestion.

Outcome:

The Committee unanimously approves this item to move forward to Study Session.

Follow-up Action:

Staff will add this item to the March 6th Study Session.

3.b. Data Center Infrastructure Discussion

Summary of Issue and Discussion:

Andrea Amonick, Development Services Manager

Yuriy Gorlov, Aurora Economic Development Council, presented this item. Industry has been growing exponentially across the country. At this point, about 40 states, plus or minus, offer statewide incentives to attract the industry. As of today, there are dozens of centers spread across the Metro Area such as colocation centers, enterprise solutions centers, and hyper scale data centers.

These data centers come in a variety of shapes and sizes, could be denser and multistory. The city attracted two operations last year. They came in because partially of the incentive program that Council approved in 2020. J. Rustad has helped with both operations. They are in the planning phases as of now. Data centers have created jobs with the supply chain that follow. According to reports, data centers creates millions of dollars of economic impact annually, and after the construction, it would create tens of millions of dollars potentially in new tax revenues to the city.

They have been working closely with Xcel Energy as they want to provide the power to keep the renewable energy rates going. As it relates to water usage, operators have created closed loop systems, and many facilities are air-cooled or have hybrid systems. The industry has grown at a high CAGR, Compounded Annual Growth Rate. It is not as easy to develop data centers as it was ten years ago due to competition and attention now.

All of the city's targeted industries rely on data. The growth sectors of the future will depend on good data infrastructure. To understand the impact on land planning was part of the Planning Department's request for this item to be up on the agenda. The parking requirement changes from UDO was one of the perfect examples for data centers to go into different zoning areas.

CM Lawson asked what the skin in the game would be bringing the Fiber if they were to put all these data centers in the city. She wanted to know the contribution to this infrastructure before she would approve anything. Y. Gorlov stated that the data centers look at the infrastructure in place. They would go to areas where the transmission lines and roads are there, and then they would bring Fiber and whatever infrastructure they would need. Development pays for itself, and they would bring that if they would need to improve, extend, or any of that in terms of Fiber and water lines. It would be a win-win situation where they require resources,. This would create a ripple effect and more industries would react to seeing a well-developed area.

CM Bergan expressed her concerns on the 75% rebate, as the city would only get 10% of property taxes. Y. Gorlov stated that most of the development that they would need would be adjacent to their property they would pay for. CM Bergan stated she heard from the water dept about having to put a surcharge on the residents for water usage and so forth. She was cognizant of the water consumption of these data centers. Y. Gorlov stated they have talked with Marshall and his team about these concerns. They made sure that the cost that they're charging for the tap fees would be commensurate with the development. Everything that the water department charges for that water service would go back into the capital improvements plan, hence, funding other lift stations or other pipelines, et cetera. Y. Gorlov clarified that if it would generate \$30 million of new taxes over the first ten years, even with a 75% rebate, the city would still be net positive.

Outcome:

Information Only.

Follow-up Action:

None required.

4. MISCELLANEOUS MATTERS FOR CONSIDERATION

4. a. Aurora Economic Development Council

• Yuri Gorlov

NO REPORT

4.b. Havana Business Improvement District

• Chance Horiuchi

Updates on Havana Business Improvement District are in the packet.

4.c. Aurora Chamber of Commerce

• Kevin Hougen:

NO REPORT

4.d. Planning Commission

• Becky Hogan

They have recently changed their chair and vice-chair on the Planning Commission. Garrett Waltz is the new Chair and Becky Hogan is the new Vice-Chair. They will have a meeting on February 9, 2023, in Ward 6.

4.e. Oil and Gas Committee

• Brad Pierce:

NO REPORT

Vacancy on Industry Position.

4.f. Business Advisory Board

• Garrett Walls

NO REPORT

4.g. Retail

• Bob Oliva

NO REPORT

4.h. Small Business

• Marcia McGilley

For 2022, businesses had exceeded all the goals for the SBA requirement. The number of clients had 639 sessions over 1,800. They did 69 webinars and events with 900 attendees. They had over 5,000 referrals.

For economic impact, 126 jobs were created, and 156 jobs retained. 11.2 million in terms of capital formation. Sales increased by about 24 million. Government contracts had 20 million. They received 97% of 100 for satisfaction rating in consultation sessions, and 96% in training sessions.

Spanish Language Childcare Class is about in the middle of the course. They had groups of individuals wanting to start childcare co-ops. There were 15 individuals who registered and 11 were continuing.

The Office of Economic Development and International Trade hired a new state Small Business Development Center Director, Hannah Krieger. She was the executive director of Mentor Colorado.

4.i. Visit Aurora

• Bruce Dalton NO REPORT

5. CONFIRM NEXT MEETING DATE

Scheduled for March 8, 2023, at 8:30 AM MT.

CM Lawson asked for a presentation and update on opportunity zones as an additional item to the agenda for April.

6. ADJOURNMENT

APPROVED:		
	Françoise Bergan, Committee Chair	



CITY OF AURORACouncil Agenda Commentary

Item Title: Presentation on A/D Works!							
Item Initiator: Andrea Amonick, Development Services Manager							
Staff Source/Legal Source: Andrea Amonick, Development Services Manager/Rachel Allen, Client Group Manager							
Outside Speaker: Sasha Easton, Workforce Director A/D Works!							
Council Goal: 2012: 5.5Promote education and workforce development as a key to economic vitality							
COUNCIL MEETING DATES:							
Study Session: N/A							
Regular Meeting: N/A							
2 nd Regular Meeting (if applicable): N/A							
Item requires a Public Hearing: \square Yes \boxtimes No							
ITEM DETAILS (Click in highlighted area below bullet point list to enter applicable information.)							
 Staff source name and title / Legal source name and title Outside speaker name and organization Estimated Presentation/discussion time for Study Session 							
Presentation on A/D Works! Information Only							
Sponsor: Françoise Bergan Staff Source/Legal Source: Andrea Amonick, Development Services Manager/Rachel Allen, Client Group Manager Outside Speaker: Sasha Easton, Workforce Director, A/D Works! Estimated Presentation/Discussion time: 10 minutes/10 minutes (20 minutes total)							
ACTIONS(S) PROPOSED (Check all appropriate actions)							
\square Approve Item and Move Forward to Study Session \square Approve Item as proposed at Study Session							
\square Approve Item and Move Forward to Regular Meeting \square Approve Item as proposed at Regular Meeting							
☐ Approve Item with Waiver of Reconsideration Reason for waiver is described in the Item Details field above.							

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning & Economic Development

Policy Committe	ee Date: 3/8/2023		
Action Taken/Follow-u	p: (Check all that apply)		
☐ Recommends Approv	al		Does Not Recommend Approval
☐ Forwarded Without R	ecommendation		Recommendation Report Attached
☐ Minutes Attached			Minutes Not Available
At the recent study sessice outline, Council requested operations of our Workford Services Manager has been our Economic Development in Human Capital, which converted by the seek opportunities to bring ITEM SUMMARY (Brief Sasha Easton, Workforce Operations of A/D Workforce Operations of A/D Workforce	on where staff presented informated a presentation in the PED policy of the Development Center (A/D Workstein attending meetings and participant Partners also attend and partners also attend and partners also attend and partners are workforce Board to understand a these two groups into alignments and partners are the presented as a partners are presented as	ation regard committed to the committed to the current to the curr	presentation on the Mission, Vision and izations strategic goals and priorities as
FISCAL IMPACT		- d - d - d - d - d - d - d - d - d - d	NOvertions for Coursil/V
Select all that apply. (If r □ Revenue Impact □ Workload Impact	no fiscal impact, click that box an ☐ Budgeted Expenditure Impact ☐ No Fiscal Impact	-	Budgeted Expenditure Impact
REVENUE IMPACT Provide the revenue improvide additional deta		ne estimate	ed impact on revenue? What funds would be impacted?
N/A			
BUDGETED EXPEN Provide the budgeted e to be used? Does this s	expenditure impact or N/A if no impa	act. (List O ting progra	rg/Account # and fund. What is the amount of budget ms/services? Provide additional detail as necessary.)
NON-BUDGETED E Provide the non-budge			(Provide information on non-budgeted costs. Include oital needs. Provide additional detail as necessary.)
N/A			

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

Working with A/D Works! is part of the normal operations of the Division of Development Services.

QUESTIONS FOR COUNCIL

Information Only

LEGAL COMMENTS

The Planning and Economic Development Committee shall recommend objectives and initiatives in the following areas: 6. Working with economic development and business/Chamber groups (primary) 7. Incentives for economic development 8. Creating a climate for positive business development (Council Rules Appendix A, Sec. F.6-8). (Allen)



Action Taken/Follow-up: (Check all that apply)

CITY OF AURORACouncil Agenda Commentary

Item Title: Prairie Dog Relocation Ordinance						
Item Initiator: Juan Marcano, City Council Member; Crystal Murillo, City Council Member						
Staff Source/Legal Source: Jeannine Rustad, Planning and Development Services Director/Daniel L. Money, Senior Assistant City Attorney						
Outside Speaker: N/A						
Council Goal: 2012: 6.4Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city						
COUNCIL MEETING DATES:						
Study Session: N/A						
Regular Meeting: N/A						
2 nd Regular Meeting (if applicable): N/A						
Item requires a Public Hearing: $oximes$ Yes $oximes$ No						
ITEM DETAILS (Click in highlighted area below bullet point list to enter applicable information.)						
FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTION 4.12.1 TO CHAPTER 146 OF THE CITY CODE PERTAINING TO THE HUMANE TREATMENT AND RELOCATION OF PRAIRIE DOGS Council Sponsors: Juan Marcano and Crystal Murillo Staff Source: Jeannine Rustad, Planning and Development Services Director/Legal Source: Daniel L. Money, Senior Assistant City Attorney Estimated Presentation/Discussion Time: 20 min.						
ACTIONS(S) PROPOSED (Check all appropriate actions)						
oximes Approve Item and Move Forward to Study Session $oximes$ Approve Item as proposed at Study Session						
\square Approve Item and Move Forward to Regular Meeting \square Approve Item as proposed at Regular Meeting						
☐ Information Only						
☐ Approve Item with Waiver of Reconsideration Reason for waiver is described in the Item Details field above.						
PREVIOUS ACTIONS OR REVIEWS:						
Policy Committee Name: Housing, Neighborhood Services & Redevelopment						
Policy Committee Date: 12/1/2022						

12

Recommends Approv	al		Does Not Recommend Approval
⊠ Forwarded Without R	ecommendation		Recommendation Report Attached
Minutes Attached			Minutes Not Available
	ed by City council, Policy Committees, Boa ES OF COUNCIL MEETINGS, POLICY COMM		and Commissions, or Staff. Summarize pertinent EES AND BOARDS AND COMMISSIONS.)
(HORNS) Policy Committe	ee. It was questioned whether HORN estions were raised regarding the time	S wa	ighborhood Services and Redevelopment as the appropriate policy committee for the relocation (6 months) and cost to developers.
ITEM SUMMARY (Brie	f description of item, discussion, key poin	ts, re	ecommendations, etc.)
require land developers t development. If relocation	o treat inhabiting prairie dogs humar on is not possible, humane extermina e Colorado Department of Agriculture	ely a ition	d that an Ordinance be brought forth that would and to relocate these prairie dogs prior to of the prairie dogs would be done through S. Fish and Wildlife Service, and the U.S.
This Ordinance would am Zoning Commission and		tice	of a public hearing in front of the Planning and
requires (among other	things): Colorado Parks and Wildlife the receiving county board of commizing or mitigating any potential the landowner of the release sit that the release site meets mining to be released may not exceed	nmis dan e num 16 p	escation FAQs, relocating prairie dogs escioners if moved across county lines mages to local properties at release sites in habitat suitability requirements, including prairie dogs/acre es the cost of extermination; there are no
_	•		e of relocation is 45% (see attached email).
FISCAL IMPACT			
Select all that apply. (If r	no fiscal impact, click that box and sk	ip to	"Questions for Council")
□ Revenue Impact□ Workload Impact	☐ Budgeted Expenditure Impact☐ No Fiscal Impact	Non-	-Budgeted Expenditure Impact
REVENUE IMPACT Provide the revenue in Provide additional deta		imate	ed impact on revenue? What funds would be impacted?
	expenditure impact or N/A if no impact. (I		Org/Account # and fund. What is the amount of budget ams/services? Provide additional detail as necessary.)

Personal Servi	ces, Supplies and Servi	ces, Interfund Charge	es, and Capital needs	s. Provide additional de	etail as necessa	ary.
	IMPACT rkload impact or N/A if le numbers and types o					E(s,

LEGAL COMMENTS

The council shall have all legislative powers of the city and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by this Charter. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property. (City Charter Sec. 3-9) An application for an amendment to the text of this UDO or a legislative rezoning of a large area shall only be recommended if the Planning Director and the Planning and Zoning Commission find that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met. i. The applicant has demonstrated that the proposed Ordinance amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and a. The change to the Ordinance text is required because of changed conditions or circumstances in all or a portion of the city; or b. The change to the Ordinance text is required to address a new or unforeseen threat to the public health, safety, and welfare; or c. The change to the Ordinance text is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare. (UDO Sec. 5.4.1.C.3.B) (Money)

ORDINANCE NO. 2023-

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTION 4.12.1 TO CHAPTER 146 OF THE CITY CODE PERTAINING TO THE HUMANE TREATMENT AND RELOCATION OF PRAIRIE DOGS

WHEREAS, City Council finds that prairie dogs are a keystone species and are critical to the stability of the ecosystem in the City of Aurora; and

WHEREAS, City Council intends to protect prairie dogs when appropriate, and encourage more humane means of management when necessary to manage conflict with human land uses; and

WHEREAS, the City advocates the humane treatment of prairie dogs during construction of new development through relocation efforts in compliance with Colorado Parks and Wildlife; and

WHEREAS, it is desirable for the public health and safety to establish a prairie dog relocation and management plan for vacant land that houses prairie dog colonies and is in the process of development when such relocation is possible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

<u>Section 1.</u> The City Code of the City of Aurora, Colorado, is hereby amended by adding section 4.12.1, to Chapter 146, which section reads as follows:

Sec. 4.12.1 Prairie Dog Treatment and Management.

- A. Prairie dogs inhabiting any property to be developed or redeveloped shall be treated humanely and must be relocated when possible. Development applicants looking to develop or redevelop land in the City must include a relocation plan for prairie dogs in connection with the proposed development.
- B. Before any approval of demolition, grading or building permits, as well as any site plan or development plan approval, any applicant requesting such permit or approval must provide certification to the City that reasonable efforts were made to relocate the inhabiting prairie dogs.
- C. No development permit shall be approved until documentation of good faith efforts have taken place for at least six (6) months prior to granting of the permit. Good faith efforts shall include, but are not restricted to, contacting relevant State and County agencies, Colorado municipalities, and/or nonprofits that may be agreeable to accepting and rehoming the prairie dogs. This contact and any acceptance or rejection by these entities shall be provided in writing to the City department tasked with monitoring this process.

- D. If relocation is not feasible, due to lack of available locations to relocate, or City, County, State or Federal prohibitions upon relocating, then the inhabiting prairie dogs may be humanely exterminated. Humane extermination means an in-burrow lethal control using carbon monoxide (CO) in the form of pressurized exhaust (PERC). If utilized, this process must be done by a licensed professional and must be through methods approved by the Colorado Department of Agriculture, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency.
- E. Landowners and developers are still required to know and adhere to any additional City, State and/or Federal laws that may be applicable in the relocation or extermination process described in this Ordinance.

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

<u>Section 3.</u> Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 4. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ, AND ORDERED PUBL	LISHED this	day of	, 2023.
PASSED AND ORDERED PUBLISHED this	day of	,2023.	
ATTEST:	MIKE COFF	MAN, Mayor	
KADEE RODRIGUEZ, City Clerk			
APPROVED AS TO FORM:			
Daniel L Money RLA			

DANIEL L. MONEY, Senior Assistant City Attorney



CITY OF AURORACouncil Agenda Commentary

Item Title: Public Hearing and Consideration of a Resolution of the City of Aurora, Colorado, expressing the Aurora City Council's Support of Revisions to Exhibits A and B of the Crestone Peak Resources Operator Agreement.
Item Initiator: Jeffrey S. Moore
Staff Source/Legal Source: Jeffrey S. Moore, Manager, Oil & Gas Division. Ian Best, Assistant City Attorney
Outside Speaker: Dan Harrington, Asset Development Lead, Civitas Resources
Council Goal: 2012: 6.4Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city
COUNCIL MEETING DATES:
Study Session: N/A
Regular Meeting: N/A
2 nd Regular Meeting (if applicable): N/A
Item requires a Public Hearing: $oximes$ Yes $oximes$ No
ITEM DETAILS (Click in highlighted area below bullet point list to enter applicable information.)
 Agenda long title Waiver of reconsideration requested, and if so, why Sponsor name Staff source name and title / Legal source name and title Outside speaker name and organization Estimated Presentation/discussion time for Study Session
PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF REVISIONS TO EXHIBITS A AND B OF THE CRESTONE PEAK RESOURCES OPERATOR AGREEMENT.
No Waiver is requested. Sponsor name: Jeffrey S. Moore Staff source name and title / Legal source name and title: Jeffrey S. Moore, Manager, Oil & Gas Division. Ian Best, Assistant City Attorney Outside speaker name and organization: Dan Harrington, Asset Development Lead, Civitas Resources Estimated Presentation/discussion time for Study Session: 15/10 minutes
ACTIONS(S) PROPOSED (Check all appropriate actions)
oximes Approve Item and Move Forward to Study Session $oximes$ Approve Item as proposed at Study Session
\square Approve Item and Move Forward to Regular Meeting \square Approve Item as proposed at Regular Meeting
☐ Information Only
Approve Item with Waiver of Reconsideration Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS	OR REVIEWS:	
Policy Committe	ee Name: Planning & Economic	Development
Policy Committe	ee Date: 3/8/2023	
Action Taken/Follow-u	ip: (Check all that apply)	
☐ Recommends Approv	ral	☐ Does Not Recommend Approval
☐ Forwarded Without R	ecommendation	☐ Recommendation Report Attached
☐ Minutes Attached		☐ Minutes Not Available
		s, Boards and Commissions, or Staff. Summarize pertinent COMMITTEES AND BOARDS AND COMMISSIONS.)
This item is originating at	PED on March 8, 2023.	
ITEM SUMMARY (Brie	f description of item, discussion, key	points, recommendations, etc.)
Agreement specified specified permitted at each Well Site and the assignment was a	fic Well Sites (well pads) that wou e. In November 2019, the Agreem pproved by the City.	ent with ConocoPhillips Company. Among other items, the ld be developed in the future and the number of wells to be ent was assigned to Crestone Peak Resources (Crestone),
	tion for the public and the environ	nich will result in fewer Well Sites, fewer total wells to be ment. They did this by changing the drilling and completion
Operator Agreement at an Exhibits A and B per the te	y time upon approval by City Cou	gives Crestone the right to revise Exhibits A and B of the ncil after a public hearing. Crestone has requested to revise describe to the City the changes to the field development rategy.
The Oil & Gas Division is fu	ully supportive of the changes pro	posed by Crestone based on the following factors:
provisions of the C assignment of the 2. The total number environment. Cres 3. The total number the environment.	Operator Agreement. They have done of the properties of the Conoco of Well Sites will be reduced, which the proposing to add more of New Wells will be reduced, which were wells will be reduced.	the Oil & Gas Division. They are in compliance with all emonstrated excellent communication with the City since the ophillips and remain easy to work with. In decreases the total impact on the City, the public, and the ewell Sites. The reduces the cumulative impact on the City, the public, and rection of the environment by avoiding drainages and
	s because fewer wells will be drille nges have the written support of b	ed. both the surface owner of the lands, and the mineral interest
		ve approval from the City Council after a public hearing for actively reached out to the City to initiate this revision.
FISCAL IMPACT		
Select all that apply. (If r	no fiscal impact, click that box a	nd skip to "Questions for Council")
□ Revenue Impact□ Workload Impact	☐ Budgeted Expenditure Impact☑ No Fiscal Impact	☐ Non-Budgeted Expenditure Impact
REVENUE IMPACT <i>Provide the revenue in Provide additional deta</i>	npact or N/A if no impact. (What is t	he estimated impact on revenue? What funds would be impacted?
	ew oil and gas permit applicatio Ily cover review work performed	ns are submitted, Crestone will submit new application by the City staff.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A			

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A					

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A. All changes are absorbable within current FTE.

QUESTIONS FOR COUNCIL

Does Council understand the rights of Crestone to revise the Well Sites and New Wells (Exhibits A and B) per the Operator Agreement?

Does Council fully understand the changes being proposed by Crestone Peak Resources?

Does Council recognize the position of the Oil & Gas Division in support of this change?

Does Council wish to support the resolution to revise Exhibits A and B of the Crestone Peak Resources Operator Agreement?

LEGAL COMMENTS

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject except in case of repealing ordinances, and ordinances making appropriations shall be confined to the subject of appropriations. (City Charter Sec. 5-1)(Money)

City of Aurora, Colorado

Planning & Economic Development Committee March 8, 2023

Crestone Peak Resources Revision of Exhibits A & B



Jeffrey S. Moore, P.G. Manager • Oil & Gas Division

We steward access to the natural resources under our authority with integrity and respect for our citizens, businesses, and the environment.

Proposed Revision of Field Plan

- Operator Agreement allows revisions to wells and Well Sites, after a Public Hearing at City Council
 - Previous revision in January 2021
- Crestone is requesting:
 - Reduction in the number of total wells and total Well Sites
 - Cancellation of a previously approved Well Site, which was
 <2,000' from a residence



 Shift in the location of two well sites to avoid existing drainages and align with surface owner plans

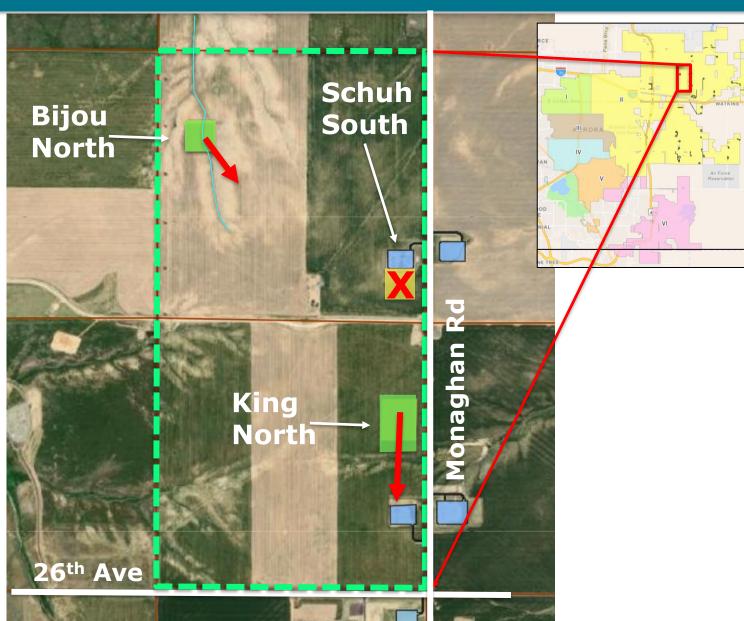
Overview

- Bijou North Well Site shifted southeast
- Schuh South Phase 2 canceled (4 wells)
- Cancel King North and wells shifted to King South





Proposed Well Site





Review

- Proposed plans have been fully reviewed Oil & Gas Division
- Confirmed support by surface owner and mineral owners
- Advantages of proposed changes
 - Reduces total surface impact within the City
 - Avoids having to reroute natural drainages (Aurora Water preference)
 - Removes previously approved Well Site that was <2,000' from a residence
 - Provide greater protection for public health, safety, welfare, the environment, and wildlife resources



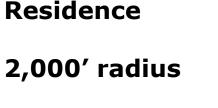
Affect on Residence

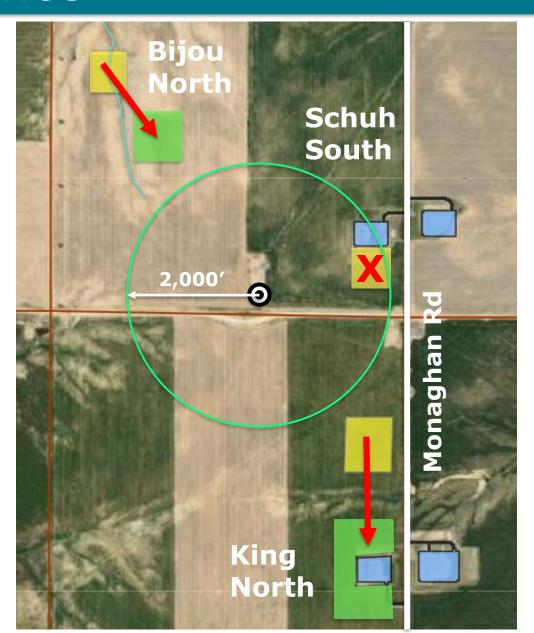
- Bijou North Well Site shifted southeast
- Schuh South Phase 2 canceled (4 wells)
- Cancel King North and wells shifted to King South











Summary

- Crestone has the right to request this change
- 1 less Well Site and 4 less wells
- Cancel approved site that was <2,000' from residence
- Reduce total surface disturbance in the City
- Avoiding 2 drainages
- Surface owner and mineral owner support this change
- Oil & Gas Division is fully supportive of this change
- Recommend moving forward to Study Session



Thank you!



Jeffrey S. Moore, P.G. Manager • Oil & Gas Division We steward access to the natural resources under our authority with integrity and respect for our citizens, businesses, and the environment.



Aurora-Crestone Peak Resources LLC Oil and Gas Operator Agreement

Application for Exhibit B Amendment March 2023

Agenda

01 Summary

02 Overview Map

Bijou North Exhibit B proposed modification

04 King North/South Exhibit B proposed modification

Schuh South Exhibit B proposed modification



Summary

Crestone Peak Resources LLC (a wholly owned subsidiary of Civitas Resources Inc) is seeking to modify Exhibit B of the Aurora-Crestone Operator Agreement (OA), covering four locations, in response to feedback from the surface owner, Aurora Highlands

- 1. Bijou North: moving site ~1/3 mile
- 2. King North: eliminating site (12 wells)
- King South: adding well slots (12 wells) to the constructed well pad
- 4. Schuh South: eliminating Phase 2 (4 wells)

Proposed modifications to Exhibit B will not result in any impact to any contractual language of the Operator Agreement

Net effect on the Operator Agreement planned development:

- 1x fewer site and 4x fewer wells
- Changes to Bijou and King sites
 - Reflect surface owner's preferences around siting and timing, and increase area available for residential development
 - Avoid a Mile High Flood District designated stream (Second Creek), and address drainage concerns raised by the City



Overview Map





Bijou North

Well Site Name Bijou 3-65 19-24 North

Legal Description: SE/4 of NW/4 of Section 21, T3S, R65W
NE/4 of SW/4 of Section 21, T3S, R65W
SW/4 of NE/4 of Section 21, T3S, R65W

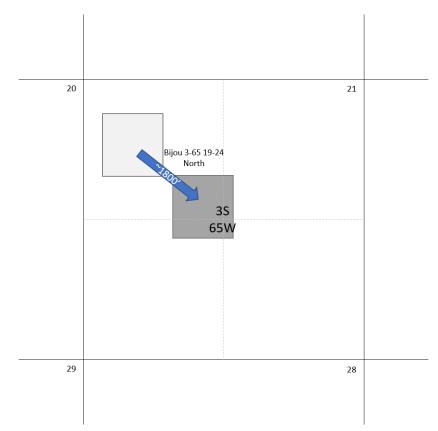
NW/4 of SE/4 of Section 21, T3S, R65W

Number of Wells Planned:

Construction Status: Not Built
Permit Status: Not Submitted

BMP Exemptions: None

Distance to closest residence: Greater than 1320'



Proposed Modifications

- The Bijou North Exhibit B change is a lateral move, ~1800'
- Planned well count (12) does not change

Benefits

- The original OA Exhibit B pad site intersected Second Creek (a Mile High Flood District designated stream). The new site moves the pad to minimize impacts
- The new pad siting also aligns better with the AH/ATEC surface development plan. It moves the pad into the Denver Airport high-noise corridor, allowing more space for residential development to the west.



King North / South

Well Site Name

Legal Description: Number of Wells Planned:

Construction Status:

Permit Status:

BMP Exemptions:

Distance to closest residence:

Well Site Name

King 3-65 28-29 South

E/2 of SE/4, Section 28 T3S, R65W 4 (Phase 1) + 12 (Phase 2)

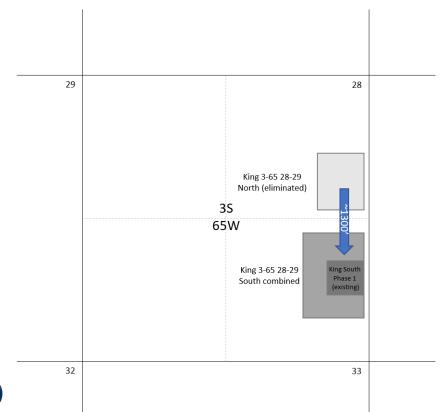
Phase 1 built; Phase 2 not built Phase 1 permitted, Phase 2 in process

None

Greater than 1320'

King 3-65 28-29 North

Removed from Operating Agreement



Proposed Modifications

- The King North/South Exhibit B changes consolidate the King North site onto the existing King South pad
- Planned well count does not change (well count was four (4) at King South, twelve (12) at King North; new plan includes 16 total wells (4 existing + 12 new) at King South)

Benefits

- The original OA Exhibit B pad siting impacted ATEC's planned surface development in the area
- New consolidated pad is more efficient, eliminating the King North build, and allowing for a single facility

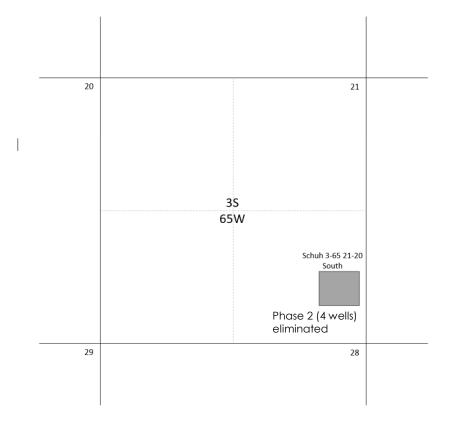


Schuh South Phase 2

Well Site Name
Legal Description:
Number of Wells Planned:
Construction Status:
Permit Status:
BMP Exemptions:

Distance to closest residence:

Schuh 3-65 21-20 South
NE/4 of SE/4, Section 21 T3S, R65W
4 (Phase 1)
Phase 1 built; Phase 2 will not be built
Both phases approved
None
Greater than 1320'

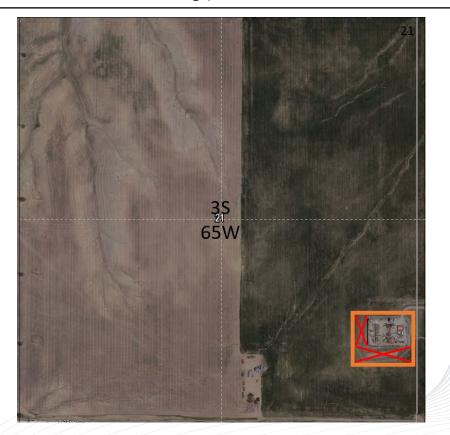


Proposed Modifications

- Schuh South Phase 2 (4 wells, additional ground disturbance) is eliminated from Exhibit B. Phase 2 is already approved for drilling by the City of Aurora
- Planned wells at Bijou North will develop the land originally developed from Schuh South

Benefits

 Expansion of and remobilization to the Schuh South site will not occur, and existing permit will be released



Thank You





CITY OF AURORACouncil Agenda Commentary

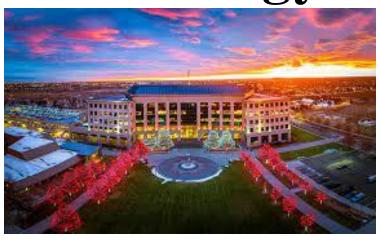
Item Title: Retail Strategy	
Item Initiator: Andrea Amonick, Manager of Development Service	es
Staff Source/Legal Source: Robert Oliva, Retail/Commercial Sup	pervisor /Rachel Allen, City Attorney Client Group Manager
Outside Speaker: N/A	
Council Goal: 2012: 5.7Develop and maintain an aggressive ret	ail retention and expansion strategy
COUNCIL MEETING DATES:	
Study Session: n/a	
Regular Meeting: n/a	
2 nd Regular Meeting (if applicable): n/a	
Item requires a Public Hearing: \square Yes \boxtimes	No
ITEM DETAILS (Click in highlighted area below bullet point list to	enter applicable information.)
 Retail Strategy Staff Source: Robert Oliva Estimated Presentation 15 mins/discussion till 	me 5 mins
Update of Retail Strategy	
ACTIONS(S) PROPOSED (Check all appropriate actions)	
\square Approve Item and Move Forward to Study Session	\square Approve Item as proposed at Study Session
\square Approve Item and Move Forward to Regular Meeting	\square Approve Item as proposed at Regular Meeting
☑ Information Only	
☐ Approve Item with Waiver of Reconsideration Reason for waiver is described in the Item Details field ab	ove.
PREVIOUS ACTIONS OR REVIEWS:	
Policy Committee Name: Planning & Economic De	velopment
Policy Committee Date: N/A	
Action Taken/Follow-up: (Check all that apply)	
☐ Recommends Approval	☐ Does Not Recommend Approval
☐ Forwarded Without Recommendation	☐ Recommendation Report Attached

☐ Minutes Attached	☐ Minutes Not Available	
	d by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent ES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)	-
At the last PED meeting C expansion of retail.	Council Member Bergan requested a presentation of retail strategies for the retention and	
ITEM SUMMARY (Brief	description of item, discussion, key points, recommendations, etc.)	-
Retail Strategy Update for	r 2023	
FISCAL IMPACT		-
Select all that apply. (If n	o fiscal impact, click that box and skip to "Questions for Council")	
□ Revenue Impact□ Workload Impact	 ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact ☐ No Fiscal Impact 	
REVENUE IMPACT Provide the revenue improvide additional details	pact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? il as necessary.)	,
N/A		
	DITURE IMPACT expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget whift existing budget away from existing programs/services? Provide additional detail as necessary.)	t
N/A		
Provide the non-budge	XPENDITURE IMPACT ted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include plies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)	?
N/A		
	CT npact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are ers and types of positions, and a duty summary. Provide additional detail as necessary.)	;
N/A		
QUESTIONS FOR COL	INCTI	_
N/A	NOTE.	

LEGAL COMMENTS

The city council finds and declares that, in connection with the development or redevelopment of property containing retail businesses that are expected to generate substantial new sales tax revenues or extraordinary public benefit for the City, the use of a portion of city sales tax revenues from such businesses and city use tax revenues from construction on such property to assist in financing improvements dedicated or used for public purposes and to attract such businesses to the City is a public purpose that promotes industry, trade and economic activity necessary to the fiscal viability of the city and the health, safety, and welfare of its residents, which public purpose outweighs any individual interests incidentally served thereby. (City Code Sec. 130-266). (Allen)

Economic Development Retail Strategy 2023



<u>Development Services</u> Bob Oliva, Supervisor Andrea Amonick, Manager March 8, 2023



The Long-Term Plan Contents

- 1. Attract high volume retailers and restaurants
- 2. Encourage existing operators to expand within Aurora.
- 3. Increase sales tax amongst existing merchants.
- 4. Provide a welcoming environment specifically for small Mom & Pop operators.
- 5. Fill vacant retail space with traditional and non-traditional uses.
- 6. Redevelop underperforming retail space; unretailing.
- 7. Provide incentives to renovate older Shopping Centers.
- 8. Coordinate with Planning, Public Work and Traffic on retail trends and their accompanying requirements.



Attract High Volume Retailers and Restaurants new to Aurora

Increase Sales Tax with High Volume Operators

Technological Advantages to show the best locations via co-tenants or past operators



Encourage Existing Operators Expand Their Operations within Aurora



Hospitality Group, Inc.

Expand proven concepts within Aurora

Use Our Technological Advantage to Inform Existing Operators of Golden Opportunities



Increase Sales Tax Amongst Existing Operators and with New Operators.

Boost sales with educational tools from the SBDC and Economic Development.

Use Tech Advantage to show 'holes' in marketing and green targets outside of typical shopping patterns



Provide Incentives to Renovate Older Functional Shopping Centers

Non-Traditional Uses

Renovate into Mixed Use

Parking Lots are Opportunities with infrastructure



Provide a Welcoming Environment to Attract Mom & Pop operators

Anyone selling a product, service or experience that generates sales tax.

The elusive Mom & Pop owner.

More desirable store, more effort to accomplish.



Fill Vacant Retail Space with Traditional and Non-Traditional uses

Anyone selling a product, service or experience that generates sales tax.

Filling vacant space with non-traditional uses.

Temp Uses/Pop up Stores



Redevelop Underperforming Retail Space

Significant amount of retail, underutilized or functionally obsolete.

Anchorless strip centers

Paint, Spackle, Gingerbread, or Scrape



Collaborate with other Departments on Retail Trends and their Accompanying Requirements.

Retail after COVID is going to require changes.

Flexibility, convenience and profitability.

Fulfillment centers as part of big box retailers.



Questions



New businesses:

- 1. Redevelopment at Schomp Mazda, Hyundai, Ford Coming Soon!
- 2. Redevelopment at Stevinson Toyota Coming Soon!
- 3. NOW OPEN! Mid January 2023 Tofu Story former Grace Adult Day Care LLC
- 4. Coming Soon! <u>David's Bridal</u> Village on the Park, 7,303 SF, 2495 S Havana St, Ste F-10, Aurora, CO 80014
- 5. Coming Soon! Nana's Dim Sum & Bao Village on the Park, 3,142 SF, 2495 S Havana St, Ste F-37, Aurora, CO 80014
- 6. 12/2022 New Ownership <u>Sintoburi</u> A Korean Kimchi market. The go-to place for traditional Korean side dishes, grab & go foods. Now under Seoul Hospitality Group
- 7. 12/15/2022 New Ownership of Lightshade business and property Emerald Fields
 Recreational Marijuana Dispensary Aurora
- 8. Coming Soon! New leases at 800-840 S Havana Street Restaurant + Market TBA (former Havana Machine/Stevo's)
- 9. New ownership Fall 2022 Yong Gung Korean Chinese Cuisine
- 10. New ownership Shi Miaodao Yunnan Ten Seconds Rice Noodles
- 11. Coming Soon! LensCrafters at the Gardens on Havana
- 12. Coming Soon! Auntie Anne's Pretzels and Jamba Juice at the Gardens on Havana
- 13. Coming Soon! Paris Baguette at the Gardens on Havana
- 14. NEW Retail TBA at the M&H King Soopers Shopping Center next month

Celebrate Small Business Month On Havana Street Giveaway - Enter Here: https://onhavanastreet.com/events/giveaway-for-sml-biz-month-2023/

Havana Street Global Markets & Havana Street Night Markets - June Through August 2023

Concerts & Drive in Movies and more! Join us for more Events OHS: https://onhavanastreet.com/events/

Chance Horiuchi
Executive Director
Havana Business Improvement District-On Havana Street
Chance@OnHavanaStreet.com
Cell: 720-788-8986