

MINUTES

Regular Meeting – Aurora City Council Monday, August 5, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 3:47 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF AUGUST 5, 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

COUNCIL MEMBERS ABSENT: None

3. INVOCATION Dr. H. Malcolm Newton, Kingdom Connection Church

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF JULY 15, 2019

Motion by Gruber, second by Hiltz, to defer the minutes of the meeting of July 15, 2019 to the August 19, 2019 meeting.

- ♦ *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. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

Judge Day administered the oath of office to the newly appointed board and commission members. City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Mercy Ehizuelen	Human Relations Commission
Marcus Doe	Immigrant & Refugee Commission

- b. Proclamation declaring August 2019, Aurora International Month – Mayor LeGare

Mayor LeGare invited everyone involved in the proclamation to come forward. Mayor LeGare read the proclamation declaring August 2019, Aurora International Month. Chukwufumnanya Camera, Immigrant & Refugee Commission, expressed appreciation for the proclamation.

Mayor LeGare recognized a Boy Scout from Boy Scout Troop #12.

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

Dick Thompson spoke of the need for everyone to be trained in Cardiopulmonary Resuscitation (CPR) and related his personal experience in that regard. He recognized and thanked Mayor Pro Tem Roth and all those first responders and medical staff who helped save his life recently.

David Patterson, CEO, Falck Rocky Mountain, also recognized Mayor Pro Tem Roth for his Bystander CPR efforts with regards to Mr. Thompson.

Hassan Latif referenced and discussed the previous City Council meeting where Council Member Gruber spoke about events at the ICE Geo Detention Center protest. He contended the comments Council Member Gruber made related to Council Members Hiltz, Johnston and Hiltz were cowardly and incendiary.

Rebecca Finie referenced and discussed the previous City Council meeting where Council Member Gruber spoke about events at the GEO Detention Center protest. She contended Council Member Gruber was mistaken in his comments and read from Frederick Douglas.

Mayor LeGare adjourned and then reconvened the meeting. He cautioned the speakers to stop speaking when their time was up.

Ryan Collins discussed the ill treatment of immigrants living in the City of Aurora and specifically the City Council's allowance of the horrific treatment of those living in the GEO Detention Center.

Theo Spain, Immigrant Rights Activist, Sanctuary for All-Colorado, discussed the inhumane treatment and lack of basic human rights of the immigrant detainees at the GEO Detention

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Center. He discussed the City Council's obligation to press for changes to alleviate the cruelty and inhumanity taking place there.

Andrea Chavez, Sanctuary for All-Colorado, discussed the human rights violations taking place in the City of Aurora at the GEO Detention Center where the GEO Center was profiting from human misery. She called upon the City Council to no longer remain bystanders.

Matthew Wozniak, Immigrant Rights Activist, Sanctuary for All-Colorado, discussed the immigration horrors taking place across the country and specifically those occurring at the GEO Detention Center in Aurora. He related his personal experience visiting the GEO Detention Center and the disgusting way in which people were treated there.

Robert Helmick, Sanctuary for All-Colorado, stated Sanctuary for All demanded the City Council take measures for better oversight of the GEO Detention facility. He discussed the oversight proposal.

Adam Arambari, Sanctuary for All-Colorado, discussed the inhumane treatment of the detainees at the GEO Detention Center and those in or running for public office's position on the facility. He noted City Council had a choice to make and suggested they reconsider their position.

Cristina Lafonn, Sanctuary for All-Colorado, discussed her heartbreaking experience visiting the GEO Detention Center and the violations presented in the Homeland Security report on the center.

CJ Matthews discussed the issues related to the development of the southwest corner of Villanova and Sterling Parkway. She stated it could not be completed because the citizens no longer trusted the City of Aurora, noting in particular that the new development plan ignored safety issues.

Emzy Veazy III commended Council Member Gruber's understanding of flag etiquette and spoke about the United States Flag Code. He suggested the remainder of the City Council and City staff learn flag etiquette.

David Bickell suggested the City of Aurora hold parades that were accessible to those who did not drive and discussed additional accessibility issues in the City.

Mayor LeGare asked Nancy Freed, Deputy City Manager, to connect with Mr. Bickell to discuss his concerns.

Linda Servey stated her appreciation that Mr. Bickell was accommodated at the meeting and discussed the need for seating and access to the City Council Chambers floor and other accessibility concerns in the City. She expressed appreciation to Council Members Roth, Richardson and Lawson for their attendance at the recent candidate forum. She stated her opinion that the City Council's General Rules of Conduct were unnecessarily strict in terms of free speech and asked that special interest groups not be counted as individuals at the City Council meetings when those in support or opposition of an item were asked to stand to be counted.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with the removal of item 12b.

9. **CONSENT CALENDAR - 9a-o**

General Business

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

- a. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to S.A. Miro, Denver, Colorado in the amount of \$114,520.00 for the Aurora Municipal Center Concrete Stabilization project, RFP R-1971. STAFF SOURCE: Katrina Rodriguez, Acting Facilities Project Delivery Manager, Public Works
- b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Stone Security, Englewood, Colorado in the not-to-exceed amount of \$55,000.00 for inspection of security and surveillance equipment for the Marijuana Enforcement Division. STAFF SOURCE: Robin Peterson, Manager of Marijuana Enforcement, Finance
- c. Consideration to AWARD CHANGE ORDER #2 TO AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$95,000.00 to provide psychological counseling services for the Aurora Police Dept. and E911 Communications through 2/8/2020. (R1865) STAFF SOURCE: Chief Nicholas "Nick" Metz, Police

Motion by Roth, second by Bergan, to approve items 9a – 9c.

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

- d. Consideration to AWARD CHANGE ORDER NO. 1 TO THE COMPETITIVELY BID CONTRACT with Silva Construction, Inc., Brighton, Colorado in the amount of \$101,110.00, for the 2019 Northwest Alley Improvements, Project No. 19019. STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

Council Member Murillo asked staff to speak to which alleys would be improved with these funds and if the lottery process for the consulting neighborhood organizations for future projects would change considering Ward I has expanded.

Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works, did so, noting there were approximately 300 alleys in Ward I. He stated the cross streets were printed too small to read and agreed to provide that information to Council Murillo after the meeting.

Council Member Murillo stated her question was meant to provide the information to the public.

Mr. Kozakowski stated his understanding that all of the dirt alleys were accounted for and the four alleys that were drawn for the lottery to be paved each year were drawn from those dirt alleys.

Jason Batchelor, Deputy City Manager, referenced the map and read off the cross streets of the alleys being paved. He confirmed staff would review the area to determine if there were alleys south of 6th Avenue that could be improved considering the Ward lines have changed.

Motion by Murillo, second by Roth, to approve items 9d.

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

- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Wagner Equipment Company, Aurora, Colorado, in the amount of \$50,034.74 to cover the cost of parts and labor for the transmission and differential rebuild on a Caterpillar Motor Grader, model 143H, City unit 72346. STAFF SOURCE: Ron Forrest, Manager Level 2, General Management

- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Mark Young Construction, Inc., Frederick, Colorado in the amount of \$2,023,587.00 for the Police Headquarter Remodel Project, Project No. 5685A. STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to International Power Systems, Inc., Denver, Colorado in the amount of \$507,361.00 for the construction of North Campus Electrical System Upgrades – Medium Voltage Improvements, Project No. 5712A. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Elizabeth Carter, Principal Engineer, Aurora Water
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to North West Roofing, Denver, CO in the amount of \$196,000.00 for the Fox Theatre Metal Quonset Roof Replacement Project, Project No. 5714A. STAFF SOURCE: Lynne Center, Deputy Director Public Works Operations, Public Works
- i. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Safebuilt Colorado, LLC, Loveland, Colorado in the amount not-to-exceed \$300,000.00 for residential roof inspection services as required for building permit requests for the period through July 31, 2020; B-4253. STAFF SOURCE: Scott Berg, Chief Building Official, Public Works

Motion by Roth, second by Bergan, to approve items 9e – 9i with a waiver of reconsideration for 9g.

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

Final Ordinances

- ♦ j. **2019-41**
Consideration of AN ORDINANCE FOR ADOPTION 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 zoning map accordingly (STAFFORD LOGISTICS I REZONE) STAFF SOURCE: Stephen E. Rodriguez, Planning Supervisor, Planning & Development Services

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

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

- ♦ k. **2019-42**
Consideration of AN ORDINANCE FOR ADOPTION 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 Berzins, second by Richardson, to approve item 9k.

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

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- ♦ l. **2019-43**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION 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. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on item 9l.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the items.

Mayor LeGare asked if these were three different metro districts that were all making the same change. Ms. Dancy answered affirmatively.

Council Member Gruber asked if the metro districts were trying to bring the mill levy forward so that it had five mills throughout. Ms. Dancy answered affirmatively. Council Member Gruber asked if bringing the mill levies together and allowing them to tie themselves together would affect any single-family housing. Ms. Dancy confirmed only multi-family residential was proposed in one of the districts.

Council Member Hiltz asked if there were any other examples of districts that have merged in this way. Ms. Dancy stated she was not aware of any.

Staff confirmed there were other examples.

Council Member Bergan asked if this was similar to the metro districts that formed the Regional Transportation District. Ms. Dancy answered affirmatively.

Mayor LeGare closed the public hearing on item 9l.

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

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

- ♦ m. **2019-44**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION 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. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

Motion by Watson, second by Gruber, to approve item 9m.

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

- ♦ n. **2019-45**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, for the First Amendment to the Colorado International Center Nos 10-11 Service Plan. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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Mayor LeGare opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

Motion by Hiltz, second by Roth, to approve item 9n.

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

- ♦ o. **2019-46**
Consideration of AN ORDINANCE FOR ADOPTION 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 Bergan, second by Watson, to approve item 9o.

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

10. **RESOLUTIONS**

- ♦ a. **R2019-57**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between the City of Aurora and the Colorado Department of Transportation regarding the funding of review services for the Picadilly and I-70 Interchange. STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

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

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

- ♦ b. **R2019-58**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between the Regional Transportation District (RTD) and the City of Aurora for Landscaping for the I-225 Light Rail Project. (COA-RTD R Line Corridor Light Rail) STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

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

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

- ♦ c. **R2019-59**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between the City of Aurora and the South Aurora Regional Improvement Authority (SARIA) Regarding Aurora Parkway Extension Improvements (Initial Scoping and Preliminary Design). STAFF SOURCE: Acting Transportation Project Delivery Manager, Public Works

Motion by Bergan, second by Gruber, to approve item 10c.

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Council Member Bergan stated she was happy to see the item moving forward.

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

- ◆ d. **R2019-60**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between the City of Aurora and the South Aurora Regional Improvement Authority (SARIA) Regarding Gartrell Road Improvements (Initial Scoping and Preliminary Design). STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

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

Council Member Gruber congratulate SARIA for their efforts in this regard.

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

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2019-61**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for The Commons at East Creek Metropolitan District, and authorizing the execution of an Intergovernmental Agreement between the City of Aurora, Colorado and District. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

Motion by Berzins, second by Watson, to approve item 11a.

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

- ◆ b. **R2019-62**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the White Buffalo Metropolitan Districts Nos 1-3, and authorizing the execution of an Intergovernmental Agreements between the City of Aurora, Colorado and Districts. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Roth, to approve item 11b.

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

- ◆ c. **R2019-63**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for The SLC Metropolitan District Nos. 1-4, and authorizing the execution of an Intergovernmental Agreement between the City of Aurora, Colorado and District. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Roth, to approve item 11c.

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

- ◆ d. **R2019-64**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Painted Prairie Metropolitan District Nos 10-12, and authorizing the execution of an Intergovernmental Agreement between the City of Aurora, Colorado and Districts. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare recognized Megan Murphy, representing the applicant, who was present to answer questions and hearing no comment, closed the public hearing on the item.

Motion by Watson, second by Bergan, to approve item 11d.

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

- ◆ e. **R2019-65**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Pioneer Business Metropolitan District, and authorizing the execution of an Intergovernmental Agreement between the City of Aurora, Colorado and Districts. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

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Motion by Gruber, second by Roth, to approve item 11e.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2019-47**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adding language to Section 2-902 of the City Code related to qualifications for membership in the Aurora Youth Commission. STAFF SOURCE: Jenna Katsaros, Superintendent Level 1, Parks, Recreation & Open Space

Motion by Richardson, second by Roth, to introduce item 12a.

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

- ◆ b. **2019-48**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving the service plan for the BOWIP Metropolitan District Nos. 1-2 and authorizing the execution of an Intergovernmental Agreement between the City of Aurora Colorado and the Districts. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

ITEM 12B WAS REMOVED FROM THE AGENDA

- ◆ c. **2019-49**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, repealing Chapter 146 and Chapter 147, and Reenacting Chapter 146 of the City Code establishing the Unified Development Ordinance. STAFF SOURCE: Karen Hancock, Planning Supervisor, Planning & Development Services

Mayor LeGare opened the public hearing on items 12c and 12d.

Karen Hancock, Planning Supervisor, Planning & Development Services, gave a presentation on the items.

MAYOR LEGARE CALLED FOR A TEN-MINUTE BREAK

Margaret Sobey, E-470 Neighbors, summarized the coalition's concerns related to the item.

Michael Himawan discussed the importance of affordable housing in Aurora and stated his opinion that the document was incomplete but agreed it was a first step.

Heidi Williams, Director of Government Affairs, Homebuilders Association (HBA), spoke in support of the item.

Council Member Johnston asked if the Planning and Zoning Commission conditions would be a part of the technical corrections.

Mindy Parnes, Planning Manager, stated the technical corrections would have to be included by Council and were a part of what the City Council was voting on.

Dan Money, Assistant City Attorney, clarified they would have to be added individually as amendments.

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Council Member Johnston asked for clarification from the Director of Planning for the City.

George Adams, Director, Planning, did so, noting the Planning Commission had three specific recommendations with two additional ones added by staff.

Council Member Johnston stated she did not understand why those conditions were not included in the code because it was her understanding they would be.

Mr. Adams stated they were a part of the Planning Commission's recommendations to Council and then Council had the ultimate authority to vote on them as a part of their motion.

Council Member Johnston stated her frustration that stakeholders such as the HBA's recommendations were included, but the Planning Commission's were not.

Mr. Adams stated this was standard planning process.

Council Member Bergan stated she was unaware that the Planning Commission had these recommendations. She pointed out this was the eleventh hour and these recommendations were not presented to the Planning Economic Development & Redevelopment Policy Committee. (PED&R)

Ms. Hancock explained that was because staff went to the PED&R meeting where they were directed to take the item to the Planning Commission, which they did. She confirmed the recommendations were presented to City Council at study session in a large packet.

Council Member Bergan noted the City Council did not ask questions about the recommendations at study session.

Ms. Hancock concurred.

Council Member Johnston asked if the medical marijuana, hemp and green designs were discussed with the HBA. Ms. Parnes stated the three additional ones were added at the hearing. Council Member Johnston referenced a condition related to consistency in public hearing requirements between areas A, B and C that appeared to be a technical correction. She asked if that was a technical correction or a separate amendment. Ms. Parnes stated that was a Planning Commission recommendation and was not included in the code.

Council Member Gruber asked Mr. Adams if it was his opinion that the plan would be a static plan that would be held in place for the next 50 years or if it was a living document the City Council would modify as changes in the community occurred. Mr. Adams stated the latter.

Council Member Richardson asked if there was anything in the plan that diminished the Council's ability to exercise its authority to review or call up an item. Ms. Parnes stated Council could call up any item.

Ms. Hancock confirmed the changing of any of the ordinance was within the purview of Council.

Mayor LeGare referenced the public hearing recommendation raised by Council Member Johnston and stated his understanding that the referenced areas of A and B were established areas of the City and area C was primarily green fields and open areas that were coming in under the design guidelines and code requirements.

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Ms. Hancock stated staff received direction to be consistent with the current code.

Ms. Parnes explained that area C has always been handled administratively so one part that has been strengthened was that waivers or adjustments would go automatically to the Planning Commission or the Planning Director could take an item of concern directly to the Planning Commission for a public hearing. She pointed out areas A and B have been simplified as well.

Mayor LeGare stated Council could call up items for sub-area C.

Ms. Parnes confirmed everything had the ability for Council call ups.

Council Member Johnston stated that should be codified.

Mayor LeGare closed the public hearing on the item.

Motion by Gruber, second by Roth, to approve item 12c.

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

Council Member Johnston stated she had amendments to offer that addressed some of the concerns raised by her constituents.

AMENDMENT I (Amendment II in the handout)

Motion by Johnston, second by Murillo, to amend item 12c in Section 5.3.1(b) and Section 5.3.7 (a)(3) to require notice be given to registered neighborhood groups whose boundaries were located within five miles of the proposed project site.

Council Member Johnston stated the current rule was one mile and she emphasized that this addressed registered neighborhood groups. She pointed out this did not address all of the issues she had with the need for increased communication and transparency but it would address a portion without significant financial impact as the applicant would be required to pay the cost.

Council Member Murillo stated it made sense to expand the notification boundary and to be supportive of strengthening the process so that more people could be part of the process.

Council Member Watson asked if the notification expansion was discussed at the Planning Commission meeting. Ms. Parnes answered no, noting Ms. Sobey made the same recommendation at the Planning Commission hearing regarding areas A, B and C.

Mayor LeGare stated he was not allowed to vote on the ordinance but he could vote on the amendments. He stated he would not support the amendment because he did not feel the E-470 Neighbors group was established in a manner that truly represented all 15k residents as was represented.

Council Member Johnston pointed out it was a volunteer organization and agreed sometimes there was some disconnect but she did not think they should be discounted. She noted she has heard their legitimacy questioned before but she did not think any group claimed to speak for everyone in the area.

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Mayor LeGare disagreed.

VOTE ON AMENDMENT I

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

Council Member Johnston discussed the community benefit related to the increase of small residential lots being geared toward affordable housing.

AMENDMENT II (Amendment III in the handout)

Motion by Johnston, second by Murillo, to amend item 12c to state if the master plan contained more small residential lots than would be permitted under sub-section C above, at least 20 percent of those additional small residential lots must be income restricted for buyers earning 80 percent or less of HUDs area median income. The continuing income qualification of future owners of the property must be insured through deed restrictions, partnering with a community land trust or another method approved by the Director of Planning based on considerations of reliability and enforceability.

Council Member Johnston clarified the term 20 percent did not relate to 20 percent of all lots, noting it related to the additional residential lots that were over that amount. She pointed out it also gave options and addressed the community benefit of what the City was doing.

Council Member Murillo noted that 20 percent was a very small amount and she supported codifying this compromise.

Council Member Johnston stated this was her compromised version and she would like to see City Council actually do something about affordable housing rather than just talk about it.

Council Member Lawson asked Council Member Johnston to clarify the additional method chosen by the Planning Director option. Council Member Johnston did so, noting she gave discretion to the Director of Planning to approve it as long as there was a way to enforce it.

Council Member Watson pointed out the Affordable Housing Task Force was designed to study what type of housing was feasible for the future.

George Adams, Director, Planning, concurred.

VOTE ON AMENDMENT II

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

Council Member Johnston discussed the frequent E-470 corridor questions from her neighbors related to commercial development noting that was prior to small lot changes, noting small lots required reduced parking and reduced parking required transportation.

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AMENDMENT III

Motion by Johnston, second by Murillo, to amend item 12c that any development requesting 30 percent or greater of small lots and reduced parking shall demonstrate as a condition for approval that there are adequate services and amenities such as public transportation, grocery and retail opportunities within one mile of the development to be approved.

Council Member Bergan agreed requiring the developer to provide grocery stores and public transportation sounded wonderful but pointed out the developer needed rooftops before they could bring in a grocery store and grocery stores reviewed the market prior to going into a community.

Council Member Johnston discussed reduced parking and smaller lots and the expectation of services and transportation.

Council Member Watson stated the City of Aurora and developers did not provide public transportation so this would be something more closely geared to RTD.

Council Member Johnston agreed the City did not do that formally but developers should consider transportation when looking to put in small lots and reduced parking.

VOTE ON AMENDMENT III

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

AMENDMENT IV

Motion by Murillo, second by Lawson, to amend item 12c to add Section 1.2.4 as follows:
The City Council of Aurora recognizes that past practices such as redlining and discriminatory lending have led to generational inequity for communities of color and minorities. It is important to acknowledge the role the City's land use regulations in affirmatively helping to address those inequities. The Unified Development Ordinance provides a baseline set of land use and zoning regulations and it is important for the City of Aurora to complete the Affordable Housing Study and implement the recommendations therein in order to affirmatively address the historic inequities. It is the intent of the City of Aurora to develop a comprehensive affordable housing policy to complement the UDO.

Council Member Murillo pointed out the amendment was a broad simple statement that acknowledged the historical context because the past impacted the future. She noted the importance of calling out redlining and its detrimental impact on communities of color. She stated the City was not to blame but pointed out the past practices that allowed segregation in the City could not be ignored so that they would not be repeated.

Council Member Richardson stated he had a superseding motion. He explained that he agreed with the motion with the exception of the reference to the affordable housing study and implementing the recommendations. He stated he could not agree to verbiage that had a strong implication that the recommendations, which were currently unknown, would be approved.

SUBSTITUTE MOTION

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Motion by Richardson, second by Watson, to approve the amendment without the referenced sentence.

Council Member Lawson asked Council Member Richardson if he meant to end the amendment after the word inequities. Council Member Richardson answered affirmatively. He pointed out he supported the City Council's adoption of an affordable housing policy rather than continuing with individual council members telling developers to include an affordable housing component in their plans.

Mayor LeGare asked Council Member Murillo if she accepted the substitute motion. Council Member Murillo answered affirmatively, and asked Council Member Richardson if he found it acceptable to strike the perceived commitment to implement the recommendations therein. Council Member Richardson answered affirmatively.

Mayor LeGare noted doing so made the substitute motion into a friendly amendment. Council Member Lawson stated she agreed to the friendly amendment.

Council Member Richardson read the friendly amendment: *The City Council of Aurora recognizes that past practices such as redlining and discriminatory lending have led to generational inequity for communities of color and minorities. It is important to acknowledge that the role the City's land use regulations in affirmatively helping to address those inequities. The Unified Development Ordinance provides a baseline set of land use and zoning regulations and it is important for the City of Aurora to complete the Affordable Housing Study to affirmatively address the historic inequities. It is the intent of the City of Aurora to develop a comprehensive affordable housing policy to complement the UDO.*

Council Member Gruber asked staff to speak to when the City implemented redlining and discriminatory lending.

Jim Twombly, City Manager, stated he was unaware of any actual redlining that occurred.

Council Member Gruber stated the City of Aurora has not engaged in past practices.

Mr. Twombly stated that was not what he was saying. He confirmed staff was unaware of it taking place, noting it had not yet been researched.

Council Member Bergan stated she was having difficulty with the amendment because she did not see that activity happening today and she was unsure of why this was being added to an UDO because it did not have anything to do with zoning. She suggested Aurora Places, the City's comprehensive plan, might have been a better document to make this general statement.

Council Member Murillo clarified the intention of the amendment was not to point fingers for redlining. She confirmed it was a statement of fact that redlining existed and there were vestiges of what that looked like because someone not being allowed to own a piece of property prevented their descendants from benefitting from that. She noted she agreed to the friendly amendment because it made sense to not commit the City Council to unknown recommendations. She stated her belief that it was appropriate to incorporate this in a planning document because one cannot know where they were going without knowing where

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they have been. She stated her hope that it would be supported so that she could tell her constituents that while that opportunity was not afforded to them, the City was willing to make a statement recognizing that was not okay which would hopefully help people in the future.

Council Member Bergan stated her opinion that it would be better in a resolution rather than in a zoning plan.

Council Member Lawson stated this was a statement that the City of Aurora recognized that redlining and discriminatory lending has led to generational inequity in the United States as a whole and not just Aurora. She pointed out the City had people of color that have been subjected to these practices and she stated it should be included because it represented all communities.

Council Member Watson stated he and Council Member Murillo were working to bring community acknowledgment and recognition to low income and disadvantaged individuals in Ward I, noting the reason for this direction was due to the lack of financing in underserved communities. He pointed out the amendment stated it was important to acknowledge the role of the City's land use regulations and he stated he would support the amendment.

Council Member Johnston concurred.

Mayor LeGare stated that while he understood the motion maker's intention, he did not think a philosophical statement belonged in a legal Unified Development Ordinance, noting his belief that there were other places that were more appropriate for it to go such as the comprehensive plan. He contended adding it to the UDO would cause future developers and staff to question what the statement meant.

Council Member Murillo wondered if the City Council planned to revisit the comprehensive plan which, she noted, took years to institute, and if so, she would welcome doing so and would perhaps considering placing the statement there. She stated she doubted that would occur and pointed out therefore, there should be a level of historical knowledge as it related to planning, development and growth in relation to communities of color. She suggested developers who were unaware of what redlining was should not be permitted to be in charge of planning the future of the City. She stated her surprise that there was so much discussion related to a statement of fact and principle.

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

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

Council Member Johnston referenced p. 1142 of the backup material. She asked staff if the container/marijuana and hemp item had been included. Ms. Hancock answered affirmatively.

AMENDMENT V

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

Motion by Johnston, second by Hiltz, to amend item 12c to state that master plans, site plans and preliminary plats in subarea C shall be subject to public hearing requirements consistent with the requirements of subareas A and B.

Council Member Johnston stated this amendment related to consistency, noting these were conditions of approval of the UDO set forth by the Planning Commission.

Council Member Bergan asked for clarification on the amendment. Mayor LeGare noted it referred to item three on p. 1142 related to the items put forward by the Planning Commission. Council Member Bergan suggested that would result in a lot of public hearings.

Mayor LeGare concurred.

VOTE ON AMENDMENT V

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

AMENDMENT VI

Motion by Johnston, second by Murillo, to amend item 12c, section 146-4.8.1 of the Building Design Standards, to include innovative methods in green building and energy efficiency technologies be encouraged to conserve national resources.

Council Member Bergan asked if that statement was included in Aurora Places. Ms. Hancock answered affirmatively, noting Aurora Places encouraged a similar concept.

Council Member Richardson asked what would be hurt in including it in both places. Ms. Parnes agreed it was an encouraging statement for design standards.

Mayor LeGare asked if the wording in the comprehensive plan was the same. Ms. Parnes confirmed the amendment language was more specific in saying that these building types explore the use of innovative green building and energy efficiencies. Mayor LeGare asked how that would be explained to applicants. Ms. Parnes stated there were many energy efficiencies through the building code with additions such as solar, low impact development and water quality processes. She noted it was an encouragement and not a requirement.

Council Member Bergan pointed out it was not a requirement and was already in Aurora Places as an encouragement so adding it to the UDO was redundant and last minute when the UDO has been five years in the making.

Ms. Parnes clarified the amendment was based on the number of industrial buildings the City has been getting where the Planning Commission asked the developers if they used green policies and the Planning Commission was not getting as much as they would like so they were encouraging it.

Council Member Johnston stated there were elements in the UDO that were also in Aurora Places and there should be consistency. She pointed out the amendment supported green energy and stated her hope that the City Council could support consistency with Aurora Places and encourage green building and energy efficiency technologies.

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Council Member Bergan pointed out the UDO was meant to be zoning code with the intent to accomplish things based on actual recommendations and the amendment added an encouragement.

AMENDMENT OF AMENDMENT VI

Motion by Johnston, second by Murillo, to amend the motion to amend to state section 146-4.8.1 of the Building Design Standards would include innovative methods in green building and energy efficiency technologies be required to conserve national resources.

Council Member Richardson made a motion to supersede the motion to replace the word 'required' with the word 'encouraged.'

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

Council Member Richardson stated he could support the motion if he knew what was required but noted it was too broad as it stood.

Council Member Johnston stated she changed the wording to give the amendment more weight, noting the reference to green building and energy efficient technologies was very broad.

VOTE ON AMENDMENT VI

Voting Aye: Hiltz, Johnston, Murillo

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

AMENDMENT VII

Motion by Johnston, second by Hiltz, to amend item 12c to state that roof design for mixed use and multi-family districts would include a requirement that roofs be solar ready.

SUBSTITUTE MOTION

Motion by Richardson, second by Lawson, to substitute the word 'required' with the word 'encouraged.'

Mayor Pro Tem Roth discussed the structural requirements of adding solar panels to a roof and the danger of wind getting under the panels and ripping off the roof. He pointed out 'solar ready' could therefore not be encouraged or required until a better solar structural system was designed.

Council Member Berzins asked staff to speak to what was meant by a roof being 'solar ready.' Ms. Parnes did so, noting the Planning Commission was asking that space be left on the roof to consolidate the vents for adding solar. She pointed out the requirement would be for mixed use and multi-family only.

Council Member Richardson asked if staff was opposed to the word 'encourage.' Ms. Parnes answered no.

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Council Member Bergan stated the encouraging statements were in the Aurora Places and there was either a requirement in this instance or there was not.

Council Member Murillo stated she supported the use of the word encouragement.

Mayor LeGare stated he would not support either of the terms because it was his opinion that most multi-family would be apartments for the foreseeable future and the idea that the City would require every building to be solar ready with all the plumbing and venting stacks was onerous and inappropriate.

VOTE ON THE AMENDED AMENDMENT

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

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

VOTE ON ORIGINAL MOTION TO AMEND

Voting Aye: Hiltz, Johnston, Murillo

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

Council Member Hiltz stated her support of the item, noting she was doing so with a few concerns and stated her hope that the HBA would take the time to discuss those concerns moving forward.

Council Member Murillo concurred, noting it fell short in a few areas but noted since it was not a static document, she looked forward to revisiting it in the future. She pointed out the City was not getting the return on small lots in terms of affordability but she welcomed future conversations in that regard.

Council Member Johnston stated there was more good in the UDO than the status quo, noting changes could continue to be made. She noted she still had a lot of concerns and expressed her hope that when the Affordable Housing Task Force made recommendations, the City Council would take them.

VOTE ON ORIGINAL MOTION

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

- ◆ d. **2019-50**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending the City zoning map to reflect New Zoning Districts established by the Unified Development Ordinance (UDO AURORA REZONE) STAFF SOURCE: Karen Hancock, Planning Supervisor, Planning & Development Services

Motion by Watson, second by Bergan, to introduce item 12d.

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

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

- ◆ e. **2019-51**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 1 of the City Code of the City of Aurora, Colorado, by the addition of a New Article II establishing a Code of Ethics for Elected Officials of the City. SPONSORS: Council Members Johnston and Richardson

Motion by Richardson, second by Johnston, to introduce item 12e.

Margaret Sobey stated her support of the item. She expressed concerns related to the enforcement of some of the language and referenced specific items of concern.

Michael Himawan stated his support of the item and discussed specific concerns he had with the item.

AMENDMENT I

Motion by Richardson, second by Watson, to amend item 12e - 4(a) to substitute the amount of \$300 instead of \$75.

Council Member Richardson stated Denver had a \$300 provision and he noted it was his preference to have consistency in this instance so that people understood Aurora and Denver were on the same page in this regard.

VOTE ON AMENDMENT I

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Mayor Pro Tem Roth referenced p. 1222, noting he did not like the ambiguity at the end of item 1 and asked who would dictate what occasions were special and appropriate. Council Member Richardson suggested occasions similar to Bar Mitzvahs, birthdays, babies and weddings. Mayor Pro Tem Roth stated the ambiguity was a concern so cleaning up the language similarly to what Council Member Richardson suggested would make him feel better.

Mayor LeGare pointed out the discussion was a matter of public record.

Mayor Pro Tem Roth referenced a grammatical error on p. 1224.

Mayor LeGare stated the City Attorney would clarify that prior to the item being approved.

Mayor Pro Tem Roth referenced p. 1225, noting the language would preclude a council member with a business from working in the City of Aurora.

Council Member Richardson disagreed.

Council Member Johnston stated it was clear the council member would not be negotiating a contract or bid with the City of Aurora.

Mayor Pro Tem Roth stated he would agree if the item was in the executive privilege mode but not once it was in the public realm and advertised because everyone should then be allowed to bid on it including a council member.

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Council Member Johnston stated her opinion that a council member did have privilege just by being a council member and the intent of the item was to address public concerns of conflicts of interest and a council member with a City contract would be perceived by the public as having a conflict of interest.

Council Member Richardson clarified that if a council member's spouse or partner wanted to submit a bid to the City then the council member should abstain from voting on it which they would anyway.

Mayor Pro Tem Roth asked that the language be made clearer.

Council Member Richardson stated it had to be read with the initial provision.

Council Member Bergan stated she read it the same way as Council Member Richardson that the council member could be involved with the bid and contract but would abstain from the decision-making.

Mayor Pro Tem Roth asked staff to speak to the item.

Rachel Allen, Senior Assistant City Attorney, did so, noting there was a provision that precluded an elected official from taking official action on a matter before the City if there was a substantial interest so they would abstain from the vote if they did qualify.

Council Member Hiltz concurred.

AMENDMENT II

Motion by Gruber, second by Roth, to amend item 12e, p. 1235, 1-18-a, to include trade associations, labor associations and political organizations in the definition of business.

Council Member Richardson wondered if there was an implication and asked Council Member Gruber to clarify his motion.

Council Member Gruber did so, noting his contention that council members could be influenced by unions and professional associations just like they could by businesses.

Council Member Richardson disagreed because the entire ethics code related to 'for profit' activities that had the potential to inappropriately influence the decisions of Council and noted broadening that scope did not serve a purpose.

Council Member Gruber pointed out the City Council had direct impact on unions so they should be handled identically to a business so any entity the Council had the power to modify the financial situation of should be included in the definition of business.

Council Member Bergan concurred, noting there could be undue influence from associations and unions.

Mayor Pro Tem Roth pointed out the statement was not just related to 'for profit' organizations.

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Council Member Johnston stated the item related to the definition of a business in the ethics ordinance and should not be mixed up with the lobbying disclosure.

Mayor LeGare stated his understanding that a council member being lobbied by a union or labor organization should fall under the ethics code.

Council Member Gruber concurred.

Council Member Murillo stated she was struggling with the amendment because the union represented people the City Council was responsible to such as police and fire. She stated that expansion did not belong because there was a difference between that and an outside organization that wanted to engage with the City. She asked if there were existing mechanisms that prohibited City Council from speaking with unions during negotiations.

Mayor LeGare agreed those restrictions existed only during negotiations.

Council Member Murillo asked if it was only during negotiations that the City Council could not communicate with the unions.

Daniel Brotzman, Interim City Attorney, stated he was unaware of any restriction on City officials speaking with unions.

Mayor LeGare stated that has occurred for as long as he has been on City Council.

Council Member Murillo agreed there should be tracking in that regard but she did not agree with adding unions to the definition of business.

Mayor Pro Tem Roth stated he was not thinking of police and fire but was instead thinking of other organizations that could have influence as well.

Council Member Johnston wondered if there was a place of concern in this regard somewhere other than the definitions.

Mayor LeGare stated his understanding that this would add unions and other labor organizations to the definition of businesses that would be reported.

Council Member Gruber concurred. He reiterated his point that unions should be included in businesses because they were also entities that could influence City Council that should be reported.

Council Member Bergan concurred. She asked Council Member Richardson why he did not want to include unions. Council Member Richardson stated it was completely irrelevant because the gifts provision already stated City Council could not accept anything and businesses and non-businesses were not differentiated in that regard.

Motion by Gruber, second by Bergan, to strike the definition of business.

Mayor LeGare asked Council Member Gruber if he was certain of the motion. Council Member Gruber answered no and withdrew the motion.

Council Member Johnston clarified City Council could not accept gifts from unions and were required to report anything over \$300 received in one year from any entity.

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Council Member Gruber asked if that included unions. Council Member Johnston answered affirmatively, noting it included anything from anyone.

Council Member Bergan wondered if that included endorsements.

Council Member Murillo stated her appreciation for the clarification, noting she did not understand the focus on unions. She pointed out all gifts were incorporated either way.

Mayor Pro Tem Roth stated his experience with unions and trade organizations and pointed out he was not targeting them but noted Council Member Gruber included trade organizations in his amendment. He agreed that they, like any entity, would love to have on elected official's ear at any level and should therefore be included.

Council Member Murillo asked how political organization was defined in this instance. Mayor LeGare stated any organization that was required to register as a political group would be included.

VOTE ON AMENDMENT II

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

Voting Nay: Mayor LeGare, Richardson, Hiltz, Johnston, Lawson, Murillo

AMENDMENT III

Motion by Watson, second by Roth, to amend item 12e, p. 1238, section 1-21(c), to remove the word 'twice' so it would read 'the amount equal to the financial equivalent to any benefits obtained.'

Council Member Johnston stated the ordinance needed weight and twice the amount was a penalty and consequence.

Council Member Watson stated the statement assumed there was a violation and read as though the council members were not trustworthy.

Council Member Johnston stated it was not an issue of trust and noted it was related to a determined violation because the violation would be proven and vetted and twice the benefit obtained gave the ordinance weight.

Council Member Bergan stated her understanding that the panel of judges could make a determination in case an oversight or violation occurred. She noted it would have to be something egregious to trigger this consequence therefore, she supported the language.

Mayor Pro Tem Roth stated he too was not concerned with the 'twice' language and noted he seconded the motion to provide Council Member Watson with the opportunity to explain the amendment.

Council Member Watson asked if the panel of judges had the ability to set the amount. Council Member Johnston answered affirmatively, noting it stated the panel of judges would go through the violation determination process and would make the penalty twice the benefit received. Council Member Watson asked staff for clarification in this regard.

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Ms. Allen confirmed the judges could propose an action to Council that it was twice the financial equivalent of the benefit.

Council Member Watson asked if the judges could do it twice. Ms. Allen listed the options open to the judges' panel.

VOTE ON AMENDMENT III

Voting Aye: Watson

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

Council Member Watson referenced p. 1245, item h, and asked what type of job that section referred to. Ms. Allen gave the example of a council member working for the City Manager's office because they would then be their boss' boss.

Council Member Gruber referenced 1-23-d-4-b related to gifts and asked why it mattered what position a person was in if a person was a part of several entities. Ms. Allen stated the ordinance has never been applied so there was not specific direction available. Council Member Gruber reiterated a person could be a member of different organizations and asked if a gift was reported against the company that person worked for even though they were not operating in that role when they gave the gift. Ms. Allen noted that question was very fact specific, noting generally it would depend on who bought the table at an event for example but, in that instance, she would review the facts and would provide an advisory opinion.

Council Member Johnston referenced a discussion she had with Ms. Allen regarding confidentiality concerns with the complainant reporting to the City Clerk.

Ms. Allen referred to section 1-22 sub d, noting the panel would screen the complaint prior to it being released publicly.

Council Member Johnston stated her understanding that it had been addressed but she wanted to make sure.

Ms. Allen agreed it could be tightened up in the rules, noting a complaint could not be filed anonymously.

Council Member Gruber referenced 1-23-d-4-g, and asked for clarification on how that related to situations such as the Armed Forces Recognition Luncheon. Ms. Allen noted the scenario was again very fact specific and explained the section was intended to be an exception to the rule. She reiterated that she would review the facts and offer an advisory opinion.

AMENDMENT IV

Motion by Gruber, second by Berzins, to amend item 12e, to add the statement that a ticket to a charitable event given by someone who bought a table would be valued at the cost of the food and not the value of the entire ticket.

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Council Member Richardson asked how the cost of the food would be assessed. Council Member Gruber stated there were three judges who would evaluate that and it would be incumbent on anyone who wanted to give City Council a ticket to provide that information.

Council Member Bergan stated it was discussed at the study session that it would be the same price as a ticket and would not be considered a sponsorship.

Council Member Berzins asked how A-List dinners such as the Economic Development Council events would be handled. She noted her discussion with Wendy Mitchell, President & CEO, Aurora Economic Development Council, where Ms. Mitchell stated she had to figure out the cost of the food with other clients such as county commissioners and that was what she provided for them to turn in.

Council Member Hiltz stated she had the same impression as Council Member Bergan that the level of sponsorship did not matter and it was the cost of the regular ticket.

Council Member Gruber noted that was not what the ordinance stated.

Council Member Johnston pointed out most of the ordinance was modeled after Amendment 41 and the county commissioner example of being at the ticket value and asked Ms. Allen her thoughts on the question. Ms. Allen stated most people ended up going with the cost of the individual ticket, noting Council could include room to be more specific as the ordinance did not contemplate that level of detail.

Council Member Gruber disagreed, noting the level of detail was very graphic and specific. He referenced and read from p. 1242, 1-23-d-4-g, noting his amendment allowed for a \$40 report for the food rather than \$250 for the seat.

Council Member Johnston noted the company did not pay \$40; they paid whatever the seat was divided by ten. She suggested this might change some things and the City Council would no longer sit at the \$10k table unless they reported it.

Mayor Pro Tem Roth pointed out part of that \$10k table was the sponsor paying for the opportunity to have guests, business leaders and elected officials listen to their keynote celebrity speaker. He suggested Council Member Gruber's perspective of the cost of the meal for the council member was rather what the sponsor was willing to pay for their guests to be at that event and have their marquee at the event.

Council Member Gruber suggested another method of gain would be for the sponsor of the event to donate the tickets back to the charity and then the charity could give the tickets to a council member for nothing, noting having ethics rules with a gain were not ethic rules.

Council Member Hiltz pointed out the rules did not prohibit Council from taking the ticket; they simply required Council to report it. She referenced her second quarter disclosure and how the descriptive section could be handled.

Council Member Bergan stated the Council did not currently report meals.

Council Member Berzins reiterated Ms. Mitchell's efforts in this regard.

Mayor LeGare suggested each council member could estimate the cost of a meal without it being defined in paragraphs in the document.

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VOTE ON AMENDMENT IV

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

Voting Nay: Hiltz, Johnston, Murillo, Richardson

Council Member Bergen referenced p. 1216, section 118(d), immediate family definition and suggested it went too far to include such a long list of relations. She stated her understanding of immediate family was spouse, son, daughter, mother, father and in-laws.

AMENDMENT V

Motion by Bergan, second by to amend item 12e, p. 1216, section 118(d) by striking aunt, uncle, nephew and niece from the immediate family definition.

VOTE ON AMENDMENT V

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Absent: Watson

Mayor Pro Tem Roth related a recent fundraising for a charitable event experience and asked how that would be addressed in the ordinance. Ms. Allen referenced p. 1223, sub e, which stated it was okay as long as it was not intended to influence the performance of a council member's duties and was a charitable event.

VOTE ON ORIGINAL MOTION

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

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to reappoint one member to the Building Code and Contractors Appeals and Standards Board. STAFF SOURCE: Stephen Ruger, City Clerk, General Management

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

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

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

Motion by Richardson, second by Roth, to appoint Joanna Floribus to the Election Commission.

- ♦ *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

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

Motion by Bergan, second by Gruber, to appoint Gayle Jetchick to the Planning and Zoning Commission.

Council Member Richardson nominated Vincent Chowdhury.

Mayor LeGare stated there would be a vote on the motion to appoint.

Council Member Richardson stated the system caused Council to vote against people who volunteered to serve on boards and commissions and he did not think it was right.

Mayor LeGare pointed out no one was forced to vote no.

Council Member Richardson disagreed, noting a no vote was necessary if one did not support the nominee.

Mayor LeGare asked Council if they wanted to start over.

Council Member Hiltz reminded everyone of how the interviewing of multiple candidates was handled previously.

Mayor Pro Tem Roth stated there were two ways to approach it which was a nomination for multiple candidates or a motion to appoint.

Mayor LeGare concurred, noting that was the manner in which it was handled when there were multiple candidates.

Council Member Hiltz noted typically Mayor LeGare sent out information on how it would be handled.

Mayor LeGare stated he did not feel the need to do so in this instance. He asked for Council Member Richardson's vote.

Council Member Richardson declined to do so, noting he was told he did not have to vote no.

Mayor LeGare asked Council Member Richardson if he would abstain from the vote. Council Member Richardson answered no, noting he could not abstain because he did not have a personal reason to do so.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Council Member Richardson did not cast a vote.

15. **REPORTS**

- a. Report by the Mayor

No report.

b. Reports by Council

Council Member Watson stated the UDO was a very good move forward for the City in terms of planning.

Council Member Johnston expressed appreciation to everyone for voting on the ethics ordinance and to the City, City Council and Aurora Pride sponsors for supporting Aurora Pride, noting it was a very successful event. She announced the upcoming candidate meet and greet event scheduled for Sunday, August 11, 2019 from noon to 3:00 p.m. at Murphy Creek and encouraged all candidates to attend.

Council Member Gruber congratulated the City on the passing of the UDO, noting Council and staff spent a lot of time on it, particularly on the planning and development portion. He expressed appreciation for the wide interaction with the community and staff's integration of those comments.

Council Member Lawson expressed appreciation to the City and various organizations for their support of Aurora Price, noting it was a wonderful event.

Mayor Pro Tem Roth stated since he was a candidate, former Council Member Pierce would be moderating the upcoming Ward V candidate forum scheduled for Wednesday, October 9, 2019 at the Heather Gardens Clubhouse at 7:00 p.m.

Council Member Berzins expressed appreciation to Aurora Pride for a fantastic event and announced the Ward III meetings were scheduled for Wednesday, August 14, 2019 at 6:30 p.m. in the City Café and Thursday, August 15, 2019 at the Aurora Hills Golf Course Tin Cup restaurant at 7:15 a.m.

Council Member Bergan discussed her attendance at Aurora Pride, noting it was a beautiful day and a nice event. She announced the National Night Out event scheduled for Tuesday, August 6, 2019 at Eastern Hills Community Church at 6:30 p.m. and the final Southeast Aurora Rec Center meeting scheduled for Wednesday, August 14, 2019. She referenced the earlier speaker comments on the GEO Detention facility, noting she has read all of the reports and toured the facility. She stated what she saw there was very different from the narrative shared by the speakers. She noted she did not have time at the late hour to detail everything she saw but stated she would be happy to discuss it with anyone who was interested in doing so.

Council Member Hiltz expressed appreciation to Council Member Bergan for taking the time to read the reports and to tour the facility. She noted the facility tended to give the red-carpet rollout and that was why it was important for Council to read the Inspector General and ICE reports on some of the unannounced visits. She expressed appreciation to Aurora Water for the recent Water Tour. She discussed the success of the recent Shop with a Cop event and Police graduation. She announced her joint Town Hall with Council Members Lawson and Murillo which was scheduled for Thursday, August 22, 2019 at the MLK Jr. Library at 5:00 p.m. where the budget would be discussed.

Council Member Murillo discussed the success of the recent Aurora Pride. She stated it was back to school week for Aurora Public Schools and noted she would be greeting students bright and early in the morning. She announced the joint Ward I Town Hall where the budget and census would be discussed. She discussed the importance of getting an accurate count in order to obtain accurate funding for our communities and suggested those

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interested in learning more about the importance of getting the word out to as many people especially those in the hard to reach and hard to count communities as possible should attend the meeting.

16. **PUBLIC INVITED TO BE HEARD**

Ellen Woo provided clarification on redlining and suggested the City Council educate themselves on the history of it in Aurora.

Margaret Sobey discussed the E-470 Neighbors group and how it was once again disparaged in this public setting, noting the group went through the City processes therefore anytime it was disparaged, the City of Aurora process was disparaged. She explained the group was made up of metro districts rather than HOAs and invited the City Council to attend the meetings to discuss their issues with the group.

Leanne Wheeler discussed the Colorado Center on Law and Policy regarding what was considered affordable housing and what was not and announced she would guest host a conversation with community members about Aurora Public Schools.

17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 1:25 a.m.

BOB LEGARE, MAYOR

ATTEST:

Stephen J. Ruger, City Clerk
[SEAL]