

## **MINUTES**

### **Regular Meeting – Aurora City Council Monday, September 23, 2019**

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

Mayor LeGare convened the regular meeting of City Council at 4:15 p.m.

#### **ROLL CALL**

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

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

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

Motion by Bergan, second by Watson, 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 SEPTEMBER 23, 2019 AND CALL TO ORDER**

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

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

|                          |                                                                                                   |
|--------------------------|---------------------------------------------------------------------------------------------------|
| COUNCIL MEMBERS PRESENT: | Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson |
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|-------------------------|------|
| COUNCIL MEMBERS ABSENT: | None |
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#### **3. INVOCATION Pastor Topazz McBride, Restoration Christian Fellowship**

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 16, 2019**

*MINUTES APPROVAL DEFERRED TO THE OCTOBER 7, 2019 MEETING*

#### **6. CEREMONY**

- ♦ *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.*

- Delta Sigma Theta Sorority, Inc. Denver Alumnae Chapter Recognition Day

Mayor LeGare invited Michelle Simmons, President, Denver Alumnae Chapter; Willa Mae Little; Daphne Hunter; Gwendolyn Whooten; Rodella Whooten; Joyce Walker; Shirley Johnson; Deborah Washington; Michelle Wortham-Wright; Summer Foxworth; Lawless Jackson; Dana Beatty; Alice Arline; Janice Napper; Renalda Ingram; Council Members Lawson and Watson; and Topazz McBride, to come forward. He read the proclamation declaring September 23, 2019 as Delta Sigma Theta Sorority, Inc. Denver Alumnae Chapter Recognition Day. Ms. Williams expressed appreciation for the proclamation and Council Members Lawson and Watson expressed their appreciation for the organization.

- Presenting \$500,000 from Arapahoe County for completion of the Triple Creek Trailhead

Mayor LeGare invited Jeff Baker, Arapahoe County Commissioner, Brooke Bell, Interim Director, Parks, Recreation & Open Space, City of Aurora (PROS); Tracy Young, Manager, PROS; Shannon Carter, Intergovernmental Relations and Open Spaces, Arapahoe County, and Sharon Powers, Arapahoe County Open Space and Trails Board, to come forward. Commissioner Baker presented the City of Aurora with a check from Arapahoe County for the completion of the Triple Creek Trailhead. Ms. Bell expressed appreciation for the grant.

- National Hispanic Heritage Month

Mayor LeGare invited Gabriela Jacobo; Lourdes Lozano; Angelica Vazquez; Lisbeth Orellana; Maria Saldana; Natalia Pardeo; Camila Paredos; Amalia Rodriguez; Brenda Mendoza; Chelsea Aguilar; Edith Bonutez; Luz Cabrera; Jonathan Aguilar; Andy Figueora and Percy Alzamora, to come forward. He read the Proclamation declaring September 15 - October 15 as National Hispanic Heritage Month. Mr. Alzamora expressed appreciation for the proclamation.

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

Winfred Green, Community Works, discussed the Community Works program and requested the program funding be continued and increased this year.

Council Member Johnston asked staff if it was in the City's budget to do so.

Jason Batchelor, Deputy City Manager, stated the support would continue.

Council Member Murillo stated Community Works was included as a part of the Transforming Safety Grant. She stated she connected them with the City's Xeriscape Department and further discussed the group's purpose and partnership with the City.

Shawn Miller requested the City make a minor change to the road project at Smoky Hill Parkway.

Council Member Bergan stated Mr. Miller was a Ward VI resident and together they discussed his concerns with the City's Traffic Department. She noted the Traffic Department was unable to comply with the request therefore Mr. Miller brought the item before Council on appeal.

Mr. Miller concurred.

Darlene January, McClain family friend, requested the Aurora Police Department release the video footage and autopsy report of Elijah McClain's death. She stated she was traumatized by Mayor LeGare's treatment of Council Member Murillo at a previous Council meeting and noted she once again was requesting an apology be provided in that regard. She added a

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request that Mayor LeGare and Council Member Gruber resign due to their misogynistic treatment of female council members. She stated her opposition to the inhumane treatment of detainees at the GEO facility and her opinion that all American flags should be inverted to signal that this country was in distress due to actions by GEO and the City.

Tanya Ileta raised the topic of systemic oppression and racism taking place in the City of Aurora. She discussed the beating death of Elijah McClain and requested the City Council and Police Department provide transparency and responsible actions in that regard by releasing the bodycam footage, demanding disciplinary actions against the police officers involved and requiring a comprehensive racial justice plan for Aurora.

Linda Servey expressed appreciation to Council Member Johnston for her efforts with handicap access to the Council Chambers floor. She raised the topic of how protestors were treated in the City and suggested that concern be reviewed. She described the recent protest in the City where those who marched for justice particularly against racism, sexism, cruelty, poverty, and violence mainly as it pertained to marginalized communities and people who were incarcerated at the private prison operated by GEO. She stated the Aurora City Council had oversight when Ice and GEO operated in the City of Aurora. She discussed the people who were armed at the protest that should not have been allowed to stay and noted there was no equivalence between a peaceful protester and someone intent on violence and intimidation.

Tanya Notkoff discussed the recent ICE protests in the City and the tremendous cost of those protests to Aurora taxpayers. She expressed appreciation to Chief Metz and the Aurora Police Department for keeping everyone safe and honoring everyone's First Amendment rights at the recent rally. She stated she was horrified to learn that three council members were present at the July protest and further discussed the additional costs for increased law enforcement at these events. She stated she fully supported APD and asked why protesters had to cost local citizens money when they could be identified through social media and billed. She listed the groups responsible for these recent protests and stated she found the references to concentration camps in this regard offensive as a Jewish-American. She requested the council members who attended the July protest either resign or pay the bill.

Feven Enkuseras, Immigrant Justice Organizer, Colorado People's Alliance, expressed appreciation to the council members who held the GEO Detention Center accountable and requested the remainder of Council commit to taking action in that regard. She discussed the abuses taking place at the facility and stated her support of the ordinance that required GEO to report outbreaks to the City.

Brett Payton discussed the inhumane treatment his friend received at the ICE GEO facility and shared the rampant illnesses that he witnessed. He requested the City Council help those at the GEO ICE facility.

Gabriel Medina expressed concerns related to the ICE Detention facility in Aurora. He discussed his friend's experience being picked up and sent to the facility and his own experience visiting his friend there. He asked Council to investigate the violations going on at the facility.

Dana Miller discussed the ACLU report on the abuses at the GEO Detention Center, and read a report filed by Darren O'Connor, Colorado Regional Vice-President of the National Lawyers Guild of Colorado, relating his experience as a legal advisor at the September 21, 2019 protest of the Aurora Detention Center Director.

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Ellen Woo related her experience at the recent March for Justice event and questioned the role of the Adams County Sheriff's Department and Aurora Police Department who were posted on GEO's private property. She suggested GEO pay for the protection provided.

Arnie Schultz discussed the deplorable experiences of his friend who was detained for eight months in the GEO Detention Center and stated for-profit prisons needed to be shut down. He pointed out other jurisdictions have bravely done so and Aurora could as well. He pointed out only one council member read the Attorney General's report on the GEO facility but would not comment on it. He reiterated Council needed to close the GEO ICE facility in Aurora.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with a motion to continue item 11a.

9. **CONSENT CALENDAR - 9a-d**

**General Business**

- a. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with EAP Glass, Incorporated, Lakewood, Colorado in the not-to-exceed amount of \$60,000.00 for glass repair and replacement services on an as-needed basis through September 30, 2020.  
**Presenter:** Lynne Center, Deputy Director PW Operations, Public Works
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Denver Regional Council of Governments, Denver, Colorado in the amount of \$50,500.00 for geographical contour mapping and LIDAR data of the City. **(Staff requests a waiver of reconsideration.)**  
**Presenter:** Aleta Jeffress, Chief Info & Digital Officer, Information Technology
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of \$231,092.00 to add final as-built design drawings and construction phase engineering services for the new liner system and appurtenances for the Jefferson Lake Repairs Project.  
**Presenter:** Steve Fiori, Project Delivery Services Manager, Aurora Water
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Morton Electric, Inc., Pueblo, Colorado in the amount of \$560,927.00 for the 2019 Audible Pedestrian Signal Upgrade Services at forty-nine (49) intersections within the City. Project Number 19055.  
**Presenter:** Anna Bunce, Traffic Manager, Public Works

Motion by Berzins, second by Roth, to approve items 9a – 9d with a waiver of reconsideration on item 9b.

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

10. **RESOLUTIONS**

♦ a. **R2019-84**

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Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, consenting to the Dissolution of the Saddle Rock South Metropolitan District No. 1.

**Presenter:** Mark Geyer, Project Manager, General Management

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

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

- ♦ b. **R2019-85**  
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 (CDOT) Regarding Funding for Design and Construction of Chambers over Sand Creek Bridge Rehabilitation Project.  
**Presenter:** Matthew Kozakowski, Transp Proj Delivery Mgr, Public Works

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

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

- ♦ c. **R2019-86**  
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 Regional Transportation District (RTD) Regarding Funding for Construction of Pedestrian Connection Improvements Adjacent to 13th Avenue Station.  
**Presenter:** Matthew Kozakowski, Transp Proj Delivery Mgr, Public Works

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

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

- ♦ d. **R2019-87**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, concerning an Intergovernmental Agreement for the Cultural Services Division of the City to conduct after-school programming for Aurora Public Schools.  
**Presenter:** Gary Margolis, Manager of Cultural Svcs, Library & Cultural Svcs

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

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

- ♦ e. **R2019-88**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, concerning the inclusion of certain assets in the Leased Property and the reasonableness of the proposed base rentals under the lease purchase agreement between the City of Aurora and the Aurora Capital Leasing Corporation, and authorizing the execution and delivery of documents pursuant to the requirements of the ordinance authorizing the lease purchase agreement and the taking of other action in connection therewith. (Aurora Municipal Center)

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**Presenter:** Mike Shannon, Debt and Financing Administrator, Finance

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

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

♦ f. **R2019-89**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Development Agreement between the City of Aurora Colorado and Bravada/Neher 160, LLC.

**Presenter:** Vinessa Irvin, Manager of Development Assist, General Management

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

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

Voting Nay: Hiltz, Johnston, Murillo

♦ g. **R2019-90**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Development Agreement between the City of Aurora Colorado and Cottonwood Creek, LLC.

**Presenter:** Vinessa Irvin, Manager of Development Assist, General Management

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

Council Member Johnston stated she opposed the item because the property had vesting agreements that were entitled when the project was 30 – 40 years off and the annexation was approved prior to her seat on Council.

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

Voting Nay: Hiltz, Johnston, Murillo

♦ h. **R2019-91**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Development Agreement between the City of Aurora Colorado and Watkins Road Associates, LLLP.

**Presenter:** Vinessa Irvin, Manager of Development Assist, General Management

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

Council Member Bergan asked if a special district would be formed to deal with reimbursement agreements on road improvements.

Vinessa Irvin, Manager, Development Assistance, stated reimbursement agreements would be done at the time with the entity that constructed the road.

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

Voting Nay: Hiltz, Johnston, Murillo

♦ i. **R2019-92**

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Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Development Agreement between the City of Aurora Colorado and Watkins Road Associates II, LLLP.

**Presenter:** Vinessa Irvin, Manager of Development Assist, General Management

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

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

Voting Nay: Hiltz, Johnston, Murillo

- ♦ j. **R2019-93**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Development Agreement between the City of Aurora Colorado and Walnut Peacemaker, LLC.  
**Presenter:** Vinessa Irvin, Manager of Development Assist, General Management

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

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

Voting Nay: Hiltz, Johnston, Murillo

#### 11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ♦ a. **R2019-94**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Tower Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City of Aurora Colorado and the District.  
**Presenter:** Jacob Cox, Senior Dev Project Manager, General Management

Motion by Gruber, second by Hiltz, to defer item 11a to the October 7, 2019 City Council meeting.

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

#### 12. **ANNEXATIONS**

- ♦ a. **2019-65**  
PUBLIC HEARING and Consideration of an Ordinance of the City Council of the City of Aurora, Colorado, amending the 2018 Aurora Comprehensive Plan to allow the Placetype Commercial Hub in an area currently designated as Urban Green Space (VALLEY ARAPAHOE COMPREHENSIVE PLAN AMENDMENT)  
**Presenter:** Heather Lamboy, Planning Supervisor, Planning & Development Svcs

*This item requires a "super majority" (7 of 10 votes) for passage. Should this item not receive the requisite number of votes, a motion to reconsider is allowed under Council Rule B(3). It is recommended that items 12 b, c, and d, be continued by motion to October 7, 2019, in that instance. Should this item obtain the supermajority, items b, c, and d, may be heard tonight.*

Mayor LeGare opened the public hearing on the items.

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Heather Lamboy, Planning Supervisor, Planning & Development Services, gave a brief summary of the item.

Todd Nicotra, representing the applicant, introduced the item

Bonnie Niziolek, Norris Design, and Marcus Pachner, Pachner Company, gave a presentation on the item.

Council Member Bergan noted the zoning allowed for considerable building height and asked if any conceptual plans demonstrating building height were available. Mr. Pachner stated the conceptual plans were for a four-story residential development that buffered to two-stories. Council Member Bergan asked if the applicant would be willing to state on the record that they agreed to a four story maximum building height. Mr. Pachner answered affirmatively. Council Member Bergan asked staff if the applicant's agreement was sufficient.

Daniel Brotzman, Interim City Attorney, stated it would be necessary for the four-story restriction to be added as a zoning condition at the end of the discussion.

Council Member Hiltz stated fire coverage was a big issue in the area asked if the applicant would be willing to invest in the existing station in the area. Mr. Pachner answered affirmatively. Council Member Hiltz directed her comments to staff to ensure they would work with the applicant with regards to their public commitment in this regard.

Council Member Gruber stated there was a South Metro Fire Station located three blocks from the site. He asked staff to speak to the Conditional Letter of Map Revision (CLOMAR) with FEMA.

Victor Rachael, Acting Director, Public Works, did so, noting the bridge was widened to accommodate overflow to the project. He stated the floodway and floodplain encompassed most of the property so the high flow events went under the bridge that was added as a condition.

Council Member Gruber asked staff to speak to the neighbors' assertion of related flooding of houses and property in the area. Mr. Rachael stated the development would be required to meet the City code in that regard and staff would review the site plan through the civil plan process. Council Member Gruber asked where the water flowed in the area. Mr. Rachael stated from Parker Road to the west, noting the development would need to be raised two feet above the base flood elevation for the residences as called out in City code.

Council Member Lawson referenced the amount of open space in the area and asked how much open space would be lost. Mr. Pachner pointed out the development related to a private golf course area that was not used at this time. He noted there were opportunities in the site plan phase to add green space back into the project.

Council Member Watson asked Mr. Pachner to speak to the need to redevelopment the property to ensure its viability. Mr. Pachner did so, noting it was an important transaction that the 200 acres remained. Council Member Watson asked if there was additional acreage that would be developed as well. Mr. Pachner answered affirmatively.

Council Member Bergan asked Mr. Pachner to speak to the vote of the membership to sell the course due to financial issues. Mr. Pachner did so, noting there were 342 active members and 67 percent of the members voted and 74 percent of those voted in favor of the annexation process.

Council Member Murillo referenced the economic analysis and asked if the median income of \$85k related to most of the Ward VI area. Mr. Pachner stated it related to the existing

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multi-family properties in the immediate area. Council Member Murillo asked the proposed price point of the rental product.

Mr. Nicotra stated the conceptual average rent would be \$1850 per month. Council Member Murillo asked if that was for a one-bedroom unit. Mr. Nicotra stated the \$1850 was an average rent, noting a one-bedroom unit would most likely rent for approximately \$1500 per month.

Council Member Bergan asked if that was consistent with the rent in the existing area. Mr. Nicotra stated it was consistent but was at the higher end of the range because these were new and of high quality.

Council Member Murillo asked if the applicant considered a lower price point for any of the units. Mr. Pachner stated the applicant went through extensive analysis on affordability, noting there was not a mechanism in place to demonstrate certain affordability but noted the applicant has made a commitment to City staff to contribute \$100k to the City's Land Trust Fund for that concern.

Council Member Lawson asked how many stakeholder meetings the applicant has held. Mr. Pachner stated two thus far and related the applicant's commitment to host small group meetings in that regard.

*MAYOR LEGARE CALLED FOR A TEN-MINUTE RECESS*

Mayor LeGare asked those present in support the item to stand. He estimated approximately 50 people standing. He then asked those present opposed to the item to stand. He estimated approximately 50 people standing.

Gary Livingston; Chris Grant; David Kowalski; Jill Meakins; George Holland; Roxane England; David Jewell; Greg Carter; Grant Carter; Jim Bahne; Carl Ishmael; Vicky Low; Robert Clark; Bob Lansford; Sarah Sinicki; and Annette Jewel, spoke in opposition to the item due to negative impacts to the neighborhood such as loss of open space, increased traffic and density and flooding due to poor drainage and suggested the country club assess their members for the capital improvements instead.

Tim Lucas; Keith Harper; Steve Bye; Cathy Fleishmann; Tom Markham; and Mike Duggan, spoke in support of the item due to the high quality of the project, improved sales tax revenue to the City, additional residents to support the Cornerstar retail operation, compliance with the City's Comprehensive Plan, and provision of a better vision for the corridor and transportation.

Council Member Bergan asked for clarification regarding the floodplain concerns raised by some of the speakers. Mr. Grant returned to the podium to discuss the floodplains that used to be several hundred feet back behind his home. He stated the development impacted the water that was usually stored upstream that was now at the 100-year flood sub-line. Council Member Bergan asked Mr. Grant if it was his opinion that there was a direct correlation between the flooding and the development. Mr. Grant answered affirmatively.

Mr. Rachael stated the floodplain revision process was underway which would adjust the floodway as it encroached on this property and adjacent properties. He stated the City would expect that process to be completed prior to anything being permitted for construction and the development would be required to meet the City guidelines for detention.

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Mr. Pachner clarified the applicant was not a part of the process whatsoever. He further discussed drainage and the floodplain and how the applicant was required to meet all drainage and floodplain issues.

Council Member Bergan asked if the development would alter the floodplain. Mr. Pachner answered no.

Mr. Rachael clarified there were a few residents on Helena Street that were downstream from the development and the impacts were unknown until the CLOMAR process was completed.

Council Member Bergan asked if those homeowners would have recourse if their homes flooded as a result of the development. Mr. Rachael stated the City would not approve the development with those negative impacts.

Council Member Berzins stated Valley Acres was located in Centennial and they have had flooding for a long time and questioned what the City of Centennial did about that.

Ms. Lamboy noted there have been changes in the area over the last 20 years. She stated these issues came up whenever there was a development application and the flooding issues were more regional in nature.

Council Member Berzins noted her confusion as to why continued flooding of these residents' homes was allowed.

Ms. Lamboy noted her understanding that it had been getting worse over time.

Council Member Gruber asked if there was a deed restriction that required the golf course to remain as it was. Ms. Lamboy stated she was unaware of any deed restrictions, noting the City considered those to be private agreements. Council Member Gruber stated it appeared that a property owner had property rights to do whatever they wanted with their property.

Mr. Pachner agreed with Ms. Lamboy that there were no deed restrictions on the property and that it was privately owned.

Council Member Watson asked if the floodplain has shifted. Mr. Pachner stated the CLOMAR process was generated due to the roadwork along Arapahoe Road which shifted the floodplain. He reiterated that situation did not have anything to do with the applicant's proposed development because it could not be approved until it was moved out of the floodplain.

Mr. Rachael concurred, noting development, mapping, construction and time have caused the floodplain to shift. He pointed out the applicant must comply with City code in terms of water detention and release.

Council Member Bergan pointed out the five impacted homeowners paid a premium for a golf course lot and asked how the applicant planned to work with those impacted neighbors. Mr. Pachner noted the homeowners have suggested options such as purchase property or various mitigation. He pointed out there was a very large retail development adjacent to these homes and that developer figured out ways to work with these neighbors in terms of loss of views. He reiterated the applicant would work with the five homeowners. Council

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Member Bergan asked if the five homes would be adjacent to the two, three or four-story units. Mr. Pachner reiterated the site plan was conceptual at this point.

Mayor LeGare closed the public hearing on the item. He noted item 12a required a super majority vote of the City Council to move it and the other three related items forward.

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

Mayor Pro Tem Roth stated his support of the item, noting his belief that it complied with the City's Comprehensive Plan, was an appropriate development for the area, it would supplement the retail in the area and the applicant would work with the neighbors to negotiate their concerns. He addressed the neighbors' behavior at the community meeting held on the item where they chose to attack City staff, noting it was completely inappropriate. He stated he was proud to live in and represent the City of Aurora and he took offense at the innuendoes made against the City.

Council Member Watson discussed the development process and suggested some of the concerns such as water flow from the lot would have to be resolved prior to the item moving forward. He pointed out 1500 golf courses closed in the United States each year and noted the benefit of saving the golf course should be considered.

Council Member Johnston referenced a speaker comment that suggested Aurora did not care about protecting those not in Aurora, noting the City had the best planning staff. She pointed out the City and the City staff were separate from the City Council therefore, she noted she, as a council member, did not take offense at the comment because of the Council's consistent lack of taking what the people wanted into account. She stated she would not support the item because these were regional issues that needed to be addressed and the neighbors as a whole should be supported because they saw the bigger picture. She addressed Council Member Gruber's comment related to the location of the South Metro Fire Station. She pointed out City of Aurora taxpayers did not pay for South Metro and it was the City's Fire and Police services and the cost to the City that should be considered when approving plans and development. She pointed out it was her opinion that amending the vision of the Comprehensive Plan was not responsible City planning.

Council Member Hiltz expressed appreciation to those who spoke on the item and discussed her struggle with the process. She noted on one side, she acknowledged the irresponsibility of annexation in an area where services could not be provided but understood that one small apartment complex should not be punished for the City's failures. She commended the applicant on their efforts in reaching out and working with council members to address their issues. She did not agree that the project would revitalize the Cornerstar development. She discussed her recent visit to the neighborhood where she was able to view it at scale rather than on a map and noted it changed her perspective. She stated she could not support something that would negatively impact people who have invested their life savings in their homes, or the idea that the City would subsidize new amenities for a private country club. She expressed appreciation to the resident who took time to speak with her during her visit to the neighborhood.

Council Member Murillo concurred with Council Members Hiltz and Johnston's comments. She addressed the housing piece, noting the pros must outweigh the cons in terms of annexation approval and she did not think they did in this instance. She pointed out there were approximately 450 units and rent at \$1800 per month for 12 months was \$720k per month at full capacity. She compared that revenue with the \$100k housing investment and concluded the contribution was not substantial enough. She discussed all of those who deserved to live, work and afford to live there. She stated her appreciation for the Land Trust contribution but reiterated it was not enough. She stated she would not support the item.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Mayor LeGare asked what would happen to item 12a at this point. Mr. Brotzman stated the other three items were left open or deferred in the chance that item 12a would be called up to be reconsidered by someone from the prevailing side, which was one of the nay votes. He noted otherwise all of the items would fail should that not occur.

Mayor LeGare stated his understanding of the process.

Mr. Brotzman concurred.

- ♦ b. **R2019-95**  
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 20, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Valley Arapahoe Land Development) 15.6 acres  
**Presenter:** Mark Geyer, Project Manager, General Management
- ♦ c. **2019-66**  
PUBLIC HEARING and Consideration of an Ordinance of the City Council of the City of Aurora, Colorado, annexing 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. (Annexation 15.6 acres) (Valley Arapahoe Land Development)  
**Presenter:** Mark Geyer, Project Manager, General Management
- ♦ d. **2019-67**  
PUBLIC HEARING and Consideration of an Ordinance of the City Council of the City of Aurora, Colorado, zoning 15.759 acres of land, more or less, generally located at the Northeast Corner of S. Chambers Way and East Arapahoe Road, within the County of Arapahoe, State of Colorado, to mixed-use Corridor District and amending the zoning map accordingly (VALLEY ARAPAHOE INITIAL ZONING)  
**Presenter:** Heather Lamboy, Planning Supervisor, Planning & Development Svcs

Motion by Roth, second by Gruber, to defer items 12b, 12c and 12d to the October 7, 2019 City Council meeting.

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

Voting Nay: Johnston, Lawson

13. **RECONSIDERATIONS AND CALL-UPS**

Mayor LeGare asked the Council if anyone who voted against the Science & Technology Blight Study would consider calling up the item for reconsideration to allow for the Aurora Urban Renewal Authority (AURA) to have new revenues coming in for assistance in northwest Aurora. He noted no one answered affirmatively.

14. **GENERAL BUSINESS**

None

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15. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, September 26, 2019 at the Moorhead Rec Center at 6:00 p.m. and her plan to do her best to attend the Morris Heights Neighborhood Watch meeting which was scheduled for the same date and overlapped a bit. She noted people often remained to chat after the ward meetings ended and she apologized in advance to the Morris Heights residents in case she did not make their meeting. She noted Morris Heights was relatively new to her constituency and she was doing her best to integrate how best to engage with them.

Council Member Hiltz discussed her attendance at the recent International Fallen Firefighters Memorial Wall in Colorado Springs where 250 firefighters' names, who have died in the line of duty including occupational cancers, were added to the wall to be honored and memorialized. She expressed appreciation to the Fire Union for the invitation to attend and encouraged her colleagues to do so next year as it was a very moving event.

Council Member Richardson stated his frustration that Aurora Animal Care killed another dog that some in the community might have wanted to rescue. He stated he requested the City Manager impose a 30-day moratorium on killing any more dogs until someone could review the City's Animal Care's methodology.

Council Member Bergan discussed her attendance at the recent Aurora Public School's Foundation Gala and the Fairfield Village's ribbon cutting of a gate she worked with the Homeowners Association and a private business to put into the neighborhood.

Council Member Berzins announced the Ward III meeting was scheduled for Wednesday, October 9, 2019 at the City Café at 6:30 p.m. where ballot measures would be discussed and noted the morning meeting was scheduled for Thursday, October 17, 2019 at the Aurora Hills Golf Course Tin Cup restaurant at 7:15 a.m.

Mayor Pro Tem Roth announced the Ward V Town Hall meeting was scheduled for Wednesday, October 9, 2019 at the Heather Gardens Clubhouse at 7:00 p.m. where the annual candidate forum would take place.

Council Member Gruber apologized to the Tollgate Crossing residents whose homes required police protection because of the Abolish Ice - Denver and Antifa protest that took place there. He stated the source of that came from a Facebook post from the Arapahoe County Democratic Party Chairman which listed ways to help Aurora regarding the GEO Group and holding corporations accountable. He listed the candidates that the Arapahoe County group supported.

Council Member Murillo called a point of order to state Council Member Gruber was lying because he cannot state those comments were directly linked.

Council Member Gruber stated he was reading from the post and continued to do so. He noted there was a call to action to get involved with direct action groups such as Abolish Ice

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Denver but to be aware of the legal consequences of doing so. He stated the people who harassed, intimidated residents in Tollgate Crossings were all direct action groups that were encouraged by the Arapahoe County Democratic Party Chairman.

Council Member Johnston stated it was irresponsible, wrong and untrue for a council member to link the Arapahoe County Democratic Party Chairman and the candidates running with the protest, noting there was no connection or correlation. She stated it was simply more propaganda because those people did not organize the protest. She stated her hope that City Council could begin to strive for decorum on how they communicated with each other as the example they set by twisting information around for political reasons was beneath them. She announced the Ward II Town Hall meeting was scheduled for Thursday, September 26, 2019 as well as the opening of the Steven D. Hogan Parkway.

Council Member Watson raised the topic of the City Council vote on the Anschutz campus which made the statement that Bio Science research was not needed in Aurora. He noted doing so denied AURA funding which provided funds for affordable housing as well as jobs to build that housing. He stated it held the campus hostage because there was not a fire resource and he suggested they should receive the benefit of Council and Council failed them. He asked the citizens to continue to watch the Council votes because they might notice a shift in the responsibilities of some of the council members.

Council Member Murillo stated it was completely appropriate for the City Council to consider tax incentive dollars and to be critical about where they went and how they impacted the community. She stated she supported Bio Science but not at the cost of existing residents. She stated Council Member Watson's statements were purely for political gain considering it was an election year. She agreed council members' voting records and their comments should be aligned. She stated her agreement with Council Member Johnston's comments regarding the need to reevaluate how the Council utilized the public's time rather than using the public comment portion of the meeting to attack each other. She stated she stood by her votes and expressed appreciation to the Mayor for allowing council the opportunity to speak at this time.

Council Member Hiltz concurred with Council Members Johnston and Murillo and urged Council to remain consistent in their votes and comments on and off the dais and to be honest with themselves on their intent. She stated there was a bias on the dais against women and Democrats. She noted it was unfortunate that the taxpayers had to interpret the information coming from City Council including death threats against several of the council members as a result of slanderous propaganda shared by their colleagues. She suggested the council should do their research prior to speaking on an issue.

Council Member Richardson stated the Fitzsimons Redevelopment Authority (FRA) and the University of Colorado were being '*held hostage*' for the betterment of the Aurora taxpayers and the men and women of the Aurora Fire Department.

Council Member Lawson agreed the lack of decorum on the council was terrible and it made them all look bad. She stated she was not against industry or business but was for what was right for the people. She stated she was very consistent with her voting record, noting people's votes determined how they would lead in the future. She discussed the problem with voting on ideology and labels rather than on good projects for the City.

Mayor LeGare stated he was retiring and was neither a Republican nor a Democrat and therefore had no investment in either side but wanted to point out that both sides of the

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council lacked decorum and could do better in that regard. He agreed both the conservative and progressive sides have made equally outrageous statements. He noted he met regularly with the Adams County and Arapahoe County Mayors and he has heard from them that the Aurora City Council was a really good council that worked well together compared to other cities.

16. **PUBLIC INVITED TO BE HEARD**

Daija Jenkins recounted the tragedy that occurred on August 24th, 2019 when her friend, Elijah McClain, was beaten and killed. She described Mr. McClain as a person whose life mattered, who did not do anything wrong, who was a runner, a son, brother and friend to many. She requested he be declassified as a suspect and for the body camera footage and autopsy report to be released.

Council Member Johnston stated it was rude that two council members were leaving and apologized to the speaker.

Ellen Woo stated her comments were directed at the two council members who left (Gruber and Watson), noting there was a promise of fire services during the turnover of Fitzsimons but that did not happen and it has been 20+ years since then. She stated this was not a hostage situation but was about accountability instead. She wondered why certain council members continued to protect GEO when they were elected to represent all Aurora citizens and not just interest groups.

Darlene January stated she agreed with Council Members Hiltz, Johnston, Lawson and Murillo's comments and that was why she requested an apology. She stated she was the founder of the Resistance 5280 and was an organizer of rallies around Denver. She stated she lived in Aurora since 2006 and never rallied in Aurora until now because she could see the behavior of officials who badgered women on the Council and she would not stand for it.

17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 11:55 p.m.

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BOB LEGARE, MAYOR

ATTEST:

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Stephen J. Ruger, City Clerk  
[SEAL]

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