

MINUTES

Regular Meeting – Aurora City Council Monday, November 18, 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, Watson
COUNCIL MEMBERS ABSENT:	Richardson, Roth
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 Bergan, second by Berzins, to recess for executive session.

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

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF NOVEMBER 18, 2019 AND CALL TO ORDER

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

2. ROLL CALL Stephen Ruger, City Clerk

COUNCIL MEMBERS PRESENT:	Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. INVOCATION Minister Patricia George, Restoration Christian Fellowship

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 4, 2019

Motion by Watson, second by Berzins, to approve the minutes of the meeting of November 4, 2019, as amended.

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

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6. **CEREMONY**

- Swearing in of new City Attorney Daniel Brotzman – Judge Dana Spade

Judge Dana Spade administered the oath of office of City Attorney to Daniel Brotzman. Mayor LeGare and City Council congratulated Mr. Brotzman and thanked him for his service to Aurora.

- National Alzheimer's Disease Awareness Month & National Care Giver Month – Mayor LeGare

Mayor LeGare invited Rosalyn Reese; Randy Reese; Marlene Franco; Jeanette Early; Nadine Cornish; and Sylvia Waller to come forward. He read the proclamation declaring November 2019 as National Alzheimer's Disease Awareness Month & National Caregiver Month. Ms. Reese expressed appreciation for the proclamation.

- National Native American Heritage Month – Mayor LeGare

Mayor LeGare invited Shawna Maher; Steven McCloskey; Rick Waters; Queana Maher and Romeo McCloskey to come forward. He read the proclamation declaring November 2019 as National Native American Heritage Month. Mr. Waters expressed appreciation for the proclamation.

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

Mayor LeGare discussed the Public Invited to be Heard procedures and pointed out if those procedures were not adhered to then the Public Invited to be Heard agenda item would be canceled and the City Council would move the meeting into the Aurora Room to finish the business of the City without the public. He stated the meeting would be streamed so the public could watch.

Council Member Johnston pointed out significant testimony related to Elijah McClain had been provided at recent City Council meetings. She stated those present who planned to speak on behalf of Mr. McClain could still do so but noted there would be another opportunity as well. She announced a community meeting with the National Association for the Advancement of Colored People (NAACP) was scheduled for Tuesday, November 26, 2019 at Restoration Christian Fellowship at 6:30 p.m. She stated the meeting would provide the opportunity for a more in-depth dialogue and she invited all those interested in attending to do so so they could be heard. She noted council members would be available for one-on-one conversations as well.

Jerry Furman recommended a recount for Mayor because there were ballots that were not mailed in that were therefore not counted and discussed the rule against opponents taking down other candidate's signs.

Mayor LeGare agreed the signs did often disappear.

Michael Terry updated City Council on his dog, Aurora, and expressed appreciation to Council for their service to the citizens of Aurora. He stated his intent to push the 'Do Not Bully or Politic My Bully' campaign to remove the breed ban in Aurora. He mentioned a Denver Post article related to the potential closing of Aurora Central High School due to academic standards on standardized

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testing not meeting state requirements. He stated his to bring the American Bully Kennel Club (ABKC) Junior Handler's Program and show to Aurora and that location.

Dena McClung discussed her involvement and experience in public service and how Council Member Richardson helped her and her neighbors mitigate their concerns related to an unsafe intersection in Ward IV. She expressed appreciation to Council Member Richardson for his efforts in that regard and encouraged the remainder of City Council to follow his example and listen to their constituents.

Dick Moore discussed the recent public speakers at City Council meetings, noting most of them did not represent the way he felt about things and that was why he chose to speak. He believed there were a lot of people who thought the way he did and pointed out the unfairness to Council when 30+ people spoke on the same subject when the Council had City business to do. He noted he had strong opinions about certain things such as: the trailer park, which he saw as a free enterprise situation; the half-naked man who spouted negative comments was embarrassing; he agreed with Council Member Gruber's comments from the floor but not that he made them from the floor; and his belief in preservation of the City's law and order. He expressed appreciation to Mayor LeGare for his service to Aurora.

Kristin Mallory expressed her shock at the brazen *Blue Lives Matter* symbolism displayed on the dais especially given the state of turmoil in the City from police violence and protesters regarding Elijah McClain's death. She pointed out that while wearing the t-shirts might be meant to support and honor the work and sacrifices of law enforcement, the symbolism was used by White Supremacist and Neo-Nazis because it co-opted the *Black Lives Matter* movement and repurposed it to shift focus onto law enforcement. She stated the Council's display made it very clear that Elijah McClain and black lives did not matter.

Council Member Richardson stated police officers put their lives on the line every time they put a uniform on, noting those who did not acknowledge that should be happy because the next City Council would be the most anti-police Council the City has had in its history.

Edith Henke spoke in opposition to the sale of mineral rights for the purpose of drilling wells elsewhere that would be drilled horizontally to these minerals and discussed the impact those sales would have on the City of Aurora and its residents and businesses. She asked City Council to rethink the situation and the rush to make a decision, noting the people of Aurora were the Council's employers and not the other way around.

Ellen Woo stated her view of the City of Aurora, noting it was not a *Welcoming* or *All-American City* but was rather a place of hate, discrimination, gentrification, disparity, displacement, and marinization. She discussed the City Council's demonstration of their desire to shut down First Amendment rights; their lack of knowledge regarding red-lining, the 14th Amendment, Deferred Action for Childhood Arrivals (DACA), refugee and immigration rights; and questionable spending. She noted the need for an independent forensic financial audit of GEO and City expenditures and the police department especially as it related to assault.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

General Business

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

- a. Consideration to approve a Professional Agreement in the amount of \$112,000 in 2020 between the city of Aurora, and Aurora Sister Cities International
Outside Speaker: Karlyn K. Shorb, CEO Aurora Sister Cities International
- b. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$1,867,675.00 in 2020 between the City of Aurora and Visit Aurora, Inc. Destination Marketing Organization.
Presenter: Michael Bryant, Lead Communications Specialist, Communications
- c. Consideration to AWARD A SINGLE SOURCE Contract to the Aurora Economic Development Council (AEDC), Aurora, Colorado in an amount not to exceed \$550,000 for services to retain, expand, and attract companies and employment within the City of Aurora.
Presenter: Chad Argentar, Project Manager, Planning & Development Services
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Motorola Inc., Westminster, CO in the amount of \$702,224.10 to provide annual support for the P25 Trunked Radio System used by Public Safety and Public Works personnel through December 2020.
Presenter: Aleta Jeffress, Chief Info & Digital Officer, Information Technology
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to TSI Legal, Incorporated, Tampa, Florida in the amount not-to-exceed \$90,000.00 for subpoena process service through November 30, 2020.
Presenter: Julie Heckman, Deputy City Attorney, City Attorney
- f. Consideration to AWARD A SOLE SOURCE CONTRACT to the 18th Judicial District Juvenile Assessment Center, Centennial, Colorado in the amount of \$210,186.00 to provide services to delinquent and at risk juveniles through December 31, 2020.
Presenter: Julie Heckman, Deputy City Attorney, City Attorney
- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Garney Companies, Inc., Littleton, Colorado in the amount of \$6,370,000.00 for the 24 Inch and 36 Inch E. 56th Ave. Pipeline from Picadilly Rd. to Harvest Rd., Project No. 5745A.
Presenter: Steven Fiori, Project Delivery Svcs Mgr, Aurora Water
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to W. L. Contractors, Inc., Arvada, Colorado in the amount of \$288,349.00 for the Heather Gardens Way Pedestrian Crossing, Project #18035.
Presenter: Matthew Kozakowski, Transp Proj Delivery Mgr, Public Works
- i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Ferguson Waterworks, Aurora, Colorado in the amount of \$165,658.00 for the purchase of four (4) 36" Victaulic® butterfly valves with electric actuators for installation as part of the Griswold Water Purification Facility (WPF) Finished Water Reservoir Repairs and Clearwell Valve Replacement Project.
Presenter: Elizabeth Carter, Principal Engineer, Aurora Water
- j. Consideration to AWARD A COMPETITIVELY BID CONTRACT to SNR Technologies, Katy, Texas in the amount of \$163,445.35 for the purchase of anthracite and sand filtration media for two filters at Griswold WPF and two filters at the Wemlinger WPF Project, Project No. B-4474.
Presenter: Elizabeth Carter, Principal Engineer, Aurora Water

- k. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Loomis, Aurora, Colorado in the amount not-to-exceed \$60,000.00 for armored car services, RFP R-1972.
Presenter: Nancy Wishmeyer, Controller, Finance
- l. Consideration to Increase in funding to a SINGLE SOURCE CONTRACT in the amount of \$159,265.00 for additional environmental investigations at and around the previously closed landfill near Highway 30 and Mississippi Avenue. **(Staff Requests a Waiver of Reconsideration)**
Presenter: Karen Hancock, Planning Supervisor, Planning & Development Services
- m. Consideration of the Agreement to Undertake and Pay Costs of Severance Study (For Streetlight Acquisition)
Presenter: Michael Lawson, Manager of Community Development, Finance

Motion by Watson, second by Roth, to approve items 9a – 9m with a waiver of reconsideration of item 9l.

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

Final Ordinances

- ♦ n. **2019-87**
Consideration of AN ORDINANCE FOR ADOPTION 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 Bergan, to approve item 9n.

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

- ♦ o. **2019-88**
Consideration of AN ORDINANCE FOR ADOPTION 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 Berzins, to approve item 9o.

Council Member Johnston stated her support of the item because the state was finalizing the difference between cannabis and hemp and security and a moratorium was a responsible way to address policies as those issues were sorted out.

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

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10. **RESOLUTIONS**

- ♦ a. **R2019-102**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Havana Business Improvement District.

Presenter: Chad Argentar, Project Manager, Planning & Development Services

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

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

- ♦ b. **R2019-103**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing Directors to fill vacancies on the Fitzsimons Village Metropolitan District No. 1, 2, & 3 Board of Directors.

Presenter: Mark Geyer, Project Manager, General Management

Mayor LeGare recognized Nicole Finco, Spencer Fane, LLP, representing the applicant, who was present for questions.

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

Council Member Gruber pointed out the area involved a change of directors based on people who had an option on property but the option fell through based on other property being purchased. He asked if the previous board made financial decisions that would encumber the new board and if so, have those decisions been disclosed,

Vinessa Irvin, Manager of Development Assistance, General Management, answered affirmatively, noting they have been disclosed and a letter would be sent to the Management & Finance (M&F) Committee as soon as the new board members took over.

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

- ♦ c. **R2019-104**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Inclusion of Real Property into the boundaries of the Aurora Crossroads Metropolitan District Nos. 1-3.

Presenter: Jacob Cox, Senior Dev Project Manager, General Management

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

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

- ♦ d. **R2019-105**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for Parkside at City Centre Business Improvement District.

Presenter: Jennifer Orozco, Project Manager, Planning & Development Services

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

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

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- ◆ e. **R2019-106**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Fitzsimons Business Improvement District.

Presenter: Carol Toth, Manager of Accounting, Finance

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

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

- ◆ f. **R2019-107**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Porteos Business Improvement District.

Presenter: Carol Toth, Manager of Accounting, Finance

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

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

- ◆ g. **R2019-108**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Citadel on Colfax Business Improvement District.

Presenter: Carol Toth, Manager of Accounting, Finance

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

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

- ◆ h. **R2019-109**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Painted Prairie Business Improvement District Number One.

Presenter: Carol Toth, Manager of Accounting, Finance

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

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

- ◆ i. **R2019-110**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Painted Prairie Business Improvement District Number Two.

Presenter: Carol Toth, Manager of Accounting, Finance

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

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

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- ♦ j. **R2019-111**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2020 Operating Plan and Budget for the Tower Business Improvement District.
Presenter: Carol Toth, Manager of Accounting, Finance

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

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

- ♦ k. **R2019-112**
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 Colorado Department of Transportation (CDOT) regarding funding for the Havana Street Corridor Study.
Presenter: Huiliang Liu, Senior Planner, Planning & Development Services

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

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

- ♦ l. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a one year increase in contributions by the City and the Employees to the Aurora Police Pension Plan.
Presenter: Terri Velasquez, Director of Finance, Finance

ORIGINAL MOTION

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

AMENDMENT I

Motion by Richardson, second by Bergan, to amend item 10l to make the increase permanent.

Terri Velasquez, Director of Finance, noted an ongoing annual increase to the general fund of approximately \$1,048,000 would be realized should the amendment pass.

Council Member Gruber asked if the general fund was balanced beyond 2020. Ms. Velasquez stated the five-year projection was not in balance and noted salary and benefit increases were included in the five-year projection and those increases included proportionate increases to the pension plan. Council Member Gruber stated his understanding that meant the City could not afford a \$1M increase at this time.

Ms. Velasquez clarified other priorities would have to be changed in order to make it work.

Council Member Johnston stated her opposition to the amendment. She noted the item was discussed at the budget workshop and everyone agreed to commit to reviewing different options for the pension. She pointed out this was the first time she has heard of an amendment to make it permanent and she did not think it was good policy to support the permanent increase without having the financial backing in place.

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Council Member Richardson asked how many Aurora police officers left for Denver this year.

Jason Batchelor, Deputy City Manager, answered five.

Council Member Richardson asked if Denver had another lateral class coming up. Mr. Batchelor stated his understanding that would take place in March of 2020. Council Member Richardson asked how much it cost to train an Aurora police officer. Mr. Batchelor was uncertain of the answer. Council Member Richardson suggested \$120k per officer.

Mr. Batchelor agreed that was a figure he was familiar with. He noted 10 firefighters left Aurora for Denver this year.

Council Member Richardson asked the cost to train a firefighter. Mr. Batchelor stated the cost was similar.

Council Member Hiltz pointed out Council was aware of the serious problem with officers leaving the department, with pay and defined benefits and with resources. She agreed these issues definitely required review and work but noted she would not support the amendment because there have been multiple budget conversations on the issue and it would not be fiscally responsible to support it.

Mayor LeGare noted he did not vote on resolutions but did have a vote on motions to amend. He stated he would not support the amendment because there had been extensive discussions in the annual budget workshop. He suggested the motion presupposed that Council was aware of exactly what the police bargaining unit wanted for the Aurora Police. He stated extensive discussion with that organization was required to determine exactly what they were looking for and how the City could help stem the departure of police officers from City service. He pointed out there were different issues such as higher pay and/or better benefits a defined benefit plan that had to be considered. He stated the meeting was an inappropriate forum to discuss the issue at length.

Council Member Bergan asked if one or the other of these items; the permanent increase should it pass, or a pension plan similar to that of City employees, would supersede the other. Ms. Velasquez stated they would both be under the same umbrella and the amendment would allow for a choice. Council Member Bergan asked if the City would be alleviated from funding for their portion of the current plan for those officers who chose the defined benefit plan. Ms. Velasquez answered no, noting they would have the same contribution whether they chose the defined benefit or defined contribution portion.

Council Member Watson stated that while he agreed it would be great to provide the increase for the police, he would not support the amendment because he felt it was important to provide the incoming Council with a balanced budget.

VOTE ON AMENDMENT I

Voting Aye: Bergan, Roth, Richardson

Voting Nay: LeGare, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Watson

VOTE ON ORIGINAL MOTION

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

- ♦ m. **R2019-113**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the Economic Development Incentive Agreement between the City of Aurora, Colorado, (The "City") and Shamrock Foods Company, (THE "TAXPAYER").
Presenter: Chad Argentar, Project Manager, Planning & Development Services

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

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

- ♦ n. **R2019-114**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the Economic Development Incentive Agreement between the City of Aurora, Colorado, (The "City") and RK Mission Critical, LLC, a Colorado Limited Liability company (THE "TAXPAYER").
Presenter: Chad Argentar, Project Manager, Planning & Development Services

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2019-84**
Consideration of AN ORDINANCE FOR ADOPTION 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

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

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

- ♦ b. **2019-85**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION 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

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item.

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Mayor LeGare recognized Elisabeth Cortese, McGready Becher, PC, representing the applicant, who was present to answer questions and hearing none, closed the public hearing on the item.

Motion by Gruber, second by Bergan, to approve item 11b.

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

- ♦ c. **2019-86**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION 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 opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item.

Mayor LeGare recognized Randall Hertel, representing the applicant, who was present to answer questions and hearing none, closed the public hearing on the item.

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

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **R2019-116**
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving the service plan for the Buckley Metropolitan District Nos. 1-4 and authorizing the execution of Intergovernmental Agreement between the City and the District.
Presenter: Jacob Cox, Senior Dev Project Manager, General Management

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item.

Mayor LeGare recognized Zachary White, representing the applicant, who was present to answer questions and hearing none, closed the public hearing on the item.

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

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

13. **ORDINANCES FOR INTRODUCTION**

- ♦ *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. **2019-89**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2018-54, and 2019-17 for the 2019 fiscal year. (Fall Budget Supplemental)
Presenter: Kerstin Claspell, Senior Management Analyst, Finance

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

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Metropolitan Wastewater Reclamation District Board Member Appointment
Presenter: Stephen Ruger, City Clerk, General Management

Motion by Gruber, second by Bergan, to appoint Bob LeGare to the Metropolitan Wastewater Reclamation District Board.

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

- b. Consideration to approve a lease agreement with Aspired Energy, Inc., for city-owned mineral rights within Section 1, Township 1 South, Range 67 West, 6th PM, Adams County consisting of a total of approximately 4.878 acres of land. **(This item also appears on the November 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2a of the Study Session Packet.) (This item also appears on the November 18, 2019 Study Session)**
Presenter: Hector Reynoso, Manager Real Property Services, Public Works

Sonia Skakich-Scrima discussed the leases, noting they were poorly prepared legal documents that clearly contradicted each other and failed to protect the rights of the City and its residents. She pointed out the map only showed four of the parcels and should be corrected to reflect all ten and noted it did not meet the Colorado Oil and Gas Conservation Commission (COCGG) regulations. She requested Council reconsider approval of the item until it was appropriately rewritten in order to provide leases that would protect Aurora and its citizens.

MOTION TO TABLE

Motion by Johnston, second by Hiltz, to table item 15b.

Council Member Johnston stated Ms. Skakich-Scrima articulated many of her issues, noting she heard from many people who found it challenging to access the information on the City website and in the Council's study session packet. She noted it was unclear and there was not adequate public input and review, particularly considered the passing of SB118. She noted the mineral rights leases were unsolicited proposals that went through the City process. She stated with the setback issues, the unplugged wells, the proximity to residential areas and the speed with which the item went to the floor for a vote, were ongoing concerns and why she would like to table the item.

Council Member Bergan asked if the item related to mineral rights rather than surface rights.

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Hector Reynoso, Manager, Real Property, answered affirmatively.

Council Member Bergan asked if the applicant had the right to drill at a different location. Mr. Reynoso stated they have applied for permits at a different location. Council Member Bergan stated the item related to a lease in case the applicant did drill.

Mr. Reynoso concurred.

Council Member Bergan stated the City would enter into an agreement to receive revenue and a royalty if they ever did drill.

Mr. Reynoso concurred.

Council Member Bergan stated the item did not relate to stopping Oil & Gas but rather was about whether the City wanted to enter into a mineral lease to realize revenue for the City at locations that were under City streets.

Mr. Reynoso agreed that was true for nine of the ten parcels identified in item 15c, noting the tenth was negotiated as non-surface use.

Council Member Bergan stated after receipt of the unsolicited proposal staff chose to go out to eight different entities to see if someone else wanted to provide the City with a better deal on the lease.

Mr. Reynoso concurred, noting staff received an unsolicited offer and selected the best offer to maximize those revenues.

Council Member Bergan asked Mr. Reynoso if it was his opinion that the item was a good thing for the City to pursue in terms of protecting mineral rights and being able to get a lease and revenue for the City. Mr. Reynoso answered affirmatively.

Council Member Gruber stated the City owned the land and mineral rights under its roads from left to right and its length.

Mr. Reynoso concurred.

Council Member Gruber asked if the horizontal drilling called out in residential areas would be over 7000+ feet deep. Mr. Reynoso answered affirmatively. Council Member Gruber asked if the question was whether or not the City wanted to receive a pre-negotiated amount for minerals located under City streets. Mr. Reynoso answered affirmatively. Council Member Gruber asked if the information was posted in accordance with state law. Mr. Reynoso answered affirmatively.

Council Member Hiltz clarified a majority of Council voted to move the item forward with a dual listing which was applicant-driven and not something the City required. She asked staff if there was any negative impact in tabling the item from a legal perspective. Mr. Reynoso confirmed staff requested Council support the item, noting the applicant did not have any input as far as City processes were concerned. Council Member Hiltz asked if staff supported the dual listing and moving the item through quickly.

Mayor LeGare stated it was the custom of the City Council to move items that were negotiated in Executive Session directly to the floor. He pointed out that could be changed in the future but that was the policy set forth by Council to this point. He stated the item

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was dual listed because he asked if Council wanted to dual list it, which he believed gave it more attention because it raised red flags.

Council Member Hiltz asked staff if there was any harm in tabling the item to gain more input or if it was staff's recommendation that the item be decided at the meeting. Mr. Reynoso stated it was Council's decision as to how to proceed and staff would fully support any decision made by Council.

VOTE ON MOTION TO TABLE

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

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

Council Member Johnston reiterated her opposition to the item related to the inconsistencies with the contract with state law in terms of SB181. She pointed out there was the potential threat of being force pooled when it was first presented to staff. She noted the state and COGCC continued to create guidelines, noting it had more than one mineral rights lease owner and that could potentially be force pooled of 45 percent or greater and the City owned 100 percent. She noted the importance of ensuring the City was following the law and suggested it was better to take a pause because this was a new era where climate change, quality of life, and SB181 reforms had to be considered and incorporated into City decisions.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo,

- c. Consideration to approve a lease agreement with Aspired Energy, Inc., for city-owned mineral rights within those lands identified on Exhibit A, 6th PM, Adams County consisting of a total of approximately 35.988 acres of land. ***(This item also appears on the November 18, 2019 Study Session) (Due to this item being dual listed, the backup is included in item 2b of the Study Session Packet.)***
Presenter: Hector Reynoso, Manager Real Property Services, Public Works

MOTION TO TABLE

Motion by Johnston, second by Hiltz, to table item 15c.

Council Member Johnston stated her reasoning behind tabling the item was the same as the previous item, noting the City needed to take more time to do their due diligence with the contract and to gain public feedback.

VOTE ON MOTION TO TABLE

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

Motion by Watson, second by Roth, to approve item 15c.

Council Member Johnston stated for the record that she opposed the item because of the need for more public input, to ensure the contract addressed issues, and to make sure the City complied with any new rule-making that addressed force pooling with SB181.

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

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Voting Nay: Hiltz, Johnston, Lawson, Murillo,

16. **REPORTS**

a. Report by the Mayor

Mayor LeGare noted this was his last formal meeting and confirmed he would be present at the next meeting when the new Mayor was sworn in. He commended all those who ran for the City election campaign and recognized Council Members-Elect Juan Marcano, Ward IV and Allison Coombs, Ward V, At-Large Council Member-Elect Curtis Gardner and Mayor-Elect Mike Coffman. He offered to share his experience and/or opinion to anyone who was interested.

b. Reports by Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, November 21, 2019 at the Moorheard Recreation Center at 6:00 p.m. noting a Spanish interpreter, music and dinner would be available. She invited the newly elected candidates to come and speak. She pointed out doing so would bring the conversation full circle since she held the previous candidate forum meeting. She noted she began each year asking people to raise topics they would like further information and discussion on but she was doing that in November this year because of higher attendance and to better plan for the upcoming year.

Council Member Hiltz addressed a speaker comment made earlier in the evening regarding council members wearing *Blue Lives Matter* t-shirts, noting the way City Council demonstrated support was through policy. She stated she did not agree with the insinuation that those on the left who were moving further left was indicative of being anti-police. She pointed out engaging the community in additional conversations about how things could be done better also did not equate to being anti-police. She stated she has publicly supported pay, benefit and resource increases and has expressed concerns about police leaving for Denver. She pointed out she was the only council member to draft and publish anything in support of the Fire & Police Pension Association (FPPA) Defined Benefit Plan and noted she continued to work with those relationships. She pointed out the insinuation that because someone had a different political view or were not informed of or provided a t-shirt meant they did not support the City's Police Department was insulting and made a very broad assumption that drove further division in the City. She pointed out there were some serious issues that needed to be addressed. She discussed the importance of community meetings, of City Council and Aurora Police sitting down with constituents who were impacted, with communities of color and the black community to talk about difficult decisions. She stated not doing so would perpetuate the existing division. She reiterated that she found the rhetoric disgusting that those who were striving to have these community conversations were anti-police. She announced she and Council Member Lawson were working on scheduling a Town Hall meeting in January.

Council Member Bergan expressed appreciation to Mayor LeGare for his years of service, particularly for his role as Mayor since the passing of Mayor Hogan. She stated it was not an easy job being on City Council, let alone being the Mayor, and stated she wished him the very best. She expressed appreciation to Council Members Richardson, Roth and Watson for their service as well. She discussed her attendance at the recent Veteran's Day ceremony where a World War II Veteran was recognized and honored. She stated the t-shirts were not meant to be disrespectful to anyone or to insinuate that support of the police was not support for someone else. She clarified the t-shirts were not '*Blue Lives Matter*' shirts, but were instead, '*Thin Blue Line*' which simply supported City police officers and she did not think anyone insinuated that those not wearing a

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shirt were not in support of the police. She noted the City had almost 700 police officers who put their lives on the line every day to protect and serve the City and personally, she appreciated and supported them. She reiterated doing so did not take away from any other situations happening in the City, noting she too was open to that dialogue. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, November 20, 2019 at the Police & Fire Training Center at 6:00 p.m. where a water presentation would be provided.

Council Member Berzins wished everyone a happy Thanksgiving and encouraged everyone to be kind and invite someone who did not have elsewhere to go to join them.

Council Member Lawson expressed appreciation to Ms. Sparks, Paris Elementary School, for bringing her students in for a tour and to Mayor LeGare for his interaction with those students. She discussed the importance of students learning about and engaging in local government.

Council Member Gruber stated he enjoyed working with those council members who were leaving the Council and wished them farewell. He discussed the success of the Sister City Trade Mission delegation to Japan.

Council Member Johnston expressed appreciation to Mayor LeGare and Council Members Watson, Roth and Richardson for their service to the City. She raised the topic of the upcoming Colorado Freedom Memorial events scheduled for November 21 – November 23 and discussed the importance and impact of those who were memorialized there. She noted luminarias would be lit in honor of those who were lost and volunteers were needed. She encouraged everyone to attend and to volunteer. She expressed appreciation to all Veterans who have served on the Council and to all those in the community.

Council Member Watson stated he was sad to be leaving but noted the future went on. He stated he was a strong proponent of the Aerospace and Aerospace education during his time on City Council. He discussed his attendance at the recent Innovation and Opportunity Conference. He stated Aurora had a bright future in that regard and announced local companies were offering Aerospace Engineering jobs and discussed the importance of supporting youth and education to that end.

17. **PUBLIC INVITED TO BE HEARD**

Paul Henrion, Second Vice-President, National Association of the Advancement of Colored People (NAACP)-Aurora, announced the Colorado Attorney General and the Colorado Coalition against Hate announced a public/private partnership against hate crimes. He noted that while there was still a lot to do in terms of hate crimes in Colorado, the cooperation between the NAACP-Aurora and the Aurora Police Department was excellent.

18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 9:24 p.m.

BOB LEGARE, MAYOR

ATTEST:

Stephen J. Ruger, City Clerk
[SEAL]

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