

MINUTES

Regular Meeting – Aurora City Council Monday, February 25, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 3:33 p.m.

ROLL CALL

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, Lawson Murillo, Roth, Watson
COUNCIL MEMBERS ABSENT:	Richardson
OFFICIALS PRESENT:	City Manager Twombly, Interim City Attorney Brotzman, City Clerk Ruger
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Johnston

City Clerk Ruger announced the proposed items for discussion at executive session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Roth, Watson

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF FEBRUARY 25, 2019 AND CALL TO ORDER

Mayor LeGare reconvened the regular meeting of City Council at 7:31 p.m.

2. ROLL CALL Stephen Ruger, City Clerk

COUNCIL MEMBERS PRESENT:	Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. INVOCATION Reverend M.N. Thomas, Thomas Ministries

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 4, 2019

Motion by Roth, second by Berzins, to approve the minutes of the meeting of February 4, 2019, as presented.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ *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.*

Abstaining: None

6. **CEREMONY**

- a. Proclamation declaring the month of February 2019 as Black History Month – Mayor Bob LeGare

Mayor LeGare invited Quill Phillips, Community College of Aurora; Eric Mulder, Veterans Affairs Commission; Ronald Roulhac, Aurora Center for Active Adults; Dr. Rhonda Coleman, Water Mama Acupuncture Clinic and Aurora Human Relations Commission Vice-Chair; Watik Aleen, Veterans Affairs Commission; Dr. Verne Howard, Colorado MLK Jr. Holiday Commission; Debbie Stafford, Aurora Mental Health Center, Aurora Community of Faith and Aurora Judicial Commission; Sum Nguyen, Aurora Asian/Pacific Community Partnership; Harold Burrell, Veterans Affairs Commission; Dominique Bargaineer, Artist; Gerald Bargaineer, Police Chaplain, Aurora Community of Faith and Community Policing Action Team; Kat Traylor, Director, Constituent Services for Congressman Jason Crow; Myron Wilson, Bahai Community of Arapahoe County; Souleymane Camara, Veterans Affairs Commission; Claudia Fry Grant, Outreach Patient Advocate, Stroud Community Health Center; Darwin Grant; Walter Joseph; Aurora Ogg; Pastor Tom Wilson, President/CEO, Tom Wilson Ministries; Aruny, Phanekham, Neighborhood Services, Shyretta Hudnal, Special Events Chair, Colorado MLK Holiday Commission; Eric Nelson, Aurora Community of Faith and Aurora-NAACP; Malcomb Hankins, Neighborhood Services and Barbara Shannon-Bannister, to come forward to accept the proclamation. He read the proclamation declaring February 2019 as Black History Month. Ms. Shannon-Bannister expressed appreciation for the proclamation.

- b. Proclamation declaring March 1, 2019 Yu Gwansun Day – Mayor Bob LeGare

Mayor LeGare invited all those involved in the proclamation to come forward to accept the proclamation. He read the proclamation declaring March 1, 2019 Yu Gwansun Day. Daniel Oh, President/CEO, Global Korea LLC, expressed appreciation for the proclamation.

Mayor LeGare recognized Cub Scout Troop #735.

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

Ed Henderson discussed the possibility of Amazon locating a hub in the City of Aurora.

Mayor LeGare asked Mr. Henderson to share his information with Jason Batchelor, Deputy City Manager. Mr. Henderson did so.

Michael Terry spoke in support of the upcoming animal ordinance. He stated his opposition to Aurora's breed specific ordinance and discussed his personal experience and situation in that regard. He clarified his dogs were American Bully breed and not one of the three restricted breeds in the City.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-I**

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 AMEND AN OPENLY SOLICITED CONTRACT with CH2M Hill Engineers, Inc., Englewood, Colorado in the amount of \$131,664.00 to add additional construction phase and integration services for the Aurora Reservoir Outlet Tower Hydraulic System Repairs – Below Water Work Project (Package 1) and the Aurora Reservoir Instrumentation Rehabilitation Project (Package 4). STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- b. Consideration to AWARD WORK PACKAGE NO. 1 of the Fitzsimons Peoria Stormwater Outfall, Project No. R-5623A, to BT Construction, Inc., Henderson, Colorado in the amount of \$6,651,310.00. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Kennedy/Jenks Consultants, Inc., Lakewood, Colorado in the amount of \$364,778.00 to add design and bid support services for the Smoky Hill Pump Station Improvements Project, R-1869. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Morton Electric, Inc., Pueblo, Colorado in the amount of \$375,835.00 for the Colfax Arts District Lighting - Phase 2 Project. STAFF SOURCE: Cindy Colip, Acting Deputy Director, Public Works

Motion by Roth second by Gruber, to approve items 9a – 9d.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- e. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Kantex Industries, Inc., Colorado Springs, Colorado in the amount not-to-exceed \$650,000.00 for lead service line testing services. B-4279 STAFF SOURCE: Marena Lertch, Manager Water Service Operations, Aurora Water

Council Member Gruber stated his understanding of the contract and how it related to identifying houses within Aurora that had lead in the pipes from the service line to the house. He referenced those who received a notice in that regard but ignored it and asked if the City has taken further action in terms of notice.

Marena Lertch, Manager Water Service Operations, Aurora Water, answered affirmatively and listed the various methods of contact with those who have been positively identified as having lead piping and who continued to not accept mitigation.

Council Member Gruber asked if lead lined pipes were harmful to those living in the household. Ms. Lertch answered affirmatively. Council Member Gruber asked if the City should allow that to stand considering it was dangerous to allow children to be in homes with confirmed lead pipes.

Jim Twombly, City Manager, stated the issue was whether there was lead in the water.

Marshall Brown, Director, Aurora Water, stated the water was safe and the concern was that the lead in the pipes could seep into the water and cause contamination. He clarified this was a proactive, second layer of protection for the public, noting there was not a lead risk to the residents of Aurora.

Council Member Berzins asked if this related to houses built before 1960 anywhere in the City. Mr. Brown answered no, noting they were isolated to an area of Original Aurora in Ward I. Council Member Berzins asked if this related to owner-occupied homes only. Mr. Brown answered no, noting staff was also reaching out to tenant-occupied property.

Council Member Lawson asked how the water was being tested. Mr. Brown explained the water testing process in this regard. Council Member Lawson asked if residents were told the level of lead that was found in their water. Mr. Brown stated the information was publicly shared but he was not certain about personal notice, noting he would look into that.

Council Member Berzins stated she would abstain from the vote due to family-owned property in the area.

Motion by Gruber, second by Bergan, to approve item 9e.

Voting Aye: Mayor LeGare, Bergan, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Abstaining: Berzins

- f. Consideration to AWARD A 2019 AMENDMENT FOR A SINGLE SOURCE CONTRACT to Clarion Associates LLC, Denver, CO in the total amount of \$50,000.00 for professional consulting services required by the Planning Department in support of the adoption process for the updated Aurora Zoning Code through December 2019. STAFF SOURCE: Karen Hancock, Planning Supervisor, Planning & Development Services

Council Member Murillo asked staff to speak to the changes that caused the additional expense.

Karen Hancock, Planning Supervisor, Planning & Development Services, did so, noting there have been issues that have not worked for homebuilders including process.

Council Member Bergan noted she was the Planning & Economic Development Committee Chair, and they have been moving the process forward faster but slowed it down recently due to with inconsistencies in former and newly proposed code. She stated there was an extra workload that did not just relate to staff time and asked Ms. Hancock to speak to that. Ms. Hancock did so, noting it was determined that each draft cost approximately \$25k.

Council Member Murillo asked staff to clarify why the small lots have been an issue.

George Adams, Planning & Development Services, did so.

Council Member Murillo asked if it was correct that part of the small lot issue related to the industry market direction of building homes but also to allowing a lower price point for less lot size. Mr. Adams agreed smaller lots resulted in higher density and lower cost factors.

Motion by Murillo, second by Bergan, to approve item 9f.

Voting Aye: Mayor LeGare, Bergan, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Voting Nay: Berzins

- g. Consideration to AWARD A SOLE SOURCE CONTRACT to Life Technologies Corporation, a division of Thermo Fisher Scientific, Grand Island, New York in the not-to-exceed amount of \$221,146.88 for the purchase of AmpFISTR (amplification-short tandem repeat) kits as well as all reagents, software, capillaries, and related consumables to be used in conjunction with the DNA instruments purchased in fall of 2018 for the Unified Metropolitan Forensic Crime Lab as required through February 29, 2020. STAFF SOURCE: Lieutenant Timothy Dufour, Police

- h. Consideration to AWARD A SOLE SOURCE CONTRACT to Axon Enterprises, Inc. of Scottsdale, Arizona in the not-to-exceed amount of \$211,962.00 for the purchase of Taser brand taser units and accessories through March 31, 2020 for the Aurora Police Department. STAFF SOURCE: Lieutenant Brian J Kelly, Police
- i. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Broomfield, Colorado in the amount of \$1,829,878.00 to add engineering services during construction for Task 2, Chlorine Contact Chamber to the Wemlinger Water Purification Facility Treated Water Reservoir Project, R-1772. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- j. A motion of the City Council of the City of Aurora, Colorado, requesting the Colorado Municipal League's participation as Amicus Curiae on the AMC Movie Theatre tax appeal case. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Roth, second by Gruber, to approve items 9g – 9j.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Final Ordinances

- ♦ k. **2019-04**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing to acquire certain equipment during the 2019 fiscal year pursuant to the terms of an Equipment Lease-Purchase Agreement by and between the Aurora Capital Leasing Corporation, as lessor, and the City of Aurora, Colorado, as lessee; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby; declaring the intent of the City to reimburse itself with the proceeds from such lease and related matters. (Rolling Stock) STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Gruber, to approve item 9k.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

10. **RESOLUTIONS**

- ♦ a. **R2019-08**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Amendment #1 of the Intergovernmental Agreement between the City of Aurora and the State of Colorado for The Toll Gate Regional Trail Phase 1 Project. (***Staff requests waiver for reconsideration***) STAFF SOURCE: Cindy Colip, Acting Deputy Director, Public Works

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

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ♦ b. **R2019-9**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Amendment #1 of the Intergovernmental Agreement between the City of Aurora and the State of Colorado for The Toll Gate Regional Trail

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Phase 2 Project. **(Staff requests waiver for reconsideration)** STAFF SOURCE: Cindy Colip, Acting Deputy Director, Public Works

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

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

♦ c. **R2019-10**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving Amendment #2 of the Intergovernmental Agreement between the City of Aurora and the State of Colorado for the Hudson Road at Coyote Run project. **(Staff requests a waiver of reconsideration)** STAFF SOURCE: Cindy Colip, Acting Deputy Director, Public Works

Motion by Roth, second by Watson, to approve item 10c with a waiver of reconsideration.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

♦ a. **2019-05**

PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 5.2 acres more or less at the Southeast corner of South Chambers Road and East 32nd Avenue from Highway Service District (B-3) to Light Industrial District (M-1) and amending the zoning map accordingly (Penske Truck Rental Expansion - Rezone) STAFF SOURCE: Daniel "Dan" Osoba, Planner, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Dan Osoba, Planner, Planning & Development Services, gave a brief summary of the item, noting it related to a request to rezone property from Highway Service District (B-3) to Light Industrial District (M-1) and amending the zoning map accordingly.

Mayor LeGare recognized Weylan "Woody" Bryant, as the applicant present at the meeting.

Council Member Hiltz asked staff to speak to the prairie dog removal issue as it related to the site and the state of Colorado. She noted she too would like to see the animals removed in a humane fashion. Mr. Osoba did so, noting the applicant has not submitted a site plan at this time but once they did, the Colorado State Wildlife Board would remove the animals humanely.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Johnston, to introduce item 11a.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ♦ ***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. PUBLIC HEARING to consider an appeal of the Planning Commission's decision to deny a Site Plan Amendment for revised building elevations for a 2,170 square-foot modular unit for American Legion Post 23 at 795 N Telluride St. **Denied 5-2 at the January 9, 2019 Planning Commission Public Hearing (Bengen, Bush, Hettick, Lyon and Staley voting no and Harding and Deane voting yes).** STAFF SOURCE: Sarah Wieder, Senior Planner, Planning and Development Services

Mayor LeGare opened the public hearing on the item.

Sarah Wieder, Senior Planner, Planning and Development Services, provided a brief summary of the item, noting it related to an appeal of the Planning Commission decision on the American Legion Post 23 building.

Douglas Wooddell, Post 23 Commander, spoke in support of the item, discussed the building design and noted the appeal was filed because the Planning Commission initially approved the item.

Julie Wooddell, American Legion, discussed the Legion's community support and stated her support of the item.

Council Member Johnston asked what the next option would be if the Planning Commission appeal was not granted. Ms. Wooddell stated they would go before the Post and Auxiliary members to figure out what to do next on the land.

Council Member Bergan pointed out the Planning Commission denied the item due to incompatibility with City design standards and asked staff if there were any options within the City to help the applicant upgrade from the current design.

Jason Batchelor, Deputy City Manager, answered no, noting there was not an existing program to do so but staff could have those discussions at Council's direction.

Council Member Bergan referenced Urban Renewal and noted changes were proposed for that program and suggested this might qualify.

Mr. Batchelor agreed it was probably not eligible because it was a non-profit but reiterated staff would have those discussions at Council's direction.

Ms. Wooddell stated modular homes were not the same as mobile homes and discussed the difference.

Council Member Richardson asked Council Member Johnston's opinion on the item considering it was in her Ward. Council Member Johnston referenced her support for the appeal of the PATH Program and stated her support of this item as well due to the great work the applicant was doing in the community.

Council Member Berzins asked if any fundraisers have been considered. Mr. Wooddell stated three raffles and fundraisers have been done in the last year.

Council Member Bergan stated the footprint was reduced considerably and asked if there was a subsequent reduction in the cost of the building. Mr. Wooddell stated it would not reduce it enough to be affordable. Council Member Bergan asked if the modular configuration could be changed to have a pitched roof. Mr. Wooddell confirmed the roof was pitched.

Council Member Gruber stated the applicant did not have any plans to replace the modular building in the future as it would be a permanent structure.

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Mr. Wooddell concurred.

Council Member Gruber asked if there was an agreement for the American Legion to provide a visitor center at the Freedom Memorial. Mr. Wooddell answered affirmatively. Council Member Gruber asked if the snow removal issues raised by the neighbors have been resolved. Mr. Wooddell discussed his attempts at doing so to no avail.

Council Member Watson pointed out the applicant has reduced the size of the building significantly and asked if it suited the applicant's original needs. Mr. Wooddell answered affirmatively. Council Member Watson asked Mr. Wooddell to speak to the access road concerns. Mr. Wooddell did so.

Council Member Bergan asked staff to speak to the construction of the Beck Recreation Center and Buckley warehouses. Ms. Wieder did so, stating the Beck Recreation Center was a brick building and the warehouses were metal buildings with a stucco material overlay. Council Member Bergan asked if it was staff's opinion that those facilities were more attractive than the proposed building. Ms. Wieder stated higher quality designs have been encouraged and been made a priority in recent years. She stated staff has not approved a modular building for a permanent structure with the exception of schools. Council Member Bergan asked if there was anything that could be done to the modular building that would allow it to better line up with the new standards. Ms. Wieder discussed the various elevation concerns that did not meet code requirements.

Council Member Johnston noted this was a non-profit organization and asked if there has been another case where a non-profit organization submitted plans for a modular building. Ms. Wieder stated not that she was aware of, noting some have proposed metal buildings however. Council Member Johnston asked if those non-profits were churches. Ms. Wieder stated she could not think of any non-profits that proposed metal buildings at this time but recalled there were some types of industrial businesses that wanted to relocate to a new area in an industrial area.

Council Member Watson stated there was a 50 percent ownership between access roads and asked if there has been a clarification with access. Ms. Wieder agreed the subdivision plat did show 50-50 ownership of the access road, noting it was staff's opinion that it should be the access road but noted the agreement between the two parties should be a private matter.

Council Member Gruber asked if the applicant was aware that there was an air easement on the land that prevented the size of the building when they purchased it. Mr. Wooddell answered no, noting he was not the Commander at the time.

Ms. Wieder clarified the Buckley Air Force Base Crash Zone was disclosed at the very beginning of the process, noting the first site plan did comply with that.

Council Member Gruber stated the vision was for the building adjacent to the Freedom Memorial to be built and the sale of the Dayton building would provide enough funds to purchase the property and build the building.

Mr. Wooddell concurred.

Council Member Bergan referenced the location and asked if RVs or trucks were located on the west side of the site. Ms. Wieder answered affirmatively. Council Member Bergan asked if the warehouses were to the south. Ms. Wieder answered affirmatively. Council Member Bergan asked if there were any adjacent residential development. Ms. Wieder answered no.

Mayor LeGare referenced the backup packet artist rendering and asked if that was what the modular would look like. Ms. Wieder referenced p. 474, noting that was the original site

plan application that was approved by the Planning Commission, p. 476 was the new renderings of the modular unit and p. 477 were of the modular units without the enhancements.

Council Member Bergan asked if the building would have a sloped roof. Ms. Wieder stated it was a gently sloped roof and not highly pitched.

Mr. Wooddell stated the pitch was ¼" to the foot.

Council Member Bergan suggested enhancements could be made without extravagant cost.

Mayor LeGare stated that was not what was before Council at this time.

Mayor LeGare closed the public hearing on the item.

Motion by Johnston, second by Hiltz, to approve item 12a.

Council Member Gruber recused himself as a previous American Legion member.

Council Member Watson stated he would not support the item because the Planning Commission made the decision because there was nothing similar to the building in the area.

Council Member Hiltz stated she would support the item and wished the applicant the best of luck.

Voting Aye: Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson

Voting Nay: Bergan, Roth, Watson

Abstaining: Gruber

13. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-06**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 14-4 of the City Code related to impoundment; court proceedings; surrender of animals. STAFF SOURCE: Julie Heckman, Client Manager, City Attorney

Duane Adams, Dumb Friends League, stated his support for some portions of the item but noted there were concerns related to animals staying in the system a little too long that he did not agree with.

Carolyn Boller stated her support of the item and her opposition to any breed being killed without allowing the owner to appeal the decision.

Don Henry, Jr., stated his support of the item and discussed his and his sister's personal experience with the City of Aurora Animal Shelter where they received an emergency order for their dog to be surrendered. He stated the dog was killed and he did not feel there was enough time for this sister to fully understand and appeal the situation.

Jessica Johnson, Attorney At-Law, stated her support of the item and discussed the lack of due process and lack of affordability in the ordinance.

Jennifer Edwards, Attorney At-Law, stated her support of the item, noting it was a start to changing Aurora's antiquated laws.

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Jay Swearingen, Attorney At-Law, Animal Law Center, stated his support of the item but discussed further steps that were needed in that regard.

Council Member Richardson stated he wanted to get the ordinance on the books as soon as possible and confirmed he would be significantly involved in the Aurora Animal Control code review.

James Crosby stated his support of the item.

Council Member Richardson asked Mr. Crosby if one of the ways to combat loneliness was to have a companion animal. Mr. Crosby answered affirmatively.

Patricia Hayes stated her support of the item and discussed her personal experience with Aurora's Animal Control laws that resulted in the death of her dog.

Council Member Richardson asked staff to speak to the ordinance as it related to appeals, particularly once an animal has been surrendered and killed.

Julie Heckman, Client Manager, City Attorney, did so, noting there was an expedited hearing if the animal was impounded.

Council Member Richardson stated a pet owner could not file an appeal without this ordinance even if their dog was dead.

Ms. Heckman agreed that was the law in Colorado.

Council Member Gruber addressed some of the policies that went into place recently and asked if the seven day stay was free to the dog owner.

Malcomb Hankins, Neighborhood Services, answered affirmatively, noting that has been noted in the policies.

Council Member Gruber referenced the policies related to notifying the owners of their right to appeal and asked if that was handed out immediately to the owners. Mr. Hankins answered affirmatively. Council Member Gruber asked if the ordinance would replicate City policy. Mr. Hankins answered affirmatively, noting it would on those two points. Council Member Gruber referenced the backup material related to letters from CEOs of the Dumb Friends League and the Human Societies of Boulder Valley and Pikes Peak. He shared his personal experience with a dog attack and noted his opinion that the judge determined if a dog was vicious and then the dog owner could appeal. He stated his belief that the City ordinance covered that and he did not see the need for it to be codified.

Council Member Richardson asked staff if the policies were put in place as a result of what happened recently to the dog, Blue. Mr. Hankins answered no. Council Member Richardson asked where the policies were kept. Mr. Hankins stated it the City's internal offices. Council Member Richardson stated City Council made policy and staff took the legislation and developed policies. He contended these current policies were purposefully done to sabotage the ordinance.

Jim Twombly, City Manager, disagreed.

Council Member Richardson stated he expressed his desire to Mr. Twombly to work with staff on this issue and he received the typical bureaucratic response.

Motion by Richardson, second by Hiltz, to introduce item 13a.

AMENDMENT I

- ♦ ***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.***

Motion by Roth, second by Richardson, to amend item 13a to change the 60 day holding period to 30 days.

Council Member Richardson explained the 60 days was to allow the owner to respond to the situation so people could pay \$100 for the 30 days rather than \$17 per day with the amendment, therefore he would accept it.

VOTE ON AMENDMENT I

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Council Member Hiltz stated her support of the item, and expressed her condolences to those who lost their dogs because of this ordinance in the City of Aurora. She stated it was City Council's job to codify policy and mitigate harm.

Council Member Bergan stated her support of the item, noting there was a lot of miscommunication surrounding the situation with Blue. She stated this would help with that in the future.

Council Member Watson stated his support of the item.

VOTE ON ORIGINAL MOTION AS AMENDED

Voting Aye: Bergan, Berzins, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Voting Nay: Gruber

For purposes of considering the following item 13b, the City Council will be acting ex officio as the Board of Directors of the General Improvement District Aurora Conference Center 2-2011, respectively

- ♦ b. **2019-07**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, acting ex-officio as the Board of Directors of the Aurora Conference Center General Improvement District, ratifying, confirming and authorizing the execution of an amendment to the GID Pledge Agreement between such General Improvement District and Colorado International Center Metropolitan District No. 4. STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by Gruber, second by Berzins, to introduce item 13b.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

14. **ORDINANCES FOR FINAL**

- ♦ a. **2019-01**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 11.35 acres more or less at the Southwest corner of 13th Avenue and Peoria Street, between 11th Avenue and 13th Avenue, from Open District (Open) to Fitzsimons Boundary Area (FBA) and amending the zoning map accordingly (13th and Peoria Rezone) ***Ordinance 2019-01, Introduced 6-3 (Hiltz, Johnston, Murillo voting no) at the January 28, 2019 Council meeting.*** STAFF SOURCE: Sarah Wieder, Senior Planner, Planning and Developments

- ♦ ***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.***

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

Voting Aye: Bergan, Berzins, Gruber, Lawson, Richardson, Roth, Watson

Voting Nay: Hiltz, Johnston, Murillo

- ♦ b. **2019-03**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, including certain properties into the boundaries of the Parkside at City Centre Business Improvement District. **Ordinance 2019-03, Introduced 9-1 (Johnston voting no) at the February 4, 2019 Council meeting.** STAFF SOURCE: Andrea Amonick, Development Services/AURA Manager, Planning & Development Services

Motion by Berzins, second by Roth, to approve item 14b.

Council Member Johnston asked for clarification related to whether the expansion for this Business Improvement District (BID) was connected to the Tax Increment Financing (TIFs) for Urban Renewal.

Andrea Amonick, Development Services/AURA Manager, Planning & Development Services, answered no, noting this item related to the inclusion of additional property from two original parcels to the entirety of the site allowing for a portion of the refinancing to be funded through BID Mills as well as Public Improvement Fees.

Mayor LeGare recognized the applicant's representative present at the meeting.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

- a. Consideration to reappoint one (1) member to the Human Relations Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Roth, second by Watson, to reappoint Nicole Rodriguez to the Human Relations Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- b. Consideration of the appointment of one (1) youth member to the Aurora Youth Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Watson, second by Berzins, to appoint Beck Varcoe to the Aurora Youth Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- c. Consideration to appoint one (1) member to the Veterans Affairs Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

- ♦ ***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.***

Motion by Bergan, second by Gruber, to appoint Robert Chase, Jr. to the Veterans Affairs Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- d. Consideration to reappoint two (2) members to the Citizens' Water Advisory Committee. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Roth, second by Watson, to reappoint Jay Campbell and Janet Marlow to the Citizens' Water Advisory Committee.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Mayor LeGare, Watson

- e. Consideration to reappoint three (3) members and appoint three (3) members to the Historic Preservation Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Roth, to appoint Megan Berens, Chris Geddes and Courtney Morehouse and reappoint Gordon Tucker, Elizabeth Hamilton and Michael Lockwood to the Historic Preservation Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

17. **REPORTS**

- a. Report by the Mayor

No report.

- b. Reports by Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, February 28, 2019 at Fire Station #2 in the Hoffman Heights neighborhood.

Council Member Hiltz discussed her attendance at the Community College of Aurora Lowry Campus Disaster Management Institute and expressed appreciation to Moms Demand Action for their efforts in helping citizens learn how to engage with local government officials.

Council Member Richardson noted the owner of the Stampede offered to host the Ward IV meetings.

Council Member Bergan discussed the recent neighborhood meeting that was held to discuss a Cherry Creek School District property that was for sale in Sorrel Ranch. She noted additional meetings were scheduled for Tuesday, February 26, 2019 to discuss the Saddle Rock site and Thursday, February 28, 2019 to discuss the Beacon Point site.

Council Member Berzins discussed the success of the three Ward III meetings held in February and announced the new Einstein's Bagels store that opened at Parker Road and Quincy Road.

Mayor Pro Tem Roth discussed the success of the first Ward V Town Hall meeting and encouraged everyone to attend the meeting scheduled for Tuesday March 19, 2019 where the Community College of Aurora and the UC Anschutz Campus would provide presentations.

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

Council Member Lawson announced the Civic Engagement Academy would begin on Thursday, March 21, 2019.

Council Member Gruber discussed the success of the recent visit to Washington DC and expressed appreciation to all those who participated in the success of the recent Aurora Polar Plunge. He discussed his attendance at the upcoming Installation Innovation Conference.

Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Thursday, February 28, 2019 at the Beck Recreation Center at 6:30 p.m. where the Planning Department would be present. She announced the Aurora Singers would be performing on Saturday, March 2, 2019 at 7:00 p.m. and Sunday, March 3, 2019 at 2:00 p.m. She discussed her recent attendance at Anthony (TJ) Cunningham Jr.'s memorial service and encouraged people to get to know his legacy.

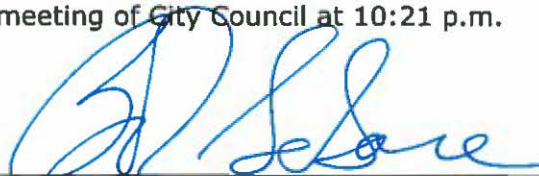
Council Member Watson stated he supported the gun control bill as it related to those with mental illness and addressed his ongoing concerns related to sending money to out of Aurora such as was done with the contract in Pueblo, Colorado for an electrical contract to install digital lighting in Aurora. He noted that money should remain in Aurora and be spent on Aurora companies.

18 **PUBLIC INVITED TO BE HEARD**

None

19. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:21 p.m.



BOB LEGARE, MAYOR

ATTEST:



Stephen Ruger, City Clerk