

MINUTES

Regular Meeting – Aurora City Council Monday, July 15, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 3:30 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

1. RECONVENE REGULAR MEETING OF JULY 15, 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, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. INVOCATION Pastor Al Coombs, Christ Church

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF JULY 1, 2019

Motion by Berzins, second by Roth, to approve the minutes of the meeting of July 1, 2019, as amended.

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

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

Abstaining: None

6. **CEREMONY**

a. Recognition of Remote-based Aurora Water Employees – Mayor Bob LeGare

Mayor LeGare invited Marshall Brown, General Manager, Aurora Water and Angela Goodman, Source of Supply Superintendent, Aurora Water, to come forward. He read the proclamation recognizing the Remote-based Aurora Water Employees. Mr. Brown expressed appreciation for the proclamation.

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

David Gruber, Colonel, US AF retired, Aurora City Council speaking as a veteran on behalf of himself. He addressed the July 12, 2019, protest held at the united immigration and custom enforcement detention center (ICE) facility, in Aurora.

Claudia Morales Miranda spoke in support of the pit bull breed, noting they were a good breed and it was often the owners' mistreatment of them that made them act badly.

Kristi Douglas requested City Council slow down on handing out Fracking permits, noting the need for a moratorium in that regard.

Edith Henke discussed the danger of fossil fuels and climate change and the use of means, such as solar panels, to mitigate those issues.

Aimee Potter discussed the City's operator agreement with a company on a margin, noting it was unacceptable and how City Council was falling short of their promises for health and safety and economic development when supporting Oil and Gas. She requested a moratorium on Oil and Gas permits.

Sheila Mozer spoke in support of the specific breed ban in Aurora and reminded City Council to listen to the voice of the people who overwhelmingly voted to support the ban in 2014. She provided a petition in that regard to the City Clerk.

Carol Baker discussed the importance of City Council making smart decisions rather than using their heartstrings.

Adam Arambarri discussed Amendment A, which prohibited those being detained in a detention center in Aurora to be forced to work unpaid.

Kenton Visser discussed the unsanitary and unsafe living conditions of those living in the Geo Detention Center in Aurora and stated the need for City Council to no longer endorse ICE and to have them removed from the City.

Terin Blake discussed the inhumane living conditions at the Aurora GEO Detention Center and stated the City Council must sever ties and remove ICE from the City.

Ken Hampshire discussed a gravel sub-standard roadway that connected two paved roads in Aurora.

Mayor LeGare asked Mr. Hampshire to speak with Nancy Freed, Deputy City Manager, so she could address his issue. Mr. Hampshire agreed to do so.

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Lucy Molina expressed appreciation to City Council for their service, discussed SB 181 and requested a moratorium be placed on Oil and Gas permits.

Celeste Rossmiller discussed the need for renewable energy and requested a moratorium to be placed on Oil and Gas permitting in Aurora.

Kristin Mallory stated City Council put profit over people, discussed Oil and Gas expansion in Aurora and stated her disagreement with Council Member Gruber's assertions regarding the three council members' participation at the recent GEO Detention Center protest.

Dana Miller discussed the Immigrant Freedom Fund and suggested everyone donate at www.immigrantfreedomfund.org.

George Purvis discussed the primary value of theology and asked City Council to not put oil profits over health and safety.

Sister Margaret Elizabeth Fuhr discussed the health of the earth, requested a moratorium on Oil and Gas permitting in Aurora, and related her interaction with an attorney at the Detention Center who was not allowed to visit his client.

Randee Webb discussed her attendance at the ICE protest and requested a moratorium on Oil and Gas permitting of any kind in order for City Council to use SB 181 to its fullest extent.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with the exception of item 7b, which would be moved up to be heard after items 12a and 12b.

Motion by Richardson, second by Hiltz, to appeal the Mayor's opinion to limit City Council discussion in order to allow Council Member Johnston to respond to Council Member Gruber's comments because allowing a council member to speak from the podium as a member of the public was unprecedented.

Mayor LeGare asked City Council to not support the motion to overrule his decision. He noted he too had several comments to make on the protest but he would follow the Rules of Order and wait to speak until the Reports segment of the meeting.

Council Member Murillo stated she had many feelings on the event as well and agreed the record should be corrected by those in attendance.

Council Member Hiltz concurred, noting Council Member Johnston should be allowed to respond to Council Member Gruber's accusations in front of the broader audience considering most of them stood in support of his comments.

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

Voting Nay: Mayor LeGare, Bergan, Berzins, Gruber, Roth, Watson

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

General Business

- a. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID CONTRACT with Inland Potable Services, Inc., Centennial, Colorado in the amount of \$7,609.30, for the Aurora Reservoir Improvements-Work Packages 1 and 2 Project, Project No.

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5589A. STAFF SOURCE: Sarah Young, Deputy Director Water Planning/Engineering, Aurora Water

- b. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID CONTRACT with Inland Potable Services, Inc., Centennial, Colorado in the amount of \$101,598.00, for the Quincy Reservoir Improvements Package A: Outlet Tower Trash Rack Improvements Project, Project No. 5663A. STAFF SOURCE: Sarah Young, Deputy Director Water Planning/Engineering, Aurora Water
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Moltz Constructors, Inc., Larkspur, Colorado in the amount of \$1,794,043.00 for the Jefferson Lake Rehabilitation Project, Project No. 5694A. **(Staff requests a waiver of reconsideration)** STAFF SOURCE: Sarah Young, Deputy Director Water Planning/Engineering, Aurora Water
- d. Consideration to AWARD CHANGE ORDER #1 TO THE COMPETITIVELY BID CONTRACT with W.L. Contractors, Inc., Arvada, Colorado in the amount of \$156,786.00, for the 2019 Traffic Signal Construction Services Project, Project No. 19015. **(Staff requests a waiver of reconsideration)** STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

Motion by Roth, second by Watson, to approve items 9a – 9d with waivers of reconsideration for 9c and 9d.

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

Final Ordinances

For purposes of considering the following item 9e, the City Council will be acting ex officio as the Board of Directors of the General Improvement District Aurora Conference Center 2-2011

- ♦ e. **2019-07**
Consideration of AN ORDINANCE FOR ADOPTION 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 Berzins, second by Roth, to approve item 9e.

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

- ♦ f. **2019-32**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Chapters 6, 22, 86, 130 and 146 of the City Code related to the regulation and licensing of Retail Marijuana Establishments and Businesses related to the Cultivation and Manufacturing of Medical Marijuana. STAFF SOURCE: Robin Peterson, Manager of Marijuana Enforcement, Finance

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

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

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- ♦ g. **2019-29**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning .8554 acres more or less in the vicinity of Iliff Avenue and Oswego Street from Low Density Single-Family Residential District (R1) to Retail Business District (B1) and amending the zoning map accordingly (ILIFF AND OSWEGO REZONE) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services

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

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

- ♦ h. **2019-31**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, Amending Section 54-105 of the City Code Related to Requirements for Filing Campaign Reports. STAFF SOURCE: Stephen Ruger, City Clerk, General Management
Sponsor: Council Member Johnston

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

Council Member Johnston stated her appreciation for the Council's support to provide voters with additional information.

Council Member Gruber stated his support of the item, noting his hope that staff would develop processes and instructions to track the costs of programs, such as Emerge, that were not typically shown under the previous campaign finance rules.

Council Member Johnston noted most Emerge canvassers were volunteers and stated she would have chosen to include expended terms of independent expenditure committees, paid canvassers, etc.

Council Member Murillo stated she supported an objective way of deciphering which contributions were given rather than personal vendettas on groups and council members.

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

- ♦ i. **2019-34**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Chapter 6 of the City Code related to Alcohol Beverages and Cabarets. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

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

- ♦ j. **2019-35**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, repealing Chapter 46 of the Aurora City Code, and other related matters. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

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Council Member Richardson stated he would not support the item because he felt it was a Taxpayer Bill of Rights (TABOR) violation.

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

Voting Nay: Richardson

- ◆ k. **2019-36**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Article IV of Section 130. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

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

10. **RESOLUTIONS**

- ◆ a. **R2019-49**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the re-designation of the Colorado and Science Technology Park Urban Renewal Area as a blighted area appropriate for urban renewal. STAFF SOURCE: Chad Argentar, Project Manager, Planning & Development Services

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

Council Member Richardson stated he would not support items 10a – 10d as a protest because he did not agree with bringing more development and people into an area with an antiquated fire protection system.

Council Member Bergan asked staff to speak to Urban Renewal in terms of the blight conditions in general.

Chad Argentar, Project Manager, Planning & Development Service, did so, and discussed the eleven factors of blight.

Council Member Bergan asked if a designated blight area automatically generated Tax Increment Financing. (TIF) Mr. Argentar answered no and clarified this was a blight finding in an existing urban renewal area.

Council Member Murillo discussed her struggle with the issue and stated she would not support the item because she has yet to see any tangible benefits to Ward I in terms of affordable housing.

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

Voting Nay: Hiltz, Johnston, Murillo, Richardson

- ◆ b. **R2019-50**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the designation of the 13th Avenue Station Area Urban Renewal Area as a blighted area appropriate for

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urban renewal. STAFF SOURCE: Philip Nachbar, Project Manager, Planning & Development Services

Motion by Watson, second by Berzins, to approve item 10b.

Philip Nachbar, Project Manager, Planning & Development Services, provided a brief summary of the item.

Council Member Watson asked if the items opened the discussion on whether an area was blighted or not. Mr. Nachbar answered affirmatively noting it opened the discussion and allowed for a potential urban renewal designation in the future.

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

Voting Nay: Richardson

- ◆ c. **R2019-51**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the designation of the Westerly Creek Village Urban Renewal Area as a blighted area appropriate for urban renewal. STAFF SOURCE: Melissa Rogers, Planning Supervisor, Planning & Development Services

Motion by Roth, second by Murillo, to approve item 10c.

Philip Nachbar, Project Manager, Planning & Development Services, provided a brief summary of the item.

Council Member Murillo stated she had mixed opinions on what good development may or may not look like in the community process. She noted that was part of her reasoning in supporting the item. She pointed out it was a very fine line between redevelopment and revitalization and gentrification. She stated one of things she looked for in development and with those who wanted to grow the community was their willingness to engage the community. She read an email from Mark Schafer, the developer, which outlined his commitment to obtain as much neighborhood consideration on the project as possible. She stated her appreciation that the developer was willing to engage council members and the community in this regard. She asked how she could make the email a part of the public record.

Daniel Brotzman, Interim City Attorney, stated that could be added during the public hearing portion of the item.

Council Member Murillo stated her intention to submit the email into the record at that time.

Council Member Gruber asked if the developer's thoughts regarding putting a Sprouts or Whole Foods on Montview in this area would have a gentrifying impact on the neighborhood.

Melissa Rogers, Planning Supervisor, Planning & Development Services, stated her opinion that the developer was open to shaping the project in a manner that suited most of the neighborhood.

Council Member Watson reminded everyone that the developer might be different in this matter because this was a discussion of blight determination.

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

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Voting Nay: Richardson

- ♦ d. **R2019-52**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the designation of the Fitzsimons Peoria study area as a blighted area appropriate for urban renewal. STAFF SOURCE: Melissa Rogers, Planning Supervisor, Planning & Development Services

Motion by Watson, second by Roth, to approve item 10d.

Council Member Murillo stated her understanding of the public process and noted the items moved the process forward which could potentially incentivize housing developments. She stated she would not support the item because there has not been a prioritization of housing for people within all income spectrums who lived there currently.

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

Voting Nay: Johnston, Murillo, Hiltz, Richardson

- ♦ e. **R2019-53**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to approve the naming of the Utah Park Tennis Courts to the Woodie M. Smith Tennis Center. STAFF SOURCE: Drake Brownfield, Museum Specialist, Library & Cultural Services

Motion by Richardson, second by Bergan, to approve item 10e.

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

- ♦ f. **R2019-56**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, supporting the 2020 census by convening a complete count committee. STAFF SOURCE: Diana Pena Khribeche, Census Coordinator, Planning & Development Services

Motion by Murillo, second by Gruber, to approve item 10f.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2019-41**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 47.092 acres more or less in the vicinity of Colfax Avenue and 6th Avenue from Planned Community Zone District (PCZD) to E-470 Regional Retail/Commercial Subarea District and amending the

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zoning map accordingly (STAFFORD LOGISTICS I REZONE) STAFF SOURCE: Stephen E Rodriguez, Planning Supervisor, Planning & Development Services

Mayor LeGare opened the public hearing on the items.

Stephen Rodriguez, Planning Supervisor, Planning & Development Services, gave a presentation on the items.

Mayor LeGare recognized Jed Momot, representing the applicant, and closed the public hearing on the items.

Motion by Gruber, second by Roth, to introduce item 11a.

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

- ♦ b. **2019-42**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 300.186 acres more or less in the vicinity of Colfax Avenue and 6th Avenue from planned Community Zone District (PCZD) to E-470 Light Industrial/Flex Office Subarea District and amending the zoning map accordingly (STAFFORD LOGISTICS II REZONE). STAFF SOURCE: Stephen E Rodriguez, Planning Supervisor, Planning & Development Services

Motion by Gruber, second by Watson, to introduce item 11b.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ♦ a. **R2019-55**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the Oil and Gas Operator Agreement between the City of Aurora, Colorado, and Elevation Midstream, LLC. ***(Council requests a Waiver of Reconsideration) (This item also appears on the July 15, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 3a of the Study Session Packet.)*** STAFF SOURCE: Christine McKenney, Client Group Manager, City Attorney **(Postponed from July 1, 2019)**

Motion by Gruber, second by Bergan, to approve item 12a with a waiver of reconsideration.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

- ♦ b. **R2019-54**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Authorizing the Execution of the Oil and Gas Operator Agreement between the City of Aurora, Colorado, and Axis Exploration, LLC. A wholly owned subsidiary of Extraction Oil and Gas Inc. ("Extraction") ***(Council requests a Waiver of Reconsideration)*** STAFF SOURCE: Christine McKenney, Client Group Manager, City Attorney

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MAYOR LEGARE CALLED FOR A FIFTEEN MINUTE RECESS

Mayor LeGare opened the public hearing on the items. He stated the rules for speakers which allowed each speaker three minutes.

Council Member Johnston stated this would be the first time for the public to hear discussion on the items because this was dual-listed for the commercial gathering facility. She noted these were distinct issues where generally people got three minutes to speak on each agenda item and asked Mayor LeGare if he was allowing that. Mayor LeGare answered no. He stated the public hearings were being combined and each speaker was allowed three minutes each to speak. Council Member Johnston stated her opposition to the Mayor's decision to limit the testimony and reiterated these were distinct issues and it was the first time the public was hearing the discussion as there had not yet been any community engagement.

David Schnabel, Project Manager, Matt Eiser, Engineering Manager, and Ken Knox, all representing Axis Elevation, gave a presentation on the items and introduced a petition in support of the operator agreements.

Elizabeth Paranhos, Attorney, stated she was outside counsel for the City of Aurora on Oil & Gas matters. Ms. Paranhos provided a presentation on the items.

Mayor LeGare asked those present in favor of the Oil and Gas items on the agenda to stand. He recognized approximately 250 people standing. He asked those opposed to stand. He recognized approximately 34 people standing.

Council Member Johnston stated the passing of SB 181 changed the mission of the Colorado Oil and Gas Conservation Commission (COGCC) standards in terms of health and safety and asked if the presentation related to the pre- or post-passing of SB 181. Ms. Paranhos stated the Best Management Practices she mentioned related to the current standards set forth by the Colorado Department of Public Health & Environment (CDPHE) and COGCC as they stood today.

Council Member Gruber pointed out some of the complaints have been that the rules would change as a result of the passing of SB 181 and asked if those rules would apply under the operator agreement. Ms. Paranhos answered affirmatively. Council Member Gruber discussed the location of the wells and asked if there was a well in Section 18. Ms. Paranhos stated there were four well sites included in the agreement but none of them included a well in Section 18. Council Member Gruber asked if there were two well sites that could replace the well at Section 18 and asked if once those well sites were defined, the operator was required to return to Council for approval and if approved, they would be included in the operator agreement. Ms. Paranhos answered affirmatively, noting that would require a vote of City Council at a public hearing. Council Member Gruber stated the mineral rights were owned by different entities in the City.

Mr. Schnabel agreed the minerals that would have been accessed at the Section 18 location were accessed by wells at alternate locations.

Council Member Gruber asked the extraction intent for the existing Service Use Agreement (SUA) on Section 18. Mr. Schnabel stated there were not any active plans to drill on Section 18.

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Mayor Pro Tem Roth asked Mr. Schnabel to speak to the negotiations with the Aurora Highlands. Mr. Schnabel did so, noting it has not gone much farther than the initial offer. He noted there has been considerable investment made at that location. Mayor Pro Tem Roth asked Mr. Schnabel to speak to his point of view on 'making whole' and to when the most recent conversations with the Aurora Highlands occurred. Mr. Schnabel did so, noting 'making whole' included moving wells from an optimal location to locations with more capital expense which degraded the economic that needed to be made up.

Eric Christ, Vice President, General Counsel & Corporate Secretary, Extraction Oil & Gas, stated there have been ongoing conversations with Aurora Highlands representatives. He stated alternate locations were being explored that would bridge the gap made by Aurora Highlands.

Mayor Pro Tem Roth stated the 'making whole' related to the capital costs of moving from one location to another and did not include anything punitive.

Mr. Christ concurred.

Council Member Gruber asked Mr. Christ if he was aware that the probability of City Council supporting oil wells on Section 18 was miniscule. Mr. Christ answered affirmatively.

Council Member Johnston asked the developer cost of Gaylord Rockies.

Jason Batchelor, Deputy City Manager, stated approximately \$800M total project cost for the entire Rockies Village.

Council Member Johnston referenced EX. c, insurance requirements and asked if the Umbrella Access Liability would cover an accident or damage at Gaylord Rockies or was there a different liability insurance coverage. Mr. Christ stated the specifics of any type of covered claim would be subject to the specifics of the actual claim. Council Member Johnston noted there have been accidents throughout the state that could damage either life or property.

Mr. Christ asked if those accidents were subsurface or on the surface. Council Member Johnston stated on the surface. Mr. Christ stated Extraction would be liable for any damages or impact to a person or property as a result of the extraction operations. Council Member Johnston asked if there was enough insurance to cover \$800M for damage to Gaylord. Mr. Christ answered no, noting there have not been any instances where something that far from the well site had been impacted by the well site.

Council Member Gruber asked if Gaylord has identified these risks and have they approved the project. Mr. Schnabel answered affirmatively, noting there have been discussions in that regard with the Gaylord Center. He pointed out they currently have leased 50 percent of the minerals under the Gaylord Center and were in negotiations to lease the other 50 percent. Council Member Gruber asked if they were in agreement with the Gaylord to extract the minerals from underneath the Gaylord for the Gaylord and then to have them repaid for the extracted minerals. Mr. Schnabel answered affirmatively.

Council Member Richardson stated the Aurora Highlands has made a huge investment in the community and discussed the importance of bridging the gap between Extraction and the Aurora Highlands.

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Ms. Paranhos continued the presentation on the item and discussed the continuous monitoring requirements and proposed monitoring by the applicant.

Council Member Gruber mentioned there was an issue with flaring in the Best Management Practices and asked Mr. Christ to speak to that. Mr. Christ did so, noting it actually blocked the view of the flames. Council Member Gruber asked if it was a fair statement that the Best Management Practices were among the most robust in the country.

Ms. Paranhos answered affirmatively.

Council Member Gruber asked the City Council to consider the amount of expertise that went into these Best Management Practices, noting the person who put them together was not charged with writing the rules that Colorado would use under SB 181.

Ms. Paranhos concurred.

Council Member Gruber discussed Ms. Paranhos' expertise in that regard and noted no one on the City Council was an expert in Oil and Gas but pointed out the best people have been brought in to write these documents which were modeled from some of the best previous agreements in the country.

Ms. Paranhos concurred.

Council Member Johnston agreed there has been expertise on this. She pointed out there was a community engagement process attached to the policy process and asked staff if there has been any formalized community engagement besides the current public hearing and the posting on the website. Mr. Batchelor answered no. Council Member Johnston stated the City Council had different philosophies, noting her opinion that both experts and community engagement should be used together to move the process forward.

Council Member Gruber asked if Aurora has complied with state law in these processes to make these decisions. Mr. Batchelor stated his understanding that the City was compliant.

Mr. Brotzman concurred.

Council Member Bergan asked staff how long the City has been working with Extraction on this deal. Ms. Paranhos stated almost a year. Council Member Bergan asked how many petition signers from around the City were provided.

Mr. Schnabel stated approximately 1100.

Council Member Richardson asked why staff was requesting a waiver of reconsideration when there were outstanding issues. He asked Mayor LeGare if he would allow the vote with or without a waiver of reconsideration.

Mayor LeGare stated his understanding that the majority of City Council asked for a waiver of reconsideration.

Mr. Batchelor concurred. He explained how it came about at the direction of City Council as a result of scheduling.

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Council Member Richardson pointed out the backup material stated staff requested it but apparently it was at the behest of the majority of City Council.

Mr. Batchelor agreed staff felt they were implementing the direction of City Council.

Jon Morris; Heidi Gill; Tim Huffman; Ramsey Fowler; Luke Coats; Kevin Hougen; Gregory Kishiyama; Eric Pobuda; Austin Rose; Alicia Rose; Keith Venable; Matt Mansfield; Chris Lane; Ivan Whipple; Regina Riley; Mitchell Pebley; Robert Golden; Josh Carlisle; Carol Baker; Mike Celetti; Papa Dia; David Nowicki; Monica Colbert; and Chris McGowen, spoke in support of the item.

Pat Dunn; Sandy Toland; Edith Henke; Lucas Leblow; Ellen Woo; Arnie Schultz; Sonia Skakich-Scrima; Joel Weissman; Sarah Brockway; Margaret Sobey; Dr. Thomas Mayes; Alison Coombs; Randee Webb; Adam Fung; Patty Sullivan; Rita Connerly; Michael Sheldon; and Matt Hopper, spoke in opposition to the item.

MAYOR LEGARE CALLED FOR A TEN-MINUTE RECESS

Council Member Johnston noted one of the speakers mentioned the Windsor extraction explosion and asked the applicant for an explanation as to why that happened and what steps were taken to avoid a similar situation.

Eric Jacobson, Senior Vice President of Operations, Extraction, did so. He explained the Windsor fire was the only major incident the company has ever experienced, noting it was fully contained to the location and was extinguished within hours. He pointed out there was no significant impact to the public and only one of the 20 people at the location was injured and has now fully recovered. He stated Extraction took the incident very seriously as they did all safety matters, noting it was their number one priority. He noted the company has instituted 15 different findings and actions as a result of the incident.

Council Member Johnston referenced the situation in Broomfield where a resident reported an odor and the COGCC inspector visited the site and determined it was related to a gauge. She asked if that technology was a part of Extraction's operations. Mr. Jacobson stated the company has had daily inspections in Broomfield and odor complaints were satisfactorily addressed. He added there has been continuous air monitoring in Broomfield and no health issues have been associated with the odor.

Council Member Bergan asked if Extraction would be required to adhere to changes or enhancements to the regulations made by the COGCC should the agreement be approved. Mr. Jacobson answered affirmatively. Council Member Bergan asked if that were so in terms of new technologies. Mr. Jacobson answered affirmatively, noting new technologies might be proposed that Extraction would investigate and implement should they be applicable and reasonable. Council Member Bergan asked Mr. Jacobson to speak to Section 18. Mr. Jacobson did so, noting the applicant did not intend to drill on 18 and they were actively looking for an alternative location. He pointed out as a result, they continued to work with the Aurora Highlands on what it meant to be 'made whole' noting they were on board with Council Member Richardson's suggestion of mediation in that regard. Council Member Bergan pointed out those negotiations were between two private parties and the City Council was not negotiating those terms.

Council Member Hiltz asked if there was a remaining tank on the site. Mr. Jacobson answered affirmatively, noting it was a maintenance tank that was needed for maintenance

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operations in case any small amounts of liquid from pipe or valves required bleeding off. Council Member Hiltz clarified for the record that tankless usually meant tankless with no tanks however an important distinction in this instance was that tankless did not mean tankless but rather meant tank less.

Council Member Johnston noted Section 18 was included in the agreement.

Mr. Jacobson confirmed it was not.

Council Member Johnston stated the alternative site was included.

Mr. Jacobson confirmed it was not, noting an alternative site would have to be brought back to Council for approval.

Mayor Pro Tem Roth stated his appreciation that the applicant had confidence in the negotiations going forward and asked if the applicant would be amendable that the agreement could not be finalized until the negotiations were complete. Mr. Jacobson answered no, noting the applicant's preference that the item be approved with the certainty that negotiations would continue. Mayor Pro Tem Roth discussed the incongruity of the situation.

Mr. Jacobson stated doing so would put all of the cards in the Aurora Highlands pocket while negotiating a good faith settlement, noting Extraction could not drill without a settlement anyway.

Council Member Johnston asked Mr. Jacobson to address the concerns raised related to economic viability and losses in the company. Mr. Jacobson did so, noting Extraction was in a solid financial position. Council Member Johnston stated she understood Extraction was cash flow positive and asked Mr. Jacobson to speak to the stock prices. Mr. Jacobson did so, noting a lot of factors went into stock prices and there was a larger macro picture involved.

Council Member Berzins stated her disappointment that all of the negotiations were not worked out prior to the public hearing. She referenced p. 381 and p. 389, where it mentioned the alternative site location and Section 18. She stated the importance of mediation in this regard and asked the motivation for Extraction to do so. Mr. Jacobson stated Extraction looked forward to a fresh start and to getting the negotiations done.

Mayor LeGare closed the public hearing on the item.

Motion by Bergan, second by Roth, to approve item 12b with a waiver of reconsideration.

Council Member Richardson made a motion to supersede the original motions without the waivers of reconsideration.

Mayor LeGare noted the motion died for lack of a second.

Council Member Gruber discussed the level of effort that went into the care of Colorado residents with regard to the items.

Council Member Watson pointed out Section 18 could not be drilled without approval by Council. He suggested a conversation take place in a timely manner that would satisfactorily meet each party's needs.

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Council Member Richardson discussed the country's oil supply and the state of oil supply and process of the oil industry across the world. He stated he had people that lived in Ward IV that worked in the oil industry, noting Ward Council Members were parochial and he would support the items.

Council Member Johnston stated there were three separate Oil and Gas issues including one commercial gathering facility; the operator agreement and the water agreement. She stated she supported operator agreements, and Best Management Practices and most importantly, she supported a community process as part of that. She noted City Council stated they were doing what was best for the City but the City was not just the industry and administration. She discussed the importance of neighborhood meetings in the process and the problem of not having any community feedback when that was done in every single City policy. She stated she would not support the item for those reasons.

Council Member Hiltz concurred with Council Member Johnston's comments regarding the public input process. She pointed out this was a consistent lack of engagement for the public and she found it hard to believe that any meaningful community engagement would follow the approval. She stated her hope that the applicant would in fact prioritize community engagement moving forward because it would be considered in future development requests.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

13. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2019-43**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving the Service Plan of the HM Metropolitan Districts Nos 1-9 and authorizing the execution of an Intergovernmental Agreement between the City and Districts. ***(This item also appears on the July 15, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2h of the Study Session Packet.)*** STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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

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

- ♦ b. **2019-44**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving the Second Amendment to the service plan for the Velocity Metropolitan Districts Nos 4-6. ***(This item also appears on the July 15, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2j of the Study Session Packet.)*** STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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

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

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- ◆ c. **2019-45**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, for the First Amendment to the Colorado International Center Nos 10-11 Service Plan. **(This item also appears on the July 15, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2k of the Study Session Packet.)** STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Berzins, second by Bergan, to introduce item 13c.

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

- ◆ d. **2019-46**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of the public right-of-way for E 42nd Avenue, a Street located between Gun Club Road and the Harvest Road alignment, City of Aurora, County of Adams, State of Colorado. (42ND AVENUE ROW VACATION) STAFF SOURCE: Deborah Bickmire, Planner II, Planning & Development Services

Motion by Gruber, second by Bergan, to introduce item 13d.

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

14. **ORDINANCES FOR FINAL**

- ◆ a. **2019-30**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 2-148 of the City Code pertaining to preservation of records to include mandatory direction on processing requests under the Colorado Open Records Act. **Ordinance 2019-30, Introduced 5-5 (Gruber, Hiltz, Johnston, Murillo, Watson voting no) at the June 24, 2019 Council meeting.** SPONSORS: Council Members Lawson and Richardson

Motion by Lawson, second by Richardson, to approve item 14a.

Council Member Murillo made a motion to amend item 14a to strike any reference to particular council members.

Mayor LeGare asked staff if the language was removed at the first reading.

David Lathers, Senior Assistant City Attorney, confirmed that had been amended and was reflected in the backup packet.

Council Member Murillo rescinded her motion.

Mayor LeGare noted the wrong version was provided to City Council. He asked if the motion makers supported the motion to approve without the references to council members in the body of the ordinance.

Council Members Lawson and Richardson answered affirmatively.

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

Voting Nay: Gruber, Johnston, Watson

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15. **ANNEXATIONS**

- ◆ a. **2019-37**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southwest Quarter of Section 19, Township 5 South, Range 66 West of the 6th principal meridian, County of Arapahoe, State of Colorado (Smoky Hill I) 1.588 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Bergan, second by Roth, to approve item 15a.

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

- ◆ b. **2019-38**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the 6th principal meridian, County of Arapahoe, State of Colorado (Smoky Hill II) 2.11 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Watson, second by Bergan, to approve item 15b.

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

- ◆ c. **2019-39**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the 6th principal meridian, County of Arapahoe, State of Colorado (Smoky Hill III) 5.168 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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

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

- ◆ d. **2019-40**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the 6th principal meridian, County of Arapahoe, State of Colorado (Smoky Hill IV) 8.749 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Bergan, second by Watson, to approve item 15d.

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

- ◆ e. **2019-33**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located South of Smoky Hill Road and West of E-470 in the City of Aurora, County of Arapahoe, State of Colorado, to E-470 Regional Retail/Commercial Subarea District and amending the zoning map

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accordingly (SMOKY HILL/E-470 INITIAL ZONING) **Ordinance 2019-33, Introduced 9-1 (Hiltz voting no) at the July 1, 2019 Council meeting.** STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services

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

Council Member Hiltz stated she previously voted against the item due to some controversy related to who had the majority vote on this, however after further research, she stated she felt confident there was at least equal homeowners/developer-owned land therefore she would support the item.

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

- f. Consideration of an Annexation Agreement between the City of Aurora and Scott Baldensperger and FBH Investments, LLC for certain parcels of land located in Section 19, Township 5 South, Range 66 West of the Sixth Principal Meridian and Section 24, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Bergan, second by Watson, to approve item 15f.

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

16. **RECONSIDERATIONS AND CALL-UPS**

None

17. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Aurora Immigrant and Refugee Commission. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Roth, to appoint Marcus Doe to the Aurora Immigrant and Refugee Commission.

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

- b. Axis Exploration Water Delivery Agreement
STAFF SOURCE: Sarah Young, Deputy Director Water Planning/Engineering, Aurora Water

Motion by Bergan, second by Watson, to approve item 17b.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Richardson, Roth, Watson

Voting Nay: Hiltz, Johnston, Lawson, Murillo

18. **REPORTS**

- a. Report by the Mayor

Mayor LeGare stated this was the time to speak about the GEO Detention Center incident and he apologized for the delay. He stated his belief that the Aurora Police Department acted properly and in the best interest of public safety. He stated the media coverage showed the raising of the Mexican flag, but confirmed what actually happened was a peaceful protest, which the US has a long history of supporting. He noted a small group of rogue participants ended up co-opting the effort and the perimeter was breached and a flag was lowered and another raised. He stated he did not hold his Council colleagues nor anyone there for the peaceful protest responsible for that in any way. He stated he read in the newspaper that the primary organizer of the event was a US Veteran, noting there were scores of veterans and veterans' family members in attendance who were offended by the lowering and replacement of the US flag with the Mexican flag and the desecrated Blue Lives Matter flag. He agreed the incident seriously hurt the effort that was being made for a peaceful protest. He stated he believed the hurtful activities that targeted the US flag were from a fringe group. He noted there were people on both sides of the immigration issue and there were extremes on both sides, noting one of the extreme examples was the flag group that felt it was a good thing to do for the cause. He pointed out the reaction that action received. He stated there were extremes on the other side as well that believed all immigrants should be rounded up and shipped back to wherever they came from and then the other extreme believed in open borders that allowed anyone to come in and become a citizen with voting rights. He stated he did not believe that mainstream America would agree with either of those two options and the problem in the country was that the US Congress has failed to address immigration for the last 25 – 30 years and they have allowed the fringes to drive the discussion. He provided an example of a fringe group member who sent him an email the morning following the incident that stated 'flag you bastard' in the subject line. He stated he would not name the individual so as not to give them any notoriety. He stated his opinion that there have been Republican-controlled Congresses with a Republican in the White House and there have been Democratic-controlled Congresses with a Democrat in the White House and neither have addressed immigration reform in the US. He referenced the 'round them up and ship them back' philosophy, noting there has been a 'wink-wink – look the other way' immigration policy where a person that came across the border into the US could get a job, make money, put their children in school, go to the hospital to have their baby and that baby would be considered a citizen with no questions asked. He noted it was no surprise that people were breaking down the border trying to get to a country that offered unending opportunities. He pointed out there was not a solution until Congress acted to address the immigrants that came through under the 'wink-wink' policy such as a system that allowed those who came before a date certain the opportunity to get a Green Card and work towards becoming a citizen. He noted the anti-immigrant fringe would say that was amnesty. He reiterated the 'wink-wink' policy was allowed and it has created a tough issue that Congress needed to deal with. He stated his frustration because the City's law enforcement was tasked with keeping the City safe and then there were critics that were opposed to allowing that type of behavior by the fringe group at the protest. He pointed out those critics did not have the concept of the fact that there were 2000 people there and 99 percent of them peaceful. He wondered what they would suggest the police do in that instance. He asked should they lob teargas because someone removed the flag. He agreed it was a disgrace to the country but noted the answer was not to go out and turn that situation into a mob scene. He pointed out Congress needed to stop the flow from across the border to send the message that the US border was not open for just anyone to come in unless they came in the right way. He noted he was not confident that Congress would do that, noting it was therefore up to those at the local level to deal with it and the outrageous things that those on both extremes did.

b. Reports by Council

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Council Member Watson agreed that the Aurora Police Department (APD) did the right thing by not engaging the people who were disrupting the protest. He pointed out the Blue Lives flag flying upside down was an invitation for APD to engage and the outcome would have been injured officers or demonstrators or both, not to mention lawsuits against the City from the injured. He stated it would have been a travesty for officers to have been injured because he would like them to go home safely each day. He pointed out the GEO facility was a private business that contracted with the Federal Government and Immigration that housed those picked up by Customs Enforcement (ICE) because they might not be following the immigration laws. He stated the City did not have control over what the government did with the facility other than to protest and that was what happened. He stated it was Tri-County Health's job and he contended the City overstepped their boundaries by getting involved. He discussed immunization in the US and how unvaccinated people could impact those in the facility but reiterated the City should stay in its lane. He noted he understood Congressman Crow's involvement because he was invited to the facility and unlike the City, it was Congressman Crow's job. He contended flying a foreign flag over the United States was an act of treason and pointed out he made that statement as a combat veteran who fought for the United States and people's rights to demonstrate.

Council Member Johnston addressed Council Member Gruber's slanderous misinformation presented earlier in the meeting. She stated she and other council members participated in the Lights for Liberty event, as did 700 cities throughout the United States. She addressed Council Member Gruber's comment that the council members organized the event and confirmed they did not organize Lights for Liberty, the 700 cities, or the 100. She stated Lights for Liberty was an organization that shined a light on human rights abuses. She addressed Council Member Gruber's comment that the council members spoke under the desecrated flag, noting that was hundreds of yards away. She stated none of them knew what had happened until well after because they were with thousands of people on the opposite side. She stated Council Member Gruber's cueing of the camera person to create a big production in front of the hundreds of people earlier to spout lies, put the council members' safety in jeopardy. She stated her opinion that one did not have to be connected to the military to be patriotic and pointed out her father got military honors and her family went through five deployments but either way, Council Member Gruber did not have the right to question any of the council members' patriotism. She stated his entire statement was beyond unprofessional, noting it would have serious impact moving forward. She stated she would never do that to her colleagues and expressed her hope that the Council would go to each other with any concerns. She expressed appreciation to Mayor LeGare for giving them the benefit of the doubt by knowing they were involved in a peaceful protest. She stated Council Member Gruber should apologize for publicly making false comments.

Council Member Gruber stated his comments stood for themselves.

Council Member Lawson stated someone come up to her recently and told her to go back to her country. She stated she was born in America and her father served in the Air Force as a combat veteran. She stated she too took offense at the desecration of the flag but contended Council Member Gruber's comments towards Council Members Hiltz, Johnston and Murillo was very unprofessional. She addressed Council Member Gruber and stated she took offense with him frequently because they have had some issues related to racism and sexism. She stated it was sexism to call the council members out in the manner he did. She stated he basically defamed her as well because she had planned to go to the protest and while it was already difficult enough to be a woman of color sitting on the dais, it was sexist of him to make those comments to women who were at a peaceful protest. She

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stated her support for standing up against the GEO facility if inhumane treatment was going on there whether it was a federal program or not because the facility located was in Aurora.

Mayor Pro Tem Roth announced the next Ward V Town Hall meeting was scheduled for Tuesday, July 16, 2019 at 6:30 p.m. at the Heather Gardens Clubhouse where Aurora Police and Fire representatives would be present to discuss public safety.

Council Member Berzins stated the events that took place at the GEO facility were very unfortunate, noting she did not suppose that anyone thought that would happen. She discussed her disappointment and upset that there were those on social media who called the flag 'just a piece of material' and did not understand why anyone would be upset about its mistreatment. She stated her appreciation for the council members' comments. She stated her heart went out to those impacted by the California earthquakes and the flooding in Louisiana and her hope they would be safe from any further significant weather events. She reminded everyone that the annual Ward III community picnic was scheduled for July 27, 2019 at Bicentennial Park from 11:00 a.m. to 3:00 p.m. for Ward III residents only.

Council Member Bergan stated many of her constituents contacted her because they were very upset about what happened at the GEO facility. She addressed the group of protestors that desecrated the American flag, stating their actions were reprehensible and she condemned them in the strongest words possible. She pointed out their defacing of flags meant to honor law enforcement was shameful. She stated the protests, unfortunately, fueled hate and it was a disgrace to the City and she expressed her hope that the perpetrators would be apprehended and charged appropriately. She expressed appreciation to Chief Metz, Aurora Police, for answering her earlier questions about the situation, noting she was not in law enforcement so she greatly appreciated the Chief's perspective as to why decisions were made. She pointed out this was not the Aurora she knew. She stated her belief that the council members that attended the protest did not condone the despicable acts committed there. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, July 17, 2019 at 6:00 p.m. and a Rec Center public input meeting was scheduled for Thursday, July 18, 2019 at 6:00 p.m.

Council Member Richardson agreed the City could not do anything about Federal immigration policy but he stated he would be willing to support a City contribution to provide enhanced medical care at the GEO facility because the people there were involuntary residents of the City and he would like to do something to help them. He noted City staff had a good idea where the funds were to do so and he would support bringing in the money for the addition of a nurse or paramedic.

Council Member Hiltz invited all her colleagues, with the exception of Council Member Bergan who had already read it, to read the GEO facility reports that were issued by the Department of Homeland Security's Immigration Customs and Enforcement's internal review as well as the Inspector General's report. She expressed appreciation to Council Member Watson for his attempt at an explanation of what was happening at the facility, but noted she has been working on the situation for seven months and she felt she was pretty well versed on what was happening. She noted she was in more contact with ICE than anyone in the room and she felt she had pretty accurate information in that regard. She stated on any given day the facility was made up of 60 percent asylum-seekers, noting those were people who legally presented themselves at the US border and have not violated anything. She pointed out the cooperation with Tri-County Health was voluntary and was not something that was done previously. She stated there was mumps and chicken pox and repeated violations of not reporting those communicable diseases to the proper health authorities,

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which was why she was bringing an ordinance forward that would require them to report those diseases directly to the City. She noted doing so would allow the City to protect first responders who left the facility and went places that put unprotected people at risk. She stated it was great that they were now administering vaccinations but noted they were doing so because they were being watched. She pointed out it was also voluntary and not required. She stated the facility had structural safety recommendations and failed to pull permits. She stated the facility chose to ignore safety and security recommendations made by APD prior to the protest. She pointed out this was consistently in line with the GEO facility's blatant disregard for human safety at the facility in Aurora. She stated this was not an ICE or immigration issue, but was rather about the conditions at the facility. She pointed out the information was provided directly from ICE and the Inspector General and was not her opinion, but was documented fact. She addressed Council Member Gruber's comments that she and Council Members Johnston and Murillo were responsible for the actions of others. She confirmed she would never hold Council Member Gruber personally responsible for the Neo-Nazis and white supremacist that have been coming after the council members as a result of his reading off verbatim what was on Twitter, noting it was all lies. She recommended Council Member Gruber sit down with the police department and review the video footage of the protest to determine where the council members were. She stated they did not trespass. She pointed out no one else present has toured the facility or knew how it worked besides herself, noting one has to cross over the driving bridge to the parking lot to reach the front where the flag was. She reiterated she and the other council members were hundreds of yards away. She addressed Council Member Gruber's comments that questioned the council members' commitment to the military and the United States, noting her father's service and her experience of him serving for almost 30 years. She pointed out the council members have condemned the desecration of the flag which made Council Member Gruber's comments a disgrace. She stated she loved the United States, noting what was currently happening was not a part of the country that she loved and she would always speak up for that. She stated Council Member Gruber's comments were blatant lies which she believed he was fully aware of because he did not review the video footage or have a conversation with the council members prior to the meeting because it did not fit his narrative. She stated the speech the council members gave was to approximately 400 people who were sitting down on the street holding candles. She stated her disappointment that there were council members who voted against allowing herself and Council Members Johnston and Murillo the opportunity to make their comments in front of the same number of people as Council Member Gruber did especially considering they cited their personal safety as a reason. She stated her hope that those who voted to oppose the comment timing never had to ask for help with their personal safety because that was a basic humane issue and was frankly abysmal and horrific.

Council Member Murillo expressed appreciation to the Mayor for his statement. She addressed the incident that happened at the protest, noting was in attendance at the event but neither she nor any other council member were organizers of the event. She stated she chose to attend in support of the immigrant community and to speak out against the horrific conditions people have experienced in the City at the private GEO facility. She stated people have died and people have not received proper care for too long. She stated there have been mixed messages related to oversight of the facility because it was a private facility that contracted with the Federal government. She stated she was taking responsibility because it was located in the City and in Ward I in particular. She stated she was being the most patriotic she could be to stand up for the values of decency, human rights and respect. She noted it was unfortunate that the moment was used for political gain, expediency and as a way to spread misinformation. She stated she and Council Members Johnston and Hiltz released a joint statement condemning the burning of the flag, noting they were nowhere

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near that incident when it took place. She stated she followed and supported the direction of APD, noting she has heard a lot of support for Aurora's law enforcement and Fire except for when they made the right call of prioritizing public safety. She pointed out had other council members been present at the protest or had the media reported on the entirety of the event, they would have provided the full picture of the distance of the council members from the flag and where they were when speaking about documented facts. She expressed her disappointment with the folks who decided to take down the flag because while it was harmful in a symbolic way to veterans. She noted she represented veterans and pointed out the VA was in Ward I and Ward I and Aurora had a history and relationship with the military. She stated she understood how it might be offensive to them but she noted she also understood that it was highly disrespectful and detracting to the larger points and to those who spent months organizing the peaceful protest and vigil. She pointed out those there for peaceful protest sat on the floor and held prayer candles to commemorate the lives that had been lost and for the well-being of those in the facility. She pointed out those who decided to prioritize whatever mission they had rather than respecting and honoring those who organized the event shifted the narrative in a way that was not honoring the impacted folks and the people who organized this event. She pointed out the tone has changed since the beginning of the meeting and she was not certain if it was better or worse, but either way, she stated she took offense that she was anything less than a patriot or that she acted in a matter that was inconsistent with defending the values that she thought the United States represented. She stated she did not have a military career but noted she was from the community, she loved her constituents, she did have family in the military and she owed a lot to the military community. She pointed out if everyone cared about the truth and about people's connection and love for community, it would have led to a related conversation as opposed to making a political opportunity much like the theatrics that occurred earlier. She expressed her appreciation for the opportunity to comment and clarify fact from fiction, noting her hope to have done so earlier in the meeting. She announced an impromptu Town Hall meeting scheduled for Wednesday, July 17, 2019 at the Village Exchange Center at 6:00 p.m. where state representatives would be present.

19. **PUBLIC INVITED TO BE HEARD**

Edith Henke stated she was not only a constituent of Council Member Johnston but she was also a friend and neighbor. She stated Council Member Gruber's comments related to where Council Members Hiltz, Johnston and Murillo were standing during the protest and that they were cheering at the flag removal was not true. She reminded Council Member Gruber that Council Member Johnston had children and that his comments endangered Council Member Johnston's life and the lives of her children. She stated her disbelief that Council Member Gruber did not apologize for delivering false information to the public, noting he should do so publicly.

Ellen Woo stated she was in attendance at the protest and confirmed the council members were not under the flag. She addressed Council Member Gruber's comments and stated her disappointment in a public official making those types of comments. She stated the GEO facility was contracted, was private property and had a general business license through the City of Aurora. She suggested those who spoke about it should get their facts straight.

Kevin Frickle discussed Council Member Gruber's comments, noting his absence of courage currently was complete when he touted being a veteran and patriot. He stated the brave thing to do would be to listen to his colleagues and others about the facts and to issue an apology.

- ◆ ***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.***

Chris Lane agreed the incident gave the City a 'black eye' and applauded the council members who attended the peaceful protest, noting everyone in America, with the exception of Native Americans, were immigrants. He discussed the founding fathers and charged the City Council to show leadership because if the GEO facility conditions were not acceptable then as Americans, they should step up.

20. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 2:15 a.m.

BOB LEGARE, MAYOR

ATTEST:

Stephen J. Ruger, City Clerk
[SEAL]

- ♦ *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.*