

## **MINUTES**

### **Regular Meeting – Aurora City Council Monday, March 18, 2019**

#### **CALL TO ORDER – REGULAR MEETING**

Mayor LeGare convened the regular meeting of City Council at 3:05 p.m.

#### **ROLL CALL**

|                                              |                                                                               |
|----------------------------------------------|-------------------------------------------------------------------------------|
| PRESIDING:                                   | Mayor LeGare                                                                  |
| COUNCIL MEMBERS PRESENT:                     | Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson<br>Murillo, Richardson, Roth |
| COUNCIL MEMBERS ABSENT:                      | Watson                                                                        |
| OFFICIALS PRESENT:                           | City Manager Twombly, Interim City Attorney<br>Brotzman, City Clerk Ruger     |
| COUNCIL MEMBERS ARRIVING<br>AFTER ROLL CALL: | None                                                                          |

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

#### **CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

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

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

Abstaining: None

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

#### **1. RECONVENE REGULAR MEETING OF MARCH 18, 2019 AND CALL TO ORDER**

Mayor LeGare reconvened the regular meeting of City Council at 7:30 p.m.

#### **2. ROLL CALL Stephen Ruger, City Clerk**

COUNCIL MEMBERS PRESENT: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz,  
Johnston, Lawson, Murillo, Richardson, Roth

COUNCIL MEMBERS ABSENT: Watson

#### **3. INVOCATION Pastor Debbie Stafford, Aurora Mental Health Center**

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 4, 2019**

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

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

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Abstaining: Gruber

6. **CEREMONY**

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

Sonya Skakich-Scrima discussed fracking in Aurora and SB 181. She stated her support of the bill and requested City Council call a moratorium on fracking in Aurora.

Michael Terry expressed appreciation for the progress on the animal ordinance and provided an update on his American Bully dog, Aurora. He discussed the need for a change in Aurora's breed restrictive ordinance.

Randee Webb discussed SB 181 and stated her support of the bill.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

**General Business**

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Jordy and Company, Denver, Colorado in the amount of \$67,247.90 for the Central Facilities Main Gate Replacement Project, Project Number 5687A. STAFF SOURCE: Katrina Rodriguez, Engineering Supervisor, Public Works
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Geophysical Survey Systems Inc., Nashua, NH in the amount of \$59,989.40 to purchase a Ground Penetrating Radar Road Scanning System for the Public Works Department. STAFF SOURCE: Cindy Colip, Acting Deputy Director, Public Works
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Infor Public Sector Inc., Alpharetta, Georgia in the amount of \$286,800.00 for an enterprise license upgrade on the asset management software system through March 2020. STAFF SOURCE: Aleta Jeffress, Chief Information & Digital Officer, Information Technology
- d. Consideration to award a SINGLE SOURCE CONTRACT to Dewberry Engineers, Inc., Denver, Colorado in the amount of \$346,223.00 for design engineering services associated with the Rampart Raw Water Delivery System Phase 6 Improvements Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Evoqua Water Technologies LLC, Sarasota, Florida in the amount not to exceed \$295,000.00 to cover the cost of Akta Klor 25 water treatment chemical (Sodium Chlorite) through February 2020. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water

Motion by Roth, second by Murillo, to approve items 9a – 9e.

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

- f. Consideration to award a SINGLE SOURCE CONTRACT to Root Policy Research, Denver, Colorado in the not-to-exceed amount of \$75,000.00 to develop a

Housing Policy Toolkit. STAFF SOURCE: George Adams, Director, Planning and Development Services

Council Member Gruber asked which funding element would fund this item and specifically would it be drawn from the \$1M in Affordable Housing funds City Council set aside.

Jason Batchelor, Deputy City Manager, answered no, noting the funds would be drawn from the Planning Department budget.

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

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

### **Final Ordinances**

- ♦ g. **2019-05**  
Consideration of AN ORDINANCE FOR ADOPTION 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

Motion by Roth, second by Berzins, to approve item 9g.

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

- ♦ h. **2019-06**  
Consideration of AN ORDINANCE FOR ADOPTION 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

Roland Halpern, Executive Director, Colorado Voters for Animals, spoke in support of the item.

Council Member Gruber asked if any of the initiatives in the ordinance have been incorporated into City policies.

Malcomb Hankins, Neighborhood Services, answered affirmatively.

Council Member Gruber stated he would not support the item because the Human Societies in several jurisdictions have stated their opposition to it. He expressed concerns related to the number of ordinances being created by City Council that were being incorporated into City policy.

Motion by Richardson, second by Hiltz, to approve item 9h.

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

Voting Nay: Gruber

- ♦ i. **2019-08**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adding Section 94-84 to the City Code Related to Reducing Identify

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Theft by Prohibiting Criminal Possession of Identification Documents and Financial Devices. STAFF SOURCE: Sergeant Daniel Courtenay, Police

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

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

- ♦ j. **2019-09**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 126 of the City Code of the City of Aurora, Colorado, regarding undergrounding of utilities. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

Motion by Bergan, second by Roth, to approve item 9j.

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

- ♦ k. **2019-10**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 146-1254 of the Aurora City Code, as it pertains to Mobile Food Trucks in the City. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

Council Member Murillo stated her support of the item and asked how the change would be communicated to the entrepreneurial community, particularly the immigrant and refugee community where there might be language barriers.

Trevor Vaughn, Manager of Tax and Licensing, Finance, stated contacting breweries involved with food trucks, postings on the City website, updating marketing materials and the business quick reference guide, which was provided in Spanish.

Council Member Murillo stated her hope that staff would get creative to ensure the information reached people. She asked why the item related to single family homes only. Mr. Vaughn stated the setback referenced single family homes because food trucks could not operate inside a residential zone.

Mayor Pro Tem Roth discussed the citizen-led initiative process.

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

## 10. **RESOLUTIONS**

- ♦ a. **R2019-17**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the inclusion of real property into the boundaries of The Point Metropolitan District. *(This item also appears on the March 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2b of the Study Session Packet.)* STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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

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

## 11. **PUBLIC HEARING WITH 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. **2019-11**  
PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 7.6 acres more or less approximately 400 feet east of the Intersection of East Hampden Avenue and South Picadilly Road from Low Density Residential (R-1) to e-470 Buckley research and development subarea and amending the zoning map accordingly. (EAST QUINCY HIGHLANDS 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 rezone request of 7.6 acres from Low Density Residential (R-1) to E-470 Buckley research and development subarea and amending the zoning map accordingly to correct a zoning error.

Council Member Gruber asked if the item was coordinated with the Air Force Base and the Air National Guard. Mr. Osoba answered affirmatively.

Motion by Bergan, second by Roth, to approve item 11a.

Council Member Bergan stated the item came about from a constituent who was responding to the error in how their land was being designated. She requested support for the item.

Mayor LeGare closed the public hearing on the item.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- a. **R2019-18**  
PUBLIC HEARING and Consideration OF A HEIGHT WAIVER for a 110' Clock Tower at the Aurora Highlands in the e-470 Medium Density Residential Sub-Area. STAFF SOURCE: Deborah Bickmire, Planner II, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Deborah Bickmire, Planner II, Planning & Development Services, provided a brief summary of the item.

Shawn Malone, Norris Design, representing the applicant, gave a presentation on the item.

Margaret Sobey, Murphy Creek, stated her opposition to the item, noting there would be a negative financial impact to the metro district thereby impacting those living there in the future.

Ms. Bickmire noted staff requested the use of stealth tower capabilities within the tower which meant collocating or designing the tower to house antennas inside the structure, however the applicant stated the structure was not designed to accommodate the use which led to the determination that antennas could not be mounted on the exterior.

Mayor LeGare closed the public hearing on the item.

Motion by Berzins, second by Bergan, to approve item 12a.

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Council Member Gruber pointed out that an E-470 neighborhood organization of approximately 10k people was mentioned in relation to this item. He noted he lived in that area as did several council members. He stated neither his HOA nor metro district was asked about this item, therefore he did not agree that the E-470 neighborhood group represented those who lived in the area.

Mayor LeGare called a recess for disruptive behavior to allow the speaker to desist and subsequently reconvened the meeting.

Council Member Johnston agreed Ms. Sobey was speaking to a larger communication issue related to those moving into a metro district being made aware of any hidden costs related to being a part of a metro district. She noted this was an ongoing concern that needed to be addressed. She stated her support of a more iconic entry into Aurora than what existed currently and added that her support also related to staff's recommendation, the Planning Commission's unanimous support, and the fact that no other neighbors would be obstructed.

Council Member Murillo stated her appreciation for the public comment. She expressed concerns related to metro districts and the need to discuss and be aware of upfront and long term costs of development. She noted it was always a concern in the back of her mind of how that was passed along to residents. She stated affordability has been discussed and suggested the Aurora Highlands was a luxury-type product, noting she would hate to see some of the costs become a barrier in the future should City Council ever decide to include affordability in housing.

Council Member Richardson expressed concerns that metro districts were being negatively portrayed. He discussed the positive outcome of the Heather Ridge community metro district.

Council Member Hiltz echoed the concerns raised related to shifting the cost of affordability. She agreed metro districts were needed to incentivize developers to build where they ordinarily would not by providing infrastructure, however, she stated she did not see building a tower as a landmark was the same. She expressed concerns related to other needs that might arise down the road that could not be realized because of this cost.

Council Member Bergan discussed metro districts from a funding perspective. She agreed Council Member Johnston made a good point on disclosure, noting the need to highlight and bold some of the language so that it was transparent for homebuyers was discussed by the Management & Finance Committee. (M&F)

Council Member Gruber concurred and further discussed how the item was addressed in the M&F Committee meeting conversations.

Mayor LeGare stated his support of the item, noting his appreciation of the education and communication issues involved for those purchasing a home in a metro district. He stated his belief that the waiver added an iconic feature to the neighborhood and doing so would make it a central focus point for the entire neighborhood. He stated his understanding that the Aurora Highlands would have everything from affordable housing to million dollar homes therefore he supported the height waiver.

Council Member Lawson stated her support of the item and raised the topic of the car wash item that came before City Council for an iconic sign and how that item was debated when it was located in a densely populated area and this one item received a waiver instead.

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

Voting Nay: Hiltz, Murillo

13. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-12**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adopting the 2019 Ward Map. STAFF SOURCE: Karen Goldman, Contract Consultant, General Management

Motion by Roth, second by Berzins, to introduce item 13a.

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

Karen Goldman, Contract Consultant, General Management, asked the Mayor's indulgence to present the 2019 Ward Map. Mayor LeGare answered affirmatively.

Council Member Bergan asked when the new maps would be provided. Ms. Goldman agreed to let the City Clerk know when they were available.

Council Member Murillo asked which neighborhood groups would be absorbed from Ward II into Ward I. Ms. Goldman agreed to research that information.

Council Member Berzins expressed appreciation to the City Clerk and Election Commission on their efforts in this regard.

- ♦ b. **2019-13**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, authorizing the continuing appropriation of funds from the Marijuana Tax Revenue Fund for the City of Aurora's Homelessness Program. ***(This item also appears on the March 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 3a of the Study Session Packet.)*** STAFF SOURCE: Greg Hays, Budget Officer, Finance

Motion by Roth, second by Lawson, to introduce item 13b.

Council Member Murillo stated her support of the item. She pointed out the item was dual listed which generally caused her unease due to the appearance of it being rushed through. She noted however that it was within Council's purview to do so when an item was timely and needed to be approved for the auditing timeframe.

Greg Hays, Budget Officer, Finance, concurred.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Consideration to appoint four (4) members to the Human Relations Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Roth, second by Bergan, to appoint Adam Fung; Jim Herlihy; Kimberly Herrera and Amy Wiles to the Human Relations Commission.

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

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

Motion by Roth, second by Bergan, to appoint Douglas Meares to the Cultural Affairs Commission.

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

- c. Consideration to appoint one (1) member to the Aurora Fox Arts Center Board. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Roth, to appoint Wendy Bullock to the Aurora Fox Arts Center Board.

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

- d. Consideration for approval of a GRANT APPLICATION by the City Council of the City of Aurora, Colorado, regarding the Department of Local Affairs Peace Officer Mental Health Support Grant Program. **(This item also appears on the March 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2c of the Study Session Packet.)** STAFF SOURCE: Lieutenant Randal Moody, Police

Motion by Gruber, second by Hiltz, to approve item 15d.

Staff provided a brief summary of the item.

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

- e. Consideration for approval of a GRANT APPLICATION by the City Council of the City of Aurora, Colorado, regarding the fiscal year 2020 Grey and Black Marijuana Enforcement Grant. **(This item also appears on the March 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2d of the Study Session Packet.)** STAFF SOURCE: Lieutenant Scott Torpen, Police

Motion by Bergan, second by Gruber, to approve item 15e.

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

## 16. **REPORTS**

- a. Report by the Mayor

Mayor LeGare discussed the terms of the agreement realized with the Denver Meadows Mobile Home Park owner to assist the remaining residents in the park. He noted additional Council actions would be required and those would begin to appear on Council's agenda as of April 1, 2019.

- b. Reports by Council

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Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, March 28, 2019 at the Bioethics and Humanities Center on the Anschutz Medical Campus at 6:00 p.m. She cautioned those planning to attend to call the City for specific parking instructions.

Council Member Hiltz announced the At-Large Town Hall was scheduled for Tuesday, March 26, 2019 at Fire Station 11 where the focus would be on youth in Aurora.

Council Member Bergan discussed the success of the recent groundbreaking at Red-tailed Hawk Park, which was the first ever inclusive playground in Aurora. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, March 20, 2019 at the Heritage Eagle Bend Clubhouse at 6:00 p.m. where Tracy Young, Parks & Recreation, would provide a presentation.

Council Member Berzins reminded everyone that the Ward III morning meeting was scheduled for Thursday, March 21, 2019 at the Aurora Hills Golf Course Tin Cup restaurant at 7:15 a.m. where a guest speaker from the Aurora History Museum would be present.

Mayor Pro Tem Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, March 19, 2019 at the Heather Gardens Clubhouse at 6:30 p.m. where two presenters from the Community College of Aurora and University of Colorado Anschutz Campus would be present to discuss the campuses. He discussed the opening of the new recreation center and the success of the recent 75<sup>th</sup> wedding anniversary celebration of Jill and Benny Butler.

Council Member Lawson recognized and expressed her appreciation to those council members who attended the recent vigil held for those impacted by the mosque shooting in New Zealand.

Council Member Gruber wished everyone in the Irish community a belated happy St. Patrick's Day. He discussed his meeting with the Association of Defense Communities.

Council Member Johnston expressed appreciation to Council Member Lawson for making mention of the recent mosque shooting, noting Aurora had a very strong Muslim and interfaith community. She stated her heart and thoughts went out to everyone impacted. She discussed the Air Ethiopian Airline crash and expressed thoughts to the Ethiopian community. She announced the Ward II Town Hall meeting was scheduled for Thursday, March 28, 2019 at the Beck Recreation Center at 6:30 p.m. where new roads would be discussed.

17. **PUBLIC INVITED TO BE HEARD**

Margaret Sobey listed those neighborhoods included in the E-470 Neighbors group. She stated her goal for speaking was to present a different perspective on metro districts and the associated costs. She apologized for speaking out of turn earlier, noting there were council members who sometimes made sweeping comments that were condescending and she struggled with that.

Alison Coombs expressed appreciation to Council Member Bergan for raising the topic of the inclusive playground in the City and further discussed the need for more effort in that regard as it related to snow removal and access in the City.

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Council Member Hiltz expressed appreciation to Ms. Coombs for her comments and related her experience seeing someone waiting in the road for a bus because of snow. She agreed more could be done in that regard.

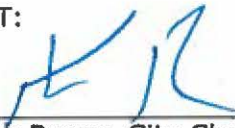
18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:34 p.m.



BOB LEGARE, MAYOR

ATTEST:



Stephen Ruger, City Clerk