

MINUTES

Regular Meeting – Aurora City Council Monday, August 19, 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 19, 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, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

COUNCIL MEMBERS ABSENT: Gruber

3. INVOCATION Rev. Jenn Wilde, New Dawn Center for Spiritual Living

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

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

AMENDMENT I

Motion by Murillo, second by Johnston, to amend the minutes of the meeting of July 15, 2019, item 7, Public Invited to Be Heard, to state *Dave Gruber, Colonel, United States Air Force Retired, Aurora City Council, spoke as a veteran on behalf of himself. He addressed*

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the July 12, 2019 protest held at the United Immigration Customs Enforcement (ICE) Detention facility in Aurora which he falsely accused three council members of organizing.

Mayor LeGare asked Council Member Murillo if it was her intention to shorten Council Member Gruber's comments. Council Member Murillo answered affirmatively. Mayor LeGare asked City Council to consider deferring the minutes a second time.

Council Member Murillo asked the Mayor why he made that recommendation. Mayor LeGare noted Council Member Murillo was offered the opportunity two weeks ago at the Council Meeting to submit her changes to the minutes to staff and Council Member Gruber was absent at the meeting. Council Member Murillo stated that was Council Member Gruber's personal choice to be absent, noting she did not think the City Council should postpone public business based on a council member's choice not to attend a meeting.

Mayor LeGare restated his request that the City Council consider deferring the approval of the minutes due to the fact that Council Member Murillo was asked to submit her changes to the minutes to the Clerk so that everyone could read them prior to approval.

Council Member Murillo stated her understanding that she could submit her changes at any point, noting this was proper procedure and there was nothing erroneous about her amendment therefore she would allow her amendment to stand.

Mayor LeGare asked staff if they were clear on the amendment.

Stephen Ruger, City Clerk, asked that the amendment be reread.

Council Member Murillo did so.

Council Member Bergan stated the minutes reflected what was stated at the meeting and asked if a council member could change someone's comments. Mayor LeGare answered affirmatively, noting a council member could change the minutes to state whatever they chose with six affirmative votes by Council. Council Member Bergan asked if that could be done when the council member was not present.

Mayor LeGare asked staff to speak to the issue from a legal standpoint.

Daniel Brotzman, Interim City Attorney, did so, noting the vote of six or more council members would determine whether or not the Council wanted to amend to be made. *(inaudible)*

Council Member Bergan reiterated the minutes reflected what was stated whether other council members agreed or not. She pointed out Council Member Murillo was changing what Council Member Gruber stated.

Council Member Murillo disagreed, noting she was paraphrasing. She stated it was unfair that a council member who spoke as a citizen received a full paragraph on what he stated as opposed to everyone else who received a sentence or two. She asked where the accurate transcription of the other speakers' sentiments was and wondered if those speakers would agree that their comments were accurately represented. She noted these were meeting minutes and public record and she felt it was important to create parity in that. She stated that was the basis of her amendment.

Mayor LeGare asked Council Member Murillo to restate the amendment. Council Member Murillo did so. Mayor LeGare stated Council Member Murillo was adding the words that Council Member Gruber 'falsely accused' to change what was written.

Council Member Murillo stated the minutes stated 'contended,' noting it was an argument.

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Council Member Watson asked if the statement printed out in these minutes was the statement that was on the tape that was transcribed in the minutes. Mr. Ruger clarified the minutes were contracted out and the person that transcribed the minutes used the video and staff notes to do so. He stated the transcriptionist had a bit of difficulty in that it was unprecedented to have a council member speak during the Public Invited to be Heard segment. He stated she was unclear on Council's direction in that regard and therefore, gave more room for Council Member Gruber's comments as she typically would when a council member spoke. He stated his opinion that the minutes accurately reflected what was discussed by Council Member Gruber, noting Council Member Murillo's concern was that others' statement lengths were not consistent.

Council Member Murillo agreed it was an unprecedented move, noting however, that Council Member Gruber was not the first to speak on a topic that was important. She stated she did so on Columbus Day where she stated her support of renaming Columbus Day as Indigenous Peoples Day. She noted her statement was approximately two sentences, noting this was important to address from an optics and parity standpoint.

Council Member Hiltz stated her opinion that the point was that any council member who exercised their privilege as a citizen and spoke under Public Invited to be Heard should be treated and summarized like a citizen and not be given special privilege for being a council member. She pointed out granting special privilege to a council member gave the impression that it was a council member who was speaking and not a private individual. She agreed it should be consistent one way or the other.

Council Member Bergan stated her issue related to changing what was stated. She suggested it would be different if Council Member Gruber's statement was shortened to state he spoke about the protest but the amendment changed what was stated. She pointed out whether one agreed with the statements or not, the amendment changed what was stated. She stated her preference that the minutes approval be delayed seeing if there might be a different amendment.

Council Member Murillo stated nothing stated in the amendment was inaccurate, noting Council Member Gruber's statements were a false accusation. She stated it was a fact that none of the council members organized a meeting so in her mind, it was completely accurate.

Council Member Bergan stated she might agree with the point that none of the council members organized the protest however, the amendment changed Council Member Gruber's words and that was where her difficulty was.

Council Member Murillo stated she heard Council Member Bergan's point and pointed out the statements were summarized and Council Member Gruber probably did not use the word contend. She agreed it was not okay to put words in others' mouths but pointed out this was a summary and not an actual transcription.

Mayor LeGare stated during his 17 years of sitting on the City Council and approving minutes, he has focused on the comments he made when he checked the minutes. He stated his belief that it would be unprecedented to change the comments made by another council member. He pointed out the amendment would add the words that he falsely accused three colleagues in his speech. He stated the minutes in question were brought up at a previous meeting when Council Member Gruber was present and were deferred so that

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changes could be reviewed by everyone. He stated his concern that Council was being asked to make changes to the minutes that put words into Council Member Gruber's mouth. He agreed the statement was longer than it should be but he noted he did not agree with the amendment.

Council Member Johnston stated Council Member Murillo's amendment was consistent because the Council waded to defer the minutes to the next meeting and that was what happened, and they were currently reviewing the minutes for approval. She agreed Council Member Gruber was not present but pointed out that other business was not stopped when Council Member Gruber was absent. She stated her opinion that this was consistent She stated it shortened the comment to two sentences rather than the 15 or so sentences that it was.

Mayor LeGare agreed the amendment was consistent with the legal advice Council received that six or more council members could approve the amendment. He stated his point stood as to why he thought it was the wrong thing to do.

Council Member Hiltz pointed out that Council Member Gruber was the one who made the motion to defer the minutes to this meeting. She noted he might not be present but he was the one who requested the deferral of the conversation. She pointed out there were inconsistencies in the approach that Council would make an exception and change how they did business based on the absence of a council member when it was that council member' who made the request to defer the discussion in the first place.

Mayor LeGare pointed out Council Member Murillo was asked two weeks ago to meet with the City Clerk to provide her comments.

Council Member Murillo stated her understanding that per the City process, she could offer the amendment at any point and time. She reiterated she was not doing anything wrong, erroneous or anything that anyone else would not have done.

Mayor LeGare asked Council Member Murillo to restate the amendment. Council Member Murillo did so.

VOTE ON AMENDMENT I

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

AMENDMENT II

Motion by Murillo, second by Johnston, to amend the minutes of the meeting of July 15, 2019, item 7, Public Invited to Be Heard, to state Dave Gruber, Colonel, United States Air Force Retired, Aurora City Council, spoke as a veteran on behalf of himself. He addressed the July 12, 2019 protest held at the United Immigration Customs Enforcement (ICE) Detention facility in Aurora.

Mayor LeGare restated the amendment at he understood it.

Council Member Murillo clarified Council Member Gruber was speaking on behalf of himself. She stated she changed the second amendment because of Council's concerns with the

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specific language, noting the initial point was not to give preferential treatment in written text to council members.

Mayor LeGare stated his support of the amendment.

VOTE ON AMENDMENT II

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

Voting Nay: Watson

Motion by Roth, second by Bergan, to approve the minutes of the meeting of July 15, 2019 as amended.

VOTE ON ORIGINAL MOTION

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

6. **CEREMONY 2436**

- Colfax Marathon Government Relay Presentation

Mayor LeGare invited everyone involved in the proclamation to come forward. Andrea Dowdy, Colfax Marathon, introduced Adam and Eric Demaria, Co-ed Team, Fire Department, Colfax Marathon. Ms. Dowdy expressed appreciation to everyone involved with the marathon and the City in particular for their efforts in this regard. She recognized the Fire Department Team and presented a check to the Firefighters Benevolent Fund.

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

a. Public Invited to be Heard on the 2020 Budget

Mayor LeGare opened the public hearing on the item.

Barton Wong discussed the need for funds to be allocated to the purchase of at least one and perhaps two new passenger transport vans for day activities offered by the Aurora Center for Active Adults. He asked those present in support of the request to stand.

Mayor LeGare recognized approximately ten people standing.

Brian Kelly, Lieutenant, Board of Trustees, Aurora Police Plan, discussed the need for an increase in the retirement contribution by both the police and the City and requested the contribution increase be included in the budget.

Mayor LeGare closed the public hearing on the item.

Margaret Sobey spoke on behalf of the E-470 Neighbors and discussed the coalition and its purpose and benefits offered. She noted Mayor LeGare's attendance at a recent coalition meeting which she felt was successful and stated her hope that doing so would create a more collaborative relationship with the City moving forward.

Charlie Madison Winters, Sanctuary for All – Denver, discussed the lack of oversight, atrocious healthcare and worsening conditions for the detainees at the Aurora GEO

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Detention Center. She made demands on the City Council to remedy the healthcare, legal aid, communication, and oversight issues.

Amanda Mohelang discussed the unsafe, unsanitary, inhumane conditions at the GEO Detention Center and asked the City Council to address those concerns for moral, ethical and healthcare reasons.

Emzy Veazy III discussed the United States Flag Code and suggested the City Council and City staff learn flag etiquette and listed ways in which they could do so. He suggested City Council encourage their citizenry to do the same and to incorporate the US Flag Code into City Charter.

Christina LaFon, Sanctuary for All – Denver, stated the GEO Detention Center's human rights atrocities were evil and must end. She discussed the City and County of Denver's City Council's recent decision to end their contracts with GEO and suggested the Aurora City Council do the same and recommended they create a defense fund, allow unfettered access to the detainees for family and legal and work towards reuniting each detainee in the facility with their families.

Council Member Hiltz clarified the City of Aurora did not have contracts with the GEO Group or any of the private detention centers. She stated it was a facility that was licensed as a regular business and contracted as a federal facility.

Susan Beeman spoke in opposition to current dog legislation approved in the City of Aurora related to the three dogs per household cap and breed specific legislation. She discussed the restricted breeds, stated her view that pit bulls were friendly, lovely dogs and shared her personal history and experience with having several dogs in her home. She expressed concerns related to how the legislation impacted show dogs and breeders.

Council Member Richardson expressed appreciation to Ms. Beeman for her comments and clarified he and Ms. Beeman were not family or friends, noting she spoke of her own volition. He stated he has shared ongoing complaints with staff related to the Animal Care's distribution of misinformation regarding the Fancier's Permit. He stated the show dog status was not involved in the ordinance passed by City Council.

Matthew Wozniak, Sanctuary for All – Colorado, discussed specific abuses and injustices alleged by the detainees at the GEO Detention facility. He stated his understanding that the City did not contract with the GEO Group and that they held a business license. He stated his opinion that City Council would be doing something if they really cared about the situation. He stated what was going on at GEO was not right and recommended the City Council do something about it.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

There will be no discussion of General Business items unless a City Council Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

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 EXTEND A COMPETITIVELY BID CONTRACT with Revolution Foods, Commerce City, Colorado in the amount not-to-exceed \$97,000.00 for providing food vendor services for the 2019/2020 At-Risk After School Meals Program, B-4269.
Presenter: Joe Sack, Manager of Recreation Services
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Fluid Imaging Technologies Inc., Scarborough, ME in the amount of \$105,835.00 to purchase a FlowCam instrument for the Water Quality Control Laboratory.
Presenter: Dan Mikesell, Deputy Director of Operations
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Infor Public Sector Inc., Alpharetta, Georgia in the amount of \$108,712.99 for annual maintenance on the asset management software system for Water through April 2020. **(Staff Requests a Waiver of Reconsideration)**
Presenter: Sarah Young, Deputy Director Water Planning/Engineering
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to T. Lowell Construction, Inc., Castle Rock, Colorado in the amount of \$3,300,000.00 for the construction of the Gun Club Raw Water Expansion Project, Project No. 5700A. **(Staff Requests a Waiver of Reconsideration)**
Presenter: Sarah Young, Deputy Director Water Planning/Engineering
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to American West Construction, LLC, Denver, Colorado in the amount of \$1,031,000.00 for the construction of CMP Rehabilitation Task 5 CCCP Project, Project No. 5691A.
Presenter: Swirvine Nyirenda, Principal Engineer
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Chato's Concrete, LLC Denver, Colorado in the amount of \$233,011.75 for construction of roadside safety improvements at various locations in the City. Project Number 18073.
Presenter: Matthew Kozakowski, Transportation Project Delivery Manager
- g. Consideration of the Approval for DOLA's FY2021 Grey and Black Marijuana Enforcement grant, effective July 1, 2020. **(This item also appears on the August 19, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2c of the Study Session Packet.)**
Presenter: Police Lieutenant Scott Torpen

Motion by Roth, second by Bergan, to approve items 9a – 9g with waivers of reconsideration on items 9c and 9d.

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

Final Ordinances

- ♦ h. **2019-47**
Consideration of AN ORDINANCE FOR ADOPTION 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.
Presenter: Jenna Katsaros, Superintendent Level 1

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

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

- ♦ i. **2019-49**

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Consideration of AN ORDINANCE FOR ADOPTION 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.

Presenter: Karen Hancock, Planning Supervisor

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

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

- ♦ j. **2019-50**
Consideration of AN ORDINANCE FOR ADOPTION 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
Presenter: Karen Hancock, Planning Supervisor

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

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

- ♦ k. **2019-51**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Chapter 1 of the City Code off 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 Watson, second by Bergan, to approve item 9k.

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

10. **RESOLUTIONS**

- ♦ a. **R2019-66**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado and Arapahoe County, Colorado for a coordinated election to be held November 5, 2019. **(Staff requests a Waiver of Reconsideration)**
Presenter: Stephen Ruger, City Clerk

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

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

- ♦ b. **R2019-67**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an intergovernmental agreement between the City of Aurora, Colorado and Adams County, Colorado for a coordinated election to be held November 5, 2019. **(Staff requests a waiver of reconsideration)**
Presenter: Stephen Ruger, City Clerk

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

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

- ♦ c. **R2019-68**

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Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado and Douglas County, Colorado for a coordinated election to be held November 5, 2019. **(Staff requests a waiver of reconsideration).**

Presenter: Stephen Ruger, City Clerk

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

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

♦ **d. R2019-69**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement (IGA) between Regional Transportation District (RTD) and the City of Aurora for the design, construction, maintenance, marketing, and patron access administration of bicycle shelters.

Presenter: Scott Bauman, Parking Program Manager

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

Council Member Hiltz stated she was not opposed to the specific item but wondered how to get an IGA with RTD for bus shelters in the future.

Scott Bauman, Manager, Mobility Services, discussed the history of the ordinance, noting it was initiated over four years to increase ridership.

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

♦ **e. R2019-70**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement by and between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the East Cherry Creek Valley Water and Sanitation District (Kings Point Development)

Presenter: Sarah Young, Deputy Director Water Planning/Engineering

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

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

♦ **f. R2019-71**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Purchase and Sale Agreement between the City of Aurora and the Trust for Public Land for the acquisition of a parcel of real property (Buckley Parcel 14)

Presenter: Patricia Schuler, Manager of Open Space & Natural Resource Ops.

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

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

♦ **g. R2019-72**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Amendment #2 of the Intergovernmental Agreement between the City of Aurora and the State of Colorado for the Toll Gate Regional Trail Phase 2.

(Staff request a Waiver of Reconsideration) (This item also appears on the

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August 19, 2019, Study Session) (Due to this item being dual listed, the backup is included in item 2i of the Study Session Packet.)

Presenter: Matthew Kozakowski, Acting Transportation Project Delivery Manager

Motion by Bergan, second by Richardson, to approve item 10g with a waiver of reconsideration.

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

- ♦ h. **R2019-73**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, concerning approving a one-time donation to the Ralston House Child Advocacy Center.
Presenter: Michelle Wolfe, Deputy City Manager

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

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

- ♦ i. **R2019-74**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, concerning approving a one-time funding commitment to be used to renovate a building on the Oxford Vista Campus to facilitate the Goals Program of Family Tree, Inc.
Presenter: Shelley McKittrick, Homelessness Program Director

Motion by Roth, second by Bergan, to approve item 10i.

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

- ♦ j. **R2019-75**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to approve Designating the Property known as Strait Lumber (located at 11150 East Colfax Avenue, Aurora, CO) as a Local Historic Landmark.
Presenter: Drake Brownfield, Museum Specialist, Library & Cultural Services

Motion by Murillo, second by Richardson, to approve item 10j.

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

11. PUBLIC HEARING WITHOUT RELATED ORDINANCE

- a. POSTPONED FROM JULY 1, 2019 Reconsideration of a PUBLIC HEARING to consider an FDP Amendment to Modify Land Use Plan Areas on 171-acre site, update Public Improvement Plan, and Increase Number of Permitted Small Lots. (Murphy Creek East)
Presenter: Heather Lamboy, Planning Supervisor

Please note, the applicant has requested this item be withdrawn

Motion by Bergan, second by Richardson, to remove agenda item 11a from the agenda at the request of the applicant.

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

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12. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2019-52**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, to amend the Saddle Rock East General Development Plan to remove car washes from the plan's prohibited use list and to add car washes and 24-hour operations as conditional uses within the plan (TLC Car and Dog Wash Saddle Rock East GDP Amendment)

Presenter:

Mayor LeGare opened the public hearing on the item.

Dan Osoba, Planner, provided a brief summary of the item.

Mayor LeGare recognized Bruce Barkey and John Shaw, representing the applicant, who were present and available for questions.

Council Member Bergan stated this was located in a commercially zoned area in Ward VI and she was pleased to see that Target was consulted in this instance.

Mayor LeGare closed the public hearing on the item.

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

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

- ♦ b. **2019-56**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the 13th Avenue/Colfax Station Study area as a blighted area and appropriate for an Urban Renewal Area.

Presenter: Philip Nachbar, Project Manager

Mayor LeGare opened the public hearing on the item.

Philip Nachbar, Project Manager, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Murillo, to introduce item 12b.

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

- ♦ c. **2019-55**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the Westerly Creek Village Study area as a blighted area and appropriate for an Urban Renewal Area.

Presenter: Philip Nachbar, Project Manager

Mayor LeGare opened the public hearing on the item.

Philip Nachbar, Project Manager, provided a brief summary of the item, noting a typographical error that could be corrected upon approval.

Mayor LeGare closed the public hearing on the item.

Motion by Murillo, second by Watson, to introduce item 12c.

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Council Member Murillo stated urban renewal was a tool that could be used in a powerful positive way or in a negative way. She stated she supported the item because she was encouraged by the developer's commitment and willingness to a canvassing plan that would provide feedback from the community regarding what type of development should be pursued. She expressed her interest in seeing what would be accomplished in this area of Ward I, particularly as a gateway into Aurora. She listed a few examples of development ideas that have been discussed and stated her hope that some of those ideas would be incorporated into the development plan.

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

- ◆ d. **2019-53**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the Colorado Science and Technology Park Study Area as a blighted area and appropriate for an Urban Renewal Area.
Presenter: Chad Argentar, Project Manager

Mayor LeGare opened the public hearing on the item.

Chad Argentar, Project Manager, provided a brief summary of the item.

John Shaw, Fitzsimons Redevelopment Authority (FRA), spoke in support of the item, noting the item allowed the FRA to enter into conversations with the Urban Renewal Authority regarding the disposition of funds from the district.

Mayor LeGare closed the public hearing on the item.

MOTION TO DENY

Motion by Richardson, second by Hiltz, to deny item 12d.

Council Member Richardson stated he would not support the item because the University needed to carry their weight in terms of fire and rescue services in the City.

Council Member Murillo echoed Council Member Richardson's frustration on fire safety protections, noting that while she supported development and the use of urban development as a tool as she previously stated, however, in some ways it took tax revenues from the school district to be used for development without there being any affordable units on the campus. She stated her understanding of the challenges the campus had as a whole in terms of hiring and recruiting locally, noting the development did not support those living in Ward I. She pointed out the City incentivized developments for businesses and asked why that could not be used for the housing conversation. She stated she has not heard any commitment or serious conversations in that regard therefore, she would not support the item in this instance.

Council Member Hiltz concurred with Council Members Richardson and Murillo's concerns, noting Aurora Fire has responded to the campus at least 250 times this year. She stated she would not support the item because their excessive use of City resources coupled with the inability and unwillingness to provide any type of mechanism such as ambulance services as the campus expanded did not make sense.

Council Member Bergan pointed out the item related to whether or not the Colorado Science and Technology Park should be considered an area of blight, noting it met seven of the

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eleven conditions. She stated the campus had a huge economic impact to the community and state and that while she agreed there was a need for the university to provide fire service, she was not certain this was the way to do it.

Mayor LeGare pointed out the item related primarily to the golf course, which was closed and had no infrastructure whatsoever. He noted the blight study would allow the City to take the first step in using urban renewal to redevelop the campus.

VOTE ON MOTION TO DENY

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

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

Mayor LeGare voted in opposition to create a tie.

MOTION TO APPROVE

Motion by Berzins, second by Roth, to introduce item 12d.

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

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

Mayor LeGare voted in favor to create a tie. He stated the item would be returned to Council as a reconsideration.

Council Member Richardson expressed appreciation to his colleagues for sending a strong message to the University of Colorado that they could not continue to expand the campus without making efforts towards fire safety.

- ◆ e. **2019-54**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the Fitzsimons Peoria Study area as a blighted area and appropriate for an Urban Renewal Area.
Presenter: Melissa Rogers, Senior Project Manager

Mayor LeGare opened the public hearing on the item.

Melissa Rogers, Senior Project Manager, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

Motion by Murillo, second by Richardson, to deny item 12e.

Khadra Jeylani spoke in opposition to the item, noting the impact on the residents would be to force them from their homes without any relocation compensation.

Mikail Jeylani spoke in opposition to the item and stated this was City-sponsored gentrification. He stated his home was his safe place and was not blighted.

Tyler Miklin, A Aurora Mini-Storage, spoke in opposition to the item, noting it was an arbitrary decision to include the area which included businesses, residences and an elementary school. He agreed the area had issues with crime, drugs and prostitution that made it difficult to run a business, but he stated deeming it blighted would not help. He

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stated it would be a detriment because there was no benefit to the residents or businesses, noting the redevelopment of Brent's Place in this area and its importance to people.

Council Member Murillo stated she would be in touch with Mr. Miklin to discuss his concerns and apologized that they have not yet connected.

Karen Miklin, A Aurora Mini-Storage, discussed the unbelievable drug and crime problems in the area and pleaded with the City Council to provide help to resolve the crime in the area rather than focusing on redevelopment.

Paul Jaug, Azteca Ranch Market, spoke in opposition to the item because it met only one of the eleven requirements for blight designation.

Mayor LeGare asked staff to address the speakers' comments. Ms. Rogers did so, noting the condition survey went to east 25th Avenue which did include a larger piece of vacant land to the south that included townhomes where one of the speakers lived. She clarified that declaring blight did not mean there was the intention to take property and move people out of their homes. She stated it was unfortunate that the word blight caused alarm, noting it was simply a word in state statute and the intent was to create an urban renewal area that would most likely not include the area from Montview up to 25th Avenue.

Council Member Bergan asked if the urban renewal area was 50 acres. Ms. Rogers stated the condition survey was 50 acres, noting if it did get approved, it was not unusual for the urban renewal plan to be much smaller. Council member Bergan clarified a designated urban renewal blighted area did not mean that properties would be taken away or people would be displaced.

Ms. Rogers concurred.

Council Member Bergan stated the designation allowed for development in the area in the future, which could eventually qualify for tax incentives.

Ms. Rogers concurred, noting it would set the framework for future redevelopment.

Council Member Bergan asked if the designation would harm the A Aurora storage in any way and if it might actually help it. Ms. Rogers answered affirmatively, noting it could help them because it could open up opportunities for potential redevelopment depending on the property owners' plans. She pointed out in general it was not a negative, noting removing the property from the urban renewal area could also be considered if the property owners were concerned.

Council Member Lawson stated this was basically gentrification because while the blighted area might not include the townhomes, it would be centered around them. She asked Ms. Rogers to explain how the residents and business owners would not be impacted and eventually pushed out by this happening around and near them. Ms. Rogers stated the urban renewal area would be to the south, noting what Council Member Lawson described was a natural effect whether the area was blighted or not. She reiterated there were not any plans to take any properties and confirmed this was a good thing. She stated her opinion that the townhomes would not go anywhere. Council Member Lawson disagreed.

Council Member Richardson stated he would not support the item. He pointed out the City was short 80 – 100 police officers currently and asked how many townhomes would be developed in this area in the future. Ms. Rogers reiterated there were no immediate redevelopment plans and this would set the framework for an urban renewal area in the

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future but the item currently related only to blight. Council Member Richardson asked if an analysis had been done to determine the additional burden a project would ultimately have on the Fire department.

Andrea Amonick, Manager, Development Services/AURA, clarified there were no specific plans for a project at this time and reiterated the purpose of the blight declaration was to allow for a discussion on what sort of things could be done in the area to support some of the complaints such as safety as stated by the speakers. She suggested it is possible that some redevelopment within the area could assist with that and listed the ways in which that might be done. She discussed the public process required to go forward, noting this was a necessary first step to start the discussions with City Council and the residents/business owners.

Council Member Bergan asked staff if any development would take place in the area in the near future without the designation. Ms. Amonick agreed it could potentially happen with or without the assistance that the designation could provide. Council Member Bergan stated there were concerns related to crime and safety in the area which was the reason the area qualified for blight. She stated the City was trying to designate it urban renewal to provide the possibility for a tax incentive to make a better situation, whether it was through affordable housing or retail that might help by adding jobs so the economic impact to the area could be positive.

Ms. Amonick concurred.

Council Member Murillo asked if this was the same area where adding student housing was discussed. Ms. Amonick answered affirmatively, noting there was a property owner interested in a project but noted no redevelopment that could move forward at this time has been discussed. Council Member Murillo recalled that an estimated valuation for the project would be a two-bedroom apartment that rented for \$200/mo., noting that was not affordable even for students. She stated her understanding that it did not apply to the blight study but wanted clarification that the student housing was in that area.

Ms. Amonick concurred.

Council Member Murillo asked if North Middle School was a part of the designated blight area. Ms. Amonick answered affirmatively, noting it was unlikely that it would be put in a future urban renewal area. Council Member Murillo asked the purpose of the school being included in the study. Ms. Amonick reiterated Ms. Rogers' comments related to the condition survey being larger than the subsequent urban renewal area might be. Council Member Murillo asked if there was the potential for it to be included in the urban renewal area if it was designated blight. Ms. Amonick answered affirmatively.

Council Member Lawson stated it was shameful that something new could address the crime issues in the neighborhood when those issues should be addressed regardless.

Mayor LeGare recalled the City Council determined AURA revenue could be used for affordable housing and asked if that was a potential positive impact that could come out of the blight study. Ms. Amonick stated AURA has designated \$1M in this area for funding low and moderate income housing from redevelopment revenues generated by that. She agreed the potential did exist because low and moderate income housing required subsidy for projects that generated new tax revenue for the City, which could be taken by AURA and put

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to use in a variety of ways. She pointed out this was just one tool at the City's disposal that could move those things forward faster than in the private market.

Council Member Murillo asked how much \$1M could generate in terms of affordable units compared to the cost of one development. Ms. Amonick stated it depended on what it was used for. She estimated the gap between the subsidy could be between 30 units for low income housing homebuyers to over 100 units of low-income housing that filled a gap with tax credits and other types of subsidies that were provided in the market. Council Member Murillo stated \$1M was a step in the right direction but was merely pennies compared to the value of the land and what could potentially be developed there.

Motion by Murillo, second by Richardson, to deny item 13a.

Council Member Murillo expressed appreciation to all those who spoke on the item. She noted she has voted in opposition to other policies and processes that were just part of the process and expressed concerns related to a tool that created a broad stroke of the brush of blight in this area, with no real discussion or commitments around affordability of homes or businesses. She referenced the term City-sponsored gentrification used by one of the speakers and suggested those who did not see the possibility of gentrification with a tool like this might should return to the drawing board to make the effort to understand the causes and impacts of gentrification. She pointed out intent was very different than impact and questioned whether using tax dollars to incentivize developments in this area would guarantee that people who made a median income of \$30k could afford to live there with a new product going in. She stated her doubts that would occur and how she did not want to see that as an exchange for the potential for affordability. She pointed out it was a very large area that included a middle school and she understood why those small business owners could not see the benefit of using this tool in this regard. She wondered who owned the majority of the land and reiterated she struggled with urban renewal being a positive or a negative, noting she did not see this item in a positive light, particularly as it related to the middle school. She discussed conversations surrounding the closing of public schools including those in Ward I and whether closing them would mean they remained a community benefit or not. She expressed her frustrations that while she did want to help small businesses navigate what could be a benefit; the outcome of using this tool was unpredictable in its secondary and tertiary impacts on the community. She noted the fact was that this has been played out in historically black and brown, low-income neighborhoods with a history of inequitable access to capital, loans, and mortgages. She agreed she did want to support the ability to incentivize positive growth and development but could not in this case because the value of the land was too important, noting she was however amenable to reevaluating this at a future date.

Council Member Watson pointed out crime was an indicator of blight and noted that while the study might not help with that, it was a beginning step towards other positives that came out of blight designation such as access to funding for urban renewal. He noted the urban renewal provided potential for those small business owners to enhance their properties. He suggested there were council members who wanted to keep their wards as they were and he would support the ward council member in this instance rather than looking at what he thought might be a positive move in their community.

Council Member Murillo stated it was fair for someone who grew up in Aurora who understood the experience of living in historically marginalized communities that had a lack of access to capital and opportunity that afforded them to benefit to have these concerns. She pointed out 60 percent of those living in Ward I were renters and stated rents would

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change when this was implemented, but income would not, which was ultimately a recipe for displacement. She noted she was not the only one who disagreed and pointed out the business owners had hesitations as well. She stated she wholly rejected the notion that this was a popular vote rather than one based in fact and experience.

Council Member Bergan stated her support of the ward council member's motion to deny. She noted she did think having the area potentially developed could be a good thing for the community but would vote to support Council Member Murillo's efforts.

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

Voting Nay: Roth

13. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2019-57**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing for the refunding of the City's outstanding refunding certificates of participation, Series 2009a as well as the construction of various capital improvements pursuant to the terms of one or more Lease-Purchase Agreements by and between Aurora Capital Leasing Corporation or another lessor to be identified and the City of Aurora, Colorado, as lessee; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby; and related matters.
Presenter: Mike Shannon, Debt and Financing Administrator

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

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

- ◆ b. **2019-58**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 2 of the City Code to add a New Article IX Regarding the Regulation of Lobbyists Starting January 1, 2020.
Sponsor: Council Member Lawson

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

Council Member Lawson stated she brought the item forward because it provided another layer of transparency for the public. She pointed out the City Council was lobbied and there were things that happened prior to the meetings that the public was unaware of. She clarified she was not suggesting that the Council's votes were based on what lobbyist bring forward, but ultimately, this related to providing an additional layer of transparency to what has already been accomplished with the ethics and CORA ordinances. She stated she was bringing the item forward for transparency because elected leaders should be transparent and should provide disclosure. She clarified the ordinance did not relate to individual council members but was rather directed at the lobbyists who lobbied the Council. She pointed out many cities have been working on this type of ordinance and she expressed her hope that Council would support the item because it would not be enacted until 2020 and it only required three reports on a quarterly basis. She suggested the public really look at what was happening on the dais and continue forth should the item not be supported by Council because it was something that was needed as a part of Council's ethics.

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Council Member Johnston stated her support of the item and commended Council Member Lawson on bringing these best practices forward. She pointed out the City of Aurora was the 54th largest city in the United States and this was information Aurora residents deserved to have. She noted information was never a negative thing and the more that could be provided, the better. She stated it would further elevate the City of Aurora and would fit into all the progress already being made in terms of transparency and accountability.

Mayor LeGare stated his understanding that Nancy Rodgers, Deputy City Attorney, was involved in drafting the ordinance and if not, might understand what it meant.

Ms. Rodgers concurred.

Mayor LeGare noted the document stated a lobbyist was any individual, including an attorney, that was self-employed or otherwise employed and retained by another person or organization. He provided the example of Kevin Hougen, President, Aurora Chamber of Commerce and asked if Mr. Hougen was considered a lobbyist if he spoke to Council to advocate for passage of something in the Chamber budget or funding. Ms. Rodgers answered affirmatively, noting under the definitions, the Chamber could have people that they contracted with, or an employee that could fit the definition of lobbyist. She noted she would need more information on an individual's interactions with Council to know whether they fell into this group for sure. She stated her understanding that the Chamber has been engaged with a lobbyist firm as well. Mayor LeGare asked if the individual attorney or self-employed person would be a lobbyist on behalf of the Chamber if the Chamber hired an outside lobbyist but Mr. Hougen would not be or if it would depend on what he advocated for. Ms. Rodgers stated both were correct. She stated the Chamber could have an engaged lobbyist they contracted with and also employees such as Mr. Hougen that could be considered a lobbyist under the ordinance because of their interactions with Council. Mayor LeGare provided an additional example of the Aurora Association of Realtors who were affiliated with the Colorado Association of Realtors that did have a full-time lobbyist. He stated a realtor association lobbyist that contacted a council member would have to be registered.

Ms. Rodgers concurred.

Mayor LeGare asked if that was also so for a volunteer member of the Aurora Association of Realtors who advocated for policy or budget issues in the City of Aurora. Ms. Rodgers stated she did not believe so because under the definition, they would have to be self-employed or employed for the purpose of lobbying activities. Mayor LeGare stated they were not considered a lobbyist as long as they were not paid for their services by the entity.

Ms. Rodgers concurred. She explained staff attempted to focus on those individuals who were employed in the professional industry of lobbying while also allowing individuals to speak on their independent behalf, when they may be affiliated with the Association of Realtors or Chamber.

Mayor LeGare stated Ms. Rodgers was clarifying for the record that someone who was not being paid for their services would not be considered a lobbyist under this ordinance.

Ms. Rodgers concurred. She stated the scope of work could include lobbying activities, which was where the example of Mr. Hougen could be considered depending on how the Executive Director for the Chamber did his/her business. She noted the future of the

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Chamber could include lobbying activities even though the Chamber was not necessarily a lobbying business or contractor.

Mayor LeGare asked how Fire union or Police association lobbyist would be considered since City employees were excluded. Ms. Rodgers stated many of the City employees who held leadership positions in unions did a good job of separating the two. She stated she did not believe any of those unions paid for their work. She pointed out if they were then the same analysis as Mr. Hougen would need to be reviewed.

Council Member Bergan asked if this related to any conversation and not just pending legislation. Ms. Rodgers answered affirmatively, noting it related to any matter that might come before the Council as a part of an official action. Council Member Bergan asked if an engineer of a company who spoke to Council about their concerns would be considered a lobbyist of the company they worked for. Ms. Rodgers stated it went to the scope of their work if it included somebody who was employed for the purpose of lobbying and it was part of their job to communicate with Council in the hopes that doing so would aid in the support or denial of an official action. She suggested an engineer providing information to help Council with a vote might not be something that would require registration. She clarified registration did not limit the communication; it was just required if an expenditure or conversation related to it. Council Member Bergan stated a council member would disclose a conversation as well as any expenditure.

Ms. Rodgers believed it would be a statement without detail that the conversation happened on what subject matter and with which council member.

Council Member Bergan pointed out without the detail, the public was not allowed to know the person provided the council member with facts about their development with no influence to the vote.

Ms. Rodgers concurred.

Council Member Bergan stated any non-profit organization would fit the definition of a lobbyist if they were attempting to influence the vote.

Ms. Rodgers concurred.

Council Member Bergan pointed out there were a number of non-profits who met with council members individually and regularly who would have to register.

Ms. Rodgers agreed they could and reiterated it related to the person who was employed by an organization or self-employed to engage in lobbying and that was part of their scope of work.

Voting Aye: Hiltz, Johnston, Lawson, Murillo

Voting Nay: Bergan, Berzins Richardson, Roth, Watson

Mayor LeGare stated he would not vote in the affirmative to tie the vote.

Council Member Lawson stated she was not surprised the item failed and confirmed she would continue to pursue the item for as long as she sat on City Council because she felt it

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was necessary for public awareness. She stated she wanted to bring it to a public forum so that the public was made aware that lobbying was happening.

Mayor LeGare stated he did not vote to create a tie because he did not think the item was ready yet because non-profits and associations that the City did business with on a regular basis would essentially be considered lobbyists.

Council Member Lawson stated she understood and respected the Mayor's decision, noting non-profits registered at the state level because they lobbied the state legislators. She reiterated anyone lobbying the City Council should register. She pointed out she did this for a living and this was her professional view.

- ♦ c. **2019-59**
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 Revere Street, an undeveloped street located between 21st Avenue and 23rd Avenue, City of Aurora, County of Adams, State of Colorado and reserving a utility easement therein (REVERE STREET ROW VACATION)
Presenter: Brandon Cammarata, Senior Planner

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

Brandon Cammarata, Senior Planner, provided a brief summary of the item.

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

- ♦ d. **2019-60**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 146 of the Unified Development Ordinance to add Section 146-5.3.20 Park Development Fees. ***(This item also appears on the August 19, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2j of the Study Session Packet.)***
Presenter: Karen Hancock, Planning Supervisor

Motion by Berzins, second by Watson, to introduce item 13d.

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

14. **ANNEXATIONS**

- ♦ a. **R2019-76**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Southwest Quarter of Section 6, Township 3 South, Range 65 West of the Sixth Principal Meridian, County of Adams, State of Colorado. (BOWIP Annexation 157.18 acres)
Presenter: Cesarina Dancy, Development Project Manager

Mayor LeGare opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, gave a presentation on related items 14a – 14c.

Mayor LeGare closed the public hearing on the items.

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

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

- ♦ b. **2019-61**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southwest Quarter of Section 6, Township 3 South, Range 65 West of the Sixth Principal Meridian, County of Adams, State of Colorado. (BOWIP Annexation 157.18 acres)
Presenter: Cesarina Dancy, Development Project Manager

Motion by Johnston, second by Bergan, to introduce item 14b.

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

- ♦ c. **2019-62**
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, zoning 157 acres of land more or less generally located at the Northeast corner of 64th Avenue and E-470, within the County of Adams, State of Colorado, to E-470 Airport Distribution Subarea District and amending the zoning map accordingly. (BOWIP INITIAL ZONING) STAFF
Presenter: Sarah Wieder, Senior Planner

Motion by Watson, second by Roth, to introduce item 14c.

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

- ♦ d. **R2019-77**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, finding a petition for annexation of a certain parcel of land located in the Southwest Quarter of Section 20, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, to be in substantial compliance with Section 31-12-107(1), C.R.S., and giving notice of a public hearing on the proposed annexation (Valley Arapahoe Land Development) Annexation 15.6 acres)
Presenter: Mark Geyer, Project Manager

Annette Jewell spoke in opposition to the item and acknowledged it was very early in the process. She requested that prior to hearing the item, the City Council visit the site at the northwest corner of Parker and Arapahoe roads and exit from the south on Helena Street westbound on Arapahoe to experience how the acceleration lane worked so that it could be considered when deciding on a right-in/right-out designation as well as an RTD bus stop at that location. She suggested they could also park their cars at that intersection and attempt to cross the highways.

Mayor Pro Tem Roth noted he and Ms. Jewell have exchanged voicemails and confirmed he would make contact with her so he could take a look at the situation.

Ms. Jewell expressed her appreciation to Mayor Pro Tem Roth for his time and to City staff for their efforts in this regard.

Motion by Roth, second by Bergan, to introduce item 14d.

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

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Mayor Pro Tem Roth agreed it was early in the process, noting there would many opportunities in the future to address concerns by working with the neighbors and staff.

Council Member Bergan stated this was step one in the annexation process and the vote at this time was whether or not the legal requirements for the annexation have been met.

Council Member Hiltz concurred, noting she was very familiar with the traffic in that area and expressed appreciation to Ms. Jewell for pointing it out.

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

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

- a. Consideration of the appointment of five (5) youth members & two (2) Adult members, for a total of seven, to the Aurora Youth Commission.

Presenter: Stephen Ruger, City Clerk, General Management

Motion by Roth, second by Watson, to appoint youth members Zeru Christian, Caleb Garvis, Vinay Malik; Josue Estrada Murillo and Natalie Perez and adult members Kevin Duncan and Caleb Weiss to the Aurora Youth Commission.

Council Member Murillo stated she was excited there were two appointees from Ward I and clarified that there was no personal relationship between herself and Josue Estrada Murillo.

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

- b. Consideration to appoint one (1) member to the Career Service Commission.

Presenter: Stephen Ruger, City Clerk, General Management

Motion by Bergan, second by Berzins, to appoint Noel Mink to the Career Service Commission.

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

- c. Consideration to appoint one (1) member to the Open Space Board.

Presenter: Stephen Ruger, City Clerk

Motion by Watson, second by Roth, to appoint Robert Hunchberger to the Open Space Board.

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

- d. Consideration to remove one member from the Citizens Advisory Committee on Housing and Community Development.

Presenter: Stephen Ruger, City Clerk

Motion by Watson, second by Roth, to remove Robert Plowden from the Citizens Advisory Committee on Housing and Community Development.

Council Member Bergan clarified Mr. Plowden was being removed due to excessive absences.

Council Member Murillo stated her understanding that there was a history of the City reaching out to Mr. Plowden and asked if Mr. Plowden was aware the item would be on the agenda. She clarified she asked if there was any additional contact in this regard prior to the meeting.

Stephen Ruger, City Clerk, listed the process by which Mr. Plowden was alerted to the situation which culminated in a formal letter being sent on July 17, 2019 that related the absences and subsequent removal. He noted the letter requested Mr. Plowden send a written response within 10 days of receipt and a response has not been received since that time.

Council Member Murillo stated she usually attempted to reach out to individuals when it came to their potential removal from an appointed committee but was unable to do so in this case. She stated she would not support the item because she did not feel she gave it her full opportunity although she suggested it was probably the best decision moving forward.

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

Voting Nay: Johnston, Murillo

17. **REPORTS**

a. Report by the Mayor

Mayor LeGare extended well wishes and commendations to Michelle Wolfe, Deputy City Manager, as this was her last official City Council meeting before becoming a City Manager in another city. He stated it was a great honor to work with her and he expressed appreciation to her for her service.

b. Reports by Council

Council Member Murillo discussed the success of the recent annual Global Fest event, and the opportunity she had to meet with the Ethiopian Ambassador. She stated her hope that her comments at that meeting where many Ethiopian business leaders were in attendance expressed her hope that they would consider increasing and maintaining engagement in the political process. She announced the Ward I Town Hall Meeting was a joint meeting with Council Members Lawson and Hiltz where the beginning portion would address the budget and the latter portion would address the census. She stated the meeting was scheduled for Thursday, August 22, 2019 at 6:00 p.m. at the MLK Library and encouraged everyone interested in learning more about the importance of having an accurate count to attend.

Council Member Hiltz discussed the success of the recent National Night Out event, the annual Nationalization Ceremony, the new Fire graduation and Global Fest. She encouraged others to attend a Naturalization Ceremony as she found then to be very emotional and wonderful to witness. She addressed Ms. Wolfe, stating it was a pleasure to work with her and to share book recommendations. She expressed appreciation to Ms. Wolfe for her hard work and wished her the best of luck.

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Council Member Richardson announced the upcoming grand opening of the King Soopers at Regatta Plaza, noting he would stop calling it Regatta Plaza once the ribbon was cut where it would then become Point at Nine Mile. He stated the event was scheduled for Wednesday, August 21, 2019 at 9:00 a.m.

Council Member Bergan expressed appreciation to Ms. Wolfe for her years of service to the City, noting she did a remarkable job. She stated she has enjoyed working with Ms. Wolfe, noting Minnesota was lucky to have her. She discussed her attendance at the National Night Out event, the Southeast Transportation meeting which was very well attended as well as the Southeast Recreation center community meeting.

Council Member Berzins agreed Ms. Wolfe would be missed but noted this was a good move where she could be closer to family. She expressed appreciation to staff and everyone involved in the success of the Global Fest event. She noted she has attended many of the new US citizen swearing-in ceremonies and stated it was great to know there was such a large group of people that made the effort to become citizens. She expressed congratulations to all of those new citizens.

Mayor Pro Tem Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, August 20, 2019 at the Heather Gardens Clubhouse at 6:30 p.m. where the two presenters would be the Fitzsimmons Redevelopment Authority (FRA) and Highline Canal Conservancy. He recognized Ms. Wolfe and wished her good luck.

Council Member Lawson addressed Ms. Wolfe and stated she would be missed and expressed appreciation for her efforts working with a constituent and for teaching her so much about Council.

Council Member Johnston addressed Ms. Wolfe, noting she was one of the people that trained her after she was elected. She expressed appreciation to Ms. Wolfe for always being approachable and for breaking down the more technical issues of Council work and providing information. She commended staff for their efforts in the success of Global Fest as well as to all participants of the Fest. She referenced the lobbying disclosure ordinance and addressed the Mayor's comments that it was not ready. She pointed out Council Member Lawson worked for more than a year reaching out to different groups and different policy committees. She stated it was definitely ready and Council Member Lawson was excited for the City to take it on. She noting she wholeheartedly agreed that non-profits should be part of it. She addressed the Council stating the item was a major ordinance, and she shared her disappointment that every council member who voted in opposition, other than the Mayor, did not provide a reason for their vote.

Council Member Watson addressed Ms. Wolfe and stated his hope that she would enjoy Minnesota, noting she would be a great addition to the city she would manage. He expressed appreciation to Ms. Wolfe for her time in Aurora. He discussed the success of the National Night Out event with the Aurora Police and Fire departments.

18. **PUBLIC INVITED TO BE HEARD**

Darlene January raised the topic of the recent events that were the result of the GEO facility protest on July 12, 2019 and accused the City Council of being partisan when it came to migrants and misogynistic towards several female council members. She questioned why there were no apologies made to those council members. She stated her experience at the

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protest, noting she was an activist but did not organize the event. She discussed her views on the inhumane treatment of those detained in the GEO facility and that all US flags should be inverted as a signal to the world that the country was in distress by the government. She stated it was a problem that the GEO facility operated on Aurora land.

19. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:50 p.m.

BOB LEGARE, MAYOR

ATTEST:

Stephen J. Ruger, City Clerk
[SEAL]