MINUTES

Regular Meeting – Aurora City Council
Monday, November 4, 2019

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 5:01 p.m.

ROLL CALL

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, 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:	Johnston

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Roth, second by Hiltz, 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 NOVEMBER 4, 2019 AND CALL TO ORDER**

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

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

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

   COUNCIL MEMBERS ABSENT: None

3. **INVOCATION** Pastor Topazz McBride, Restoration Christian Fellowship

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 21, 2019**

   Motion by Roth, second by Berzins, to approve the minutes of the meeting of October 21, 2019, as amended.

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

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6. **CEREMONY**

a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

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

Name	Board or Commission
Eric Fitzgerald	Aurora Fox Arts Center Board
Kristoff Kerr	Aurora Youth Commission
Lynne Evans	Historic Preservation Commission
Alexandra Davis	Homestead Steering Committee`
Alexandra Davis	Joint Water Authority
Brenda Perea	Library Board

b. Pancreatic Cancer Month Proclamation – Mayor LeGare

Mayor LeGare invited Derek Camacho; Sue Thomas; Becky Morales, November Awareness Chair; and Joy Facine, to come forward. He read the proclamation declaring November Pancreatic Cancer Awareness Month.

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

Council Member Johnston stated she was aware that many of those who signed up to speak at the meeting were present to speak about Elijah McClain. She stated her understanding that City Council protocol allowed speakers three minutes to speak without any give and take and without receiving any answers. She discussed her participation at a recent Town Hall, which Council Member Hiltz also attended, where excessive use of force was discussed. She listed all those entities present, noting there was not however enough time to really address the issue. She pointed out she and several other council members have been talking with Aurora Police Department (APD) who were also very frustrated with the lack of information that could be shared. She expressed appreciation to those present, noting they would be heard and that she wanted to share that APD and the Aurora City Council planned to host a series of community meetings to address citizen concerns and to provide answers. She noted it was difficult to do so during the Council meetings because issues could not be appropriately addressed by Council at that time. She discussed the importance of figuring out a way to release information that would not jeopardize the case and prevent justice from being served. She confirmed she was in pursuit of an independent review entity that would be separate from these meetings who would discuss transparency and how information was presented on cases such as Elijah McClain. She assured everyone, who has spoken and/or who planned to speak, that they have been heard and stated she would reach out to the leaders who organized the groups to speak so they could have their dialogue. She noted the media was also welcome.

Carlos Valdez, Denver Communist, spoke in opposition to the proposed ordinance to restrict picketing.

Joshua Acosta stated his support for Elijah McClain and his family and the release of the information. He discussed holding the police responsible.

KD discussed Elijah McClain, the Fourth Amendment, the need for police accountability and training and the institution of an oversight board.

Sophie Scholl discussed her experience attending the protest against the GEO Detention Center Warden's home, the brutal murder of Elijah McClain, and the abhorrent actions of Chief Metz and Aurora Police Department. She spoke in opposition to the proposed restricted picketing ordinance and asked City Council to sever their relationship with the GEO Group and to abolish ICE.

Mick Hawthorne raised the topic of Elijah McClain and discussed the need for an oversight committee. He asked that the reports be released, that those individuals responsible for Mr. McClain's death be held accountable, for correct systems to be put in place to save others and for the abolishment of concentration camps.

Martina Will requested City Council act on the part of truth and transparency and to do right by Elijah McClain, his family and the community by instigating an independent investigation into his death.

Erin Lackore discussed her fear that one of her students would be the next victim of violent racism in Aurora and suggested the City Council should be as well, noting it was their responsibility to do so. She stated those not actively working to dismantle systemic racism were enabling it.

Holly discussed how Elijah McClain was treated by Aurora Police because he was black and she demanded the police officers involved be held accountable, that the body camera footage be released, that an oversight committee be created and that there be citizen input into the hiring of the next police chief.

Julia Schuster asked for justice for Elijah McClain and stated she stood in solidarity with his family and loved ones. She requested the body camera footage be released and that the police officers who were responsible for Mr. McClain's death be held accountable.

Mylene Vialard spoke in support of Elijah McClain and his family. She referenced _Talking to Strangers_ by Malcolm Gladwell, specifically the Sandra Bland case and urged City Council to read it. She requested City Council release the footage of Mr. McClain's death, to have an independent oversight board for police misconduct and for citizen input into hiring the new police chief.

Andrea Chavez read a writing by her son, "Just Because" and discussed the need for City Council to do better in terms of hearing the people they represented who shared their feelings and pled their cases.

Tyrone Newsom discussed his near-death experience and the execution of Elijah McClain at the hands of Aurora Police. He demanded the release of all body and dash cam footage, the immediate firing of the officers and officials involved, the recognition of free speech and the end of the Aurora Police Department's aiding, abetting, and hiring of right-wing extremists.

Darlene Jones requested the City Council call for an independent investigation into the use of ketamine on people detained by APD and discussed the misuse and abuse of ketamine throughout Aurora and the country. She addressed Council Member Gruber and requested an apology to the three council women who attended the vigil at the GEO ICE facility as well as to Council Member Lawson.

DeAndre Young stated killing a man of color was not serving the community and every police officer took an oath to do so. He stated those officers who tortured Elijah McClain should be in prison as it was a hate crime and pointed out it was the City Council's job to put forward laws that would prevent what happened to Mr. McClain from happening to anyone else.

April Young expressed appreciation to all those present in support of Elijah McClain and his family. She called out those council members who opposed the third-party oversight committee for the Aurora Police Department and noted the efforts being made to prevent those council members' reelection. She requested the release of the videotapes of Mr. McClain's death.

MAYOR LEGARE RECESSED THE MEETING DUE TO DISRUPTIONS IN THE AUDIENCE

Mayor LeGare stated the speakers' time would be limited to two minutes rather than three and noted the modified procedures were a result of the audience disruptions.

Council Member Murillo mentioned she and Council Members Hiltz and Johnston went to the back of the chambers during the recess to make sure the speakers knew they were with them physically to lend support. She stated she did not support the amended rule and expressed appreciation to those who were present to speak.

John Craig spoke about the dangers of corruption and criminal activity in the City and requested the City Council take responsibility to make changes for the sake of good police officers and the people of the community.

Elizabeth Koenck, Smoky Hill High School International Baccalaureate candidate, expressed her extreme sympathy to those present who were speaking on behalf of Elijah McClain and presented her personal project goal on the refugee crisis in the Central African Republic.

Lillian House discussed the death of Elijah McClain by police brutality, addressed Council Member Gruber, and demanded the City Council take decisive action to push for the release of all video and audio records of the incident, that the names of all officers involved be made known to the public and that they stand trial. She discussed the failings of the existing police review board and the need for more oversight and justice for Mr. McClain.

Devin Dobias stated the need for justice for Elijah McClain, for an independent review of the City's police force, and to do something about the GEO ICE facility. He discussed the Hemp Moratorium on new cultivation and stated his opposition to it.

Cynthia Breceda expressed appreciation to those present in support of Elijah McClain and stated her support for justice for Mr. McClain. She requested the GEO ICE facility be closed and stated black lives mattered. She spoke in opposition to the Westerly Creek and Tollgate Creek construction project on Florida Street and asked the City Council to reconsider their support of the project.

Mark McMillan expressed condolences to Elijah McClain's family and stated the citizens of Aurora deserved better. He discussed the dangers of ketamine and stated his support for an independent assessment and his respect to those who served the community as police officers. He stated his appreciation to those council members who stood with the speakers, noting the importance of listening to the speakers' words in honor of the loss of Mr. McClain.

Candice Bailey stated the City Council was a reflection of America and discussed white privilege on the Council and in the world. She addressed Council Member Gruber, stating he represented the Alt-right and discussed his radio show interviews. She stated the City Council was chosen by the people to represent the people and the Council was failing because they refused to change policy. She stated the Council refused to look at where the money went and they continued to allow people of color to be killed and jailed because of their skin color. She expressed appreciation for the council members.

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Ani Ross discussed her friend and co-worker, Elijah McClain and stated he did not deserve to die the way he did. She stated she did not understand why those responsible were not being punished. She asked Council Member Johnston if she was the Ward council member for Ward I where Mr. McClain was killed.

Council Member Johnston answered no, noting it was Council Member Murillo.

Ms. Ross asked why the police officers involved in Mr. McClain's death were not being punished.

Council Member Murillo stated that was what the City Council was trying to figure out. She stated she supported oversight and accountability in that regard.

Ms. Ross pointed out those responsible would be punished already if they were not police.

Council Member Murillo stated she understood Ms. Ross' frustration.

Ms. Ross asked Council Member Richardson to look into installing a concrete bench and pad at the corner of Wheeling Way and Yale bus stop.

Council Member Richardson agreed to do so.

Edith Henke discussed the murder of her nephew in 1990 and the continued support the family received from the Portland, Oregon Police Department. She requested the City Council stand up for Elijah McClain.

Randee Webb listed her personal City Council ballot choices and expressed her hope that everyone would vote. She stated she would not vote for those on City Council up for re-election who supported Oil & Gas.

Aubrey Valencia discussed the Aurora Sentinel photograph of Elijah McClain in the ICU after his attack and the lack of racial equality progress since the Civil Rights Movement. She expressed her hopes and prayers for her daughter and other young people of color to be safe when in contact with police. She addressed Council Member Johnston and asked her to do more than ask for a police oversight board such as changing use of force laws in Colorado.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

After continued disruption by a group of audience members, Mayor LeGare moved the meeting into the Aurora Room to avoid Aurora Police having to forcibly remove or arrest approximately 20 members of the audience who were loudly protest chanting in Council Chambers.

9. ***CONSENT CALENDAR - 9a-w***

General Business

a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Englewood, Colorado in the amount of $356,919.00 to add resident engineering services during construction and Programming and Electrical, Instrumentation and Control (EI&C) Coordination for Phase 2 for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project.
Presenter: Elizabeth Carter, Principal Engineer, Aurora Water

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b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Ferguson Enterprises, Aurora, CO in the total not to exceed amount of $100,000.00 to purchase plumbing supplies as required for the Facilities Management Division of Public Works through October 31, 2020. (B4274)
Presenter: Lynne Center, Deputy Director PW Operations, Public Works

c. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Vievu, Seattle, WA in the amount of $286,899.00 to provide Body Worn Camera hardware and software services for the Aurora Police Department through October 31, 2020. (R1717)
Presenter: Chief Nicholas "Nick" Metz, Police

Council Member Johnston noted she called the item out because bodycams have been a recent topic of discussion. She stated she would support the item because she understood that not to would leave the City without bodycams. She asked staff to speak to the search for a new vendor in that regard.

Paul O'Keefe, Interim Police Chief, did so, noting the item related to the last year of a five-year contract for bodycam services. He stated the City planned to move to a Request for Proposal (RFP) in 2020 for a new body-worn camera system, noting one of the concerns country-wide was the propensity for body cameras to dislodge during physical activity. He pointed out that concern would be a large part of what the City looked into in terms of manufacturer. He noted a solution was currently being sought in that regard.

Council Member Hiltz concurred.

Motion by Hiltz, second by Johnston, to approve item 9c.

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

d. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Littleton, Colorado in the amount of $495,080.00 to provide engineer and programming services during construction the Griswold GWPF PLC Conversion and Upgrade Project.
Presenter: Elizabeth Carter, Principal Engineer, Aurora Water

e. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Kennedy/Jenks Consultants, Inc., Lakewood, Colorado in the amount of $336,575.00 for providing construction phase services for the Smoky Hill Pump Station Improvements Project, R-1869.
Presenter: Sarah Young, D/D Planning & Engineering, Aurora Water

f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CE Power Systems, Inc., Denver, Colorado in the amount of $79,480.00 for Tallyn's Reach Police Department #3 Portable Generator Connection, Project Number 5739A.
Presenter: Katrina Rodriguez, Facilities Project Delivery Mgr, Public Works

g. Consideration to EXTEND A COMPETITVELY BID CONTRACT for fire uniforms to Gall's, Denver, Colorado in the amount not-to-exceed $100,200.00, B-4401.
Presenter: Mathew Wasserburger, Assistant Director of Fire Mgmt Svcs, Fire

h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Liberty Waste Management, Englewood, Colorado for portable toilet rental services in the not-to-exceed amount of $105,000.00 as required through November 30, 2020.
Presenter: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space

i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Treatment Equipment Inc., Golden, Colorado in the not-to-exceed amount of $82,000.00 for Evoqua Water Technologies equipment, parts, and certified technical services for the annual upkeep of chlorine, chlorine dioxide, and ammonia systems at the Griswold, Wemlinger, and Binney Water Purification Facilities as from December 1, 2019 through November 30, 2020.
Presenter: Bobby Oligo, Manager of Water Treatment, Aurora Water

j. Consideration to Approve an Amended Contract for the City Manager.
Presenter: Dianna Giordano, Director of Human Resources, Human Resources

k. Consideration Employment Agreement by and between the City of Aurora, Colorado and Daniel L. Brotzman
Presenter: Dianna Giordano, Director of Human Resources, Human Resources

l. Consideration to AWARD A COMPETETIVELY BID CONTRACT to Colorado Barricade Company, Denver, Colorado in the amount of $159,999.00 for the 2019 Bike Lane Improvements - Signing and Striping Plans, Project Number 5747A.
Presenter: Libby Nordeen, Engineering Technician Supervisor, Public Works

Motion by Berzins, second by Bergan, to approve items 9a, 9b and 9d – 9l.

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

Final Ordinances

♦ m. **2019-72**
Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora, Colorado, relating to the General Employees' Retirement Plan, and other related matters.
Presenter: Nancy Wishmeyer, Controller, Finance

Mayor LeGare raised his hand at times to prompt the vote but did not vote.

Motion by Bergan, second by Murillo, to approve item 9m.

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

♦ n. **2019-73**
Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, vacating a portion of the public right-of-way between East Smoky Hill Road and South Yellowstone Court, and a portion of a nearby roundabout, in the City of Aurora, County of Arapahoe, State of Colorado and reserving a public access easement therein (YELLOWSTONE WAY STREET VACATION)
Presenter: Brandon Cammarata, Senior Planner, Planning & Development Services

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

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

For purposes of considering the following items 9o-t, the City Council will be acting ex officio as the Board of Directors of the General Improvement

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Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively

♦ o. **2019-74**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2007 (Cherry Creek Racquet Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

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

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

♦ p. **2019-75**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2008 (Peoria Park) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

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

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

♦ q. **2019-76**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 3-2008 (Meadow Hills Country Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

Motion by Gruber, second by Berzins, to approve item 9q.

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

♦ r. **2019-77**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of Pier Point 7 General Improvement District 2-2009 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

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

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

♦ s. **2019-78**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 2-2011 (Aurora Conference Center) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

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

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

♦ t. **2019-79**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of Cobblewood General Improvement District 1-2016 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Mike Shannon, Debt & Financing Administrator, Finance

Motion by Watson, second by Berzins, to approve item 9t.

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

The following items u-w are 2020 Budget related Ordinances

♦ u. **2019-80**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adopting an operating and capital improvements projects budget for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Greg Hays, Budget Officer, Finance

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

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

♦ v. **2019-81**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, establishing the tax levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2020, and ending December 31, 2020.
Presenter: Greg Hays, Budget Officer, Finance

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

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

♦ w. **2019-82**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2020 and ending December 31, 2020.
Presenter: Greg Hays, Budget Officer, Finance

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

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

10. **RESOLUTIONS**

♦ a. **R2019-99**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to Approve Designating the Carlson-Holzer House Located at 1287 Chester Street, Aurora, Colorado, as a Local Historic Landmark.
Presenter: Drake Brownfield, Museum Specialist, Library & Cultural Services

Motion by Murillo, second by Johnston, to approve item 10a.

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

♦ b. **R2019-100**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to Approve Designating the Melvin-Lewis Cemetery Located at 5600 South Parker Road, Aurora, Colorado, as a Local Historic Landmark.
Presenter: Drake Brownfield, Museum Specialist, Library & Cultural Services

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

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

♦ c. **R2019-101**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving modification to the Collection Agreement between the City of Aurora, Colorado, acting by and through its utility enterprise and the United States Department of Agriculture, U.S. Forest Service, Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, Leadville Ranger District. (COLLECTIVELY "THE PARTIES")
Presenter: Richard Vidmar, Ibes Services Manager, Aurora Water

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

♦ a. **2019-84**
PUBLIC HEARING AND Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 42.902 acres more or less in the vicinity of 56th Avenue and E-470 from Mixed-Use Regional District (MU-R) to Mixed-Use Airport District (MU-A) and amending the zoning map accordingly (HARVEST MILE REZONE) Planning Commission recommended approval by a unanimous vote at the October 9, 2019 meeting.
Presenter: Deborah Bickmire, Planner II, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

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

Diana Rael, Norris Design, gave a presentation on the item.

Mayor LeGare closed the public hearing on the item.

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

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

12. **ORDINANCES FOR INTRODUCTION**

♦ a. **2019-85**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the BOWIP Metropolitan District Nos. 1-2 and authorizing the execution of an Intergovernmental Agreement between the City of Aurora Colorado and the Districts.
Presenter: Cesarina Dancy, Development Project Manager, General Management

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

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

♦ b. **2019-86**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving a Vested Right Development Agreement between the City of Aurora Colorado, and Majestic Commercenter II, LLC containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in the Northwest Quarter of Section 25, Township 3 South, Range 66 West of the Sixth Principal Meridian, County of Adams, State of Colorado.(Majestic Commercenter II)
Presenter: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor LeGare recognized Randall Hertel present for the applicant.

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

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

♦ c. **2019-87**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving the Second Amendment to the Annexation Agreement between the City and Freund Investments, a partnership, dated August 28, 1973, in book 1893 at page 166 of the records of Adams County, Colorado as amended by the First Amendment to Annexation Agreements by and between the City and Aurora Business Center, a Colorado Limited Partnership, dated August 11, 1980 and recorded October 14, 1980 in book 2499 at page 493 of the records of Adams County, Colorado.
Presenter: Vinessa Irvin, Manager of Development Assistance, General Management

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

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

♦ d. **2019-88**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring a moratorium on all New Cultivations of Industrial Hemp for a period of ten months.
Presenter: Robin Peterson, Mgr of Marijuana Enforcement, Finance

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

Mayor Pro Tem Roth stated the moratorium was put in place because there was no way to tell the difference between hemp and cannabis without laboratory testing.

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

13. **ORDINANCES FOR FINAL**

♦ a. **2019-83**
Consideration of AN ORDINANCE FOR APPROVAL of the City Council of the City of Aurora, Colorado, amending certain sections of Chapter 138 of the City Code of the City of Aurora, Colorado, relating to services for the provision of water. ***Ordinance 2019-83, Introduced 9-1 (Berzins voting no) at the October 21, 2019 Council meeting.***
Presenter: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

Motion by Watson, second by Bergan, to approval item 13a.

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

Voting Nay: Berzins

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

a. Consideration to appoint two (2) members to the Public Defenders Commission
Presenter: Stephen Ruger, City Clerk, General Management

Motion by Berzins, second by Watson, to appoint Frances Brown and David Kaplin to the Public Defenders Commission.

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

16. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by Council

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Council Member Hiltz announced the appointment of Regina Edmondson to the Business Advisory Board and expressed appreciation to Randy Hertel for once again donating space for the Toys for Tots program for the duration of the holiday season. She stated Aurora Community Outreach Team (ACOT) activated twice recently with all of the cold weather so a lot of people were relocated to shelters. She discussed her attendance at the recent Highlands Sneak Preview and the Fire Ops Demo Day and expressed appreciation to both Aurora and Denver for having her at the event.

Council Member Richardson recommended, in order to save Aurora Police resources, the City Council adopt the protocol that the meeting be moved into the Aurora Room as soon as control of the meeting was lost. He noted the disruptive group forfeited their right to a decent, professional, constructive, and productive meeting at that point and moving the meeting allowed Council to continue with the people's business. He pointed out otherwise the police would mobilize and clear the Council Chambers and that could prove to be problematic.

Council Member Berzins announced the Ward III November meetings were canceled.

Council Member Bergan concurred with Council Member Richardson's recommendation, noting what happened previously was not productive and should not happen. She noted the City Council was cursed at and yelled at for something they could not affect in terms of the Elijah McClain case. She stated productive discourse was one thing but the public statements directed at Council were vile and distasteful. She noted she had never seen anything like it in her time on Council. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, November 20, 2019 at the Police & Fire Training Center where a presentation on changes to the water billing system would be provided.

Council Member Johnston agreed it was not good for the Aurora Police Department (APD) to be put in the position of escorting people from the Chambers and to be vilified in that fashion. She expressed appreciation to all levels of APD particularly their leadership. She stated one of the reasons the meeting went as it did was that people came to the meetings to speak on an issue because it was the only opportunity for them to do so. She expressed her hope that it would be more effective to hold a series of meetings to address the independent oversight as well as APD outreach in the community and press to discuss how to distribute information. She stated she felt deeply for the concerns that were raised but noted the importance of a fair and thorough investigation for Elijah McClain therefore, it was necessary to work with the District Attorneys to provide information and education through the media and forums and to provide more opportunities for public input besides the Public Invited to Be Heard portion of the agenda. She noted she would be working with staff to set up dates for those additional meetings.

Council Member Murillo announced the next Ward I Town Hall meeting was scheduled for Thursday, November 21, 2019 at the Moorhead Recreation Center which would most likely be a debrief of the state, county and local elections. She clarified she offered her constituents the opportunity to skip that meeting because of the holidays but she was outvoted. She stated she was caught off guard by one of the speakers who spoke on behalf of Elijah McClain who was asking for answers that the City Council did not yet have. She stated there were two issues which were how to create justice for the case of Elijah McClain and the creation of a review board. She stated her support of a review board and for having as many conversations as possible to determine what that process looked like. She stated she did not think anyone was attempting to rush the process but noted that people thought it was taking longer than it should. She stated her support of additional conversations with

APD to reach a resolution that was satisfactory to people who were feeling hurt. She expressed her hope that the City Council and APD could get on board with that.

Council Member Watson stated he has learned through conversations with APD that they were having more challenges in the community from the lack of respect demonstrated at the City Council meetings. He pointed out not all of the people who came to the meetings did so on their own but were asked to attend by groups and APD was aware of this. He stated his understanding that APD was in fear of people attacking them based on the information the City Council could not provide. He expressed his hope that the City Council would pay attention to how their actions impacted the City and how a police officer could be harmed as a result of the ramping up action of getting people heard. He stated he agreed people should be heard but the smaller side meetings resulted in the Council losing control because people refused to honor the rules of the meeting. He stated his hope that if that was going on, that Council would not continue that effort for the sake of the police officers who would have to approach the crowd. He stated his hope that the City Council could tone it down and respect what was being accomplished in the building.

Mayor LeGare concurred with Council Member Richardson and asked Council for suggestions as to how the public could address Council if the meeting were moved. He suggested City Council could suspend the rules and have all of the public testimony at the end of the meeting and if it was still disrupted then Council could move into the Aurora Room. He pointed out the City Council and the new Mayor would have to take control and do something because, as was demonstrated, there was no decorum or respect whatsoever and that could not continue. He agreed with APD's concerns regarding what would be done if those disrupting the meeting refused to stop or leave. He stated his belief that the group would have loved for the police to be put in the position of forcibly removing them so they could make a bigger scene.

Council Member Richardson pointed out moving the speakers to the end of the meeting would not stop the disruptive behavior and reiterated it would send a message to move the meeting as soon as the clapping and clicking started.

Mayor LeGare asked what would happen to the Public Invited to Be Heard once the meeting was moved. Council Member Richardson stated the Public Invited to Be Heard would be an unfortunate victim of the hecklers' veto.

Mayor Pro Tem Roth concurred, noting there needed to be clear direction from the Chair prior to Public Invited to Be Heard to make it very clear that the meeting would be moved if it were interrupted where Council could not conduct business.

Mayor LeGare noted for the record that while the agenda item was Reports by the Mayor and Council, the discussion was necessary due to the unprecedented nature of the situation.

Council Member Johnston asked if that would be the same for those who came to speak on agenda items. Mayor LeGare answered no, noting those who signed up to speak to a specific agenda item would be brought in one by one. He pointed out the meeting would still be recorded and televised and if those who were disruptive chose to leave the Chambers then Council could return to finish the meeting. He noted it would be up to the people who were disruptive because they could watch the video of the current discussion and know Council's plans for any future disruption. Council Member Johnston asked if a meeting with APD and the community could be scheduled prior to the next City Council meeting on Monday, November 18, 2019. She pointed out doing so would allow a dialogue about Elijah

McClain rather than a one-sided conversation. She stated people were frustrated that the Council meetings were their only forum. She stated she would attend the meeting and let them know it was in lieu of their attendance at the City Council meeting. Mayor LeGare stated the speakers were disrespectful of the process and the full City Council would not pursue a meeting as a group to discuss what the police were doing. He suggested Council Member Johnston speak with Jim Twombly, City Manager, in that regard. Council Member Johnston clarified it would be a public meeting and she wanted to provide the speakers with an alternative means of addressing and communicating their questions and comments.

Mayor LeGare asked the City Manager to reach out in that regard.

Council Member Bergan asked if a motion was needed to implement Council Member Richardson's recommendation.

Council Member Richardson answered no, noting it was the Chair's prerogative.

Mayor LeGare concurred, noting he agreed that the meeting would be moved to the Aurora Room if the Public Invited to Be Heard was disrupted. He stated Council would raise their hands to vote, speakers would be called in and Public Invited to Be Heard would be suspended. He agreed it would be unfortunate for those who were not speaking on one of the protest issues but noted sometimes the majority hindered the minority.

Council Member Murillo disagreed. She stated she took issue with lumping all of the Public Invited to Be Heard speakers together because there were often speakers who had a legitimate issue they wanted addressed in a timely fashion.

Council Member Berzins noted Chief O'Keefe held a press conference recently where he explained the City could not disclose information that might risk skewing a trial and then the press wrote articles stating otherwise accusing the City of hiding information and that was what the City had to overcome. She pointed out the Council received an email from Chief Metz confirming the same information that was provided by Chief O'Keefe. She stated she did not know how the City could overcome the misinformation beyond continuing to state the truth.

Council Member Gruber explained a public meeting attended by two council members was not a public meeting but one that was attended by three council members was and those full rules must be followed. He stated he agreed with having public meetings but did not agree with having Council meetings without the full consent of Council.

Mayor LeGare stated a public meeting to talk about the discussion could be posted and every council member could attend.

Council Member Berzins asked if the recent Town Hall meeting was posted. Council Member Johnston answered no, noting it was not a City Council meeting but was rather a legislative Town Hall meeting.

Council Member Hiltz pointed out there have been multiple Town Hall meetings where more than two council members attended and they were not advertised as open public meetings were simply Town Halls that were publicly posted. She noted it would have to happen anyway as a way for Council to get the information out about a public meeting.

Mayor LeGare asked the Council how many of them would be in favor of Council Member Richardson's suggestion that the Public Invited to Be Heard portion be canceled should the meeting be moved to the Aurora Room due to disruption. He recognized seven hands raised in favor. He agreed with Council Member Murillo that there were citizens that might have an issue that needed to be addressed so he suggested he could make an announcement that those with an issue could be heard at the end of the meeting or they could take up their concern with their Ward council member. He stated based on the earlier disruption, the Public Invited to Be Heard portion of the agenda would have to be suspended until the Mayor had control of the meeting again.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:05 p.m.

____
BOB LEGARE, MAYOR

ATTEST:

____
Stephen J. Ruger, City Clerk
[SEAL]

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