

MINUTES

Regular Meeting – Aurora City Council Monday, March 26, 2018

CALL TO ORDER – REGULAR MEETING

Mayor Pro Tem Berzins convened the regular meeting of City Council at 4:18 p.m.

ROLL CALL

PRESIDING: Berzins
COUNCIL MEMBERS PRESENT: Bergan, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth
COUNCIL MEMBERS ABSENT: Mayor Hogan,
OFFICIALS PRESENT: Interim City Manager Batchelor, City Attorney Hyman, City Clerk Blackston
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: None

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF MARCH 26, 2018 AND CALL TO ORDER

Mayor Pro Tem Berzins reconvened the regular meeting of City Council at 7:31 p.m.

2. ROLL CALL Linda S. Blackston, City Clerk

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

COUNCIL MEMBERS ABSENT: Mayor Hogan

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 MARCH 5, 2018

Motion by Roth, second by Bergan, to approve the minutes of the meeting of March 5, 2018, as presented.

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

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Abstaining: Berzins

6. **CEREMONY**

Proclamation - Animal Care and Control Appreciation Week – Mayor Pro Tem Berzins

Mayor Pro Tem Berzins invited Anthony Youngblood, Field Supervisor; Bryce Black, Animal Protection Officer; Sara Gazda, Animal Protection Officer; Marni Schear, Animal Protection Officer; Barb Webb, Animal Protection Officer; Nicole Robbins, Community Outreach Coordinator and Susan Herzberg, Animal Protection Officer, to come forward. She read the proclamation declaring April 9 – 14 as Animal Care and Control Appreciation Week. Each guest expressed appreciation for the proclamation.

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

a. Public Invited to be Heard on the 2019 Budget – Greg Hays, Budget Manager

Jennifer Knight, Aurora, Colorado, spoke in opposition to the dockless bicycle sharing program.

Council Member Johnston asked how many rides were documented since the implementation of the program.

Jason Batchelor, Interim City Manager, stated approximately 8,000 bike rides a month since the program began six months ago.

Council Member Johnston pointed out the item was discussed during City Council's recent winter workshop. She explained City Council was exploring putting in docking stations particularly near bus stations and high traffic areas as well as dedicating a study session to the issue.

8. **ADOPTION OF THE AGENDA**

The agenda will be adopted as amended with agenda item 10a moved to the April 9, 2018 study session and item 12a to be heard directly after item 10d.

9. **CONSENT CALENDAR - 9a-f**

General Business

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Thermo Electron North America, Madison, Wisconsin in the amount of \$127,999.99 to purchase a Spectrometer for the Police Department Crime Lab. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Chief Nicholas "Nick" Metz, Police
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Agilent Technologies Inc., Wilmington, Delaware in the amount of \$231,376.76 to purchase a Gas Chromatograph for the Police Department. STAFF SOURCE: Chief Nicholas "Nick" Metz, Police
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Axon Enterprises, Inc. (formerly Taser International) of Scottsdale, Arizona in the not-to-exceed amount of \$219,772.00 for the purchase of Taser brand taser units and accessories through March 31, 2019 for the Aurora Police Department. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)** STAFF SOURCE: Lieutenant Brian Kelly, Police
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Microsoft Corp., Reston, VA in the amount of \$111,765.00 for premiere software for Office 365 through April

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2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Versaterm Systems, Scottsdale, Arizona in the amount of \$222,137.00 for annual renewal of software maintenance on the Police Records Management and Mobile Report Entry Systems through March 2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Albert Frei and Sons, Inc., Henderson, Colorado in the not-to-exceed amount of \$229,500.00 for the purchase of aggregate materials as required through December 31, 2018. (B-4382) STAFF SOURCE: Thomas McMinimee, Street Operations Manager, Public Works

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

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

10. **RESOLUTIONS**

- ◆ a. **R2018-10**
 Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, clarifying taxpayer funds shall not be used for the indemnity of City Council, the Executive Staff of the City Manager's Office, Department Directors and Council Appointees for sexual harassment. (**Resolution R2018-10 tabled at the February 12, 2018 Council meeting.**) STAFF SOURCE: Daniel Brotzman, Client Group

ITEM REMOVED FROM THE AGENDA

- ◆ b. **R2018-18**
 Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the assignment of the City's private activity bond allocation for 2018 to the Aurora Housing Authority and providing other details in connection therewith. STAFF SOURCE: Anita Burkhart, Manager of Community Development, Neighborhood Services

Motion by Johnston, second by Richardson to approve item 10b.

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

- ◆ c. **R2018-19**
 Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an amendment to the Intergovernmental Agreement between Aurora, the Urban Drainage and Flood Control District, the Southeast Metro Authority, the Cherry Creek Basin Water Quality Authority, and Arapahoe County regarding final design, right-of-way acquisition, and Construction of Drainage and Flood Control Improvements for Cherry Creek at Arapahoe Road in Arapahoe County. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

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

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

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- ◆ d. **R2018-20**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Appointing Councilmembers Nicole Johnston and David Gruber as Directors of the Aerotropolis Regional Transportation Authority. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Richardson to approve item 10d with a waiver of reconsideration.

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

Item 12a was presented before Item 11a

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-06**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan to allow for the rezoning of two parcels of land from e-470 Regional Activity Center Subarea (E-470 RAC) to E-470 Medium Density Residential Subarea (E-470 RMED) (Cross Creek Comprehensive Plan Amendment) STAFF SOURCE: Jonathan Woodward, Planner, Planning & Development Services

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

Bill Mahar, Norris Design, representing the applicant, stated he was available for questions.

Jonathan Woodward, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezoning request of land from E-470 Regional Activity Center Subarea to E-470 Medium Density Residential Subarea.

Council Member Johnston stated she represented this area and she has spoken with many constituents regarding this item. She pointed out there was a lack of commercial development and retail in the area and asked staff to speak to what was anticipated for commercial and retail in the reduced parcels. Mr. Woodward did so, noting the applicant has agreed to provide 13 average-sized acres of retail with enough size set aside for a grocery anchor. He pointed out the type of retail was up to the applicant however.

Council Member Gruber pointed out retail followed rooftops and asked what was planned for retail and when it would be provided. Mr. Mahar discussed the history of the rezoning request, noting the applicant and owner agreed to and were willing to provide 13 acres of commercial but they did not have a plan for the south side at this time. He noted the applicant was interested in the flexibility of housing that could be developed on the south side and reserved a large footprint for commercial. Council Member Gruber stated his understanding that commercial was being considered but a commercial plan date had not yet been established.

Mr. Mahar concurred.

Council Member Bergan reiterated the fact that retail typically followed residential and asked if the applicant anticipated there would be commercial interest in the area once the residential was in place. Mr. Mahar answered affirmatively, noting the zoning allowed for a wide range of housing that would eventually provide for a large variety of commercial at the right time.

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Council Member Johnston asked the price point of the multi-family duplexes and whether they were home ownership or rental. Mr. Mahar stated they would be home ownership, noting the price point had not yet been established. Council Member Johnston asked how many homes were being built by Oakwood for Adonia and the adjacent Harmony housing development.

Mr. Woodward stated the Harmony development would be a few hundred homes for a 1000 acre master planned community. He stated he was not certain about Adonia at this time.

Council Member Johnston stated her understanding that Adonia proposed at least 400 homes and that the Harmony development proposed more than a few hundred homes. She discussed the residential growth in the area and the need for equivalent commercial growth. She pointed out the FTP was originally proposed with the commercial activity center prior to Harmony homes and Adonia being expanded. She stated she could not support more houses when she did not know the price point, particularly when her constituents were requesting more commercial development.

Kirk Williams, Aurora, Colorado, spoke in opposition to the item. He discussed the need for commercial development in the area and expressed concerns related to development in the area causing negative impacts on property values as well as to the water table that flooded his backyard.

Council Member Bergan asked staff to speak to the water table issue raised by Mr. Williams.

Kelly Neumann, Deputy Director, Aurora Water, stated she was not familiar with the issue.

Council Member Bergan referenced the backup material where it was stated that there were not any specific water table issues in the area and that any development that came into the area had to address their own flows and drainage issues to prevent any impacts.

Ms. Neumann concurred.

Mr. Woodward confirmed that was correct.

Council Member Johnston stated she would put in a Council request related to the issues raised by Mr. Williams.

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

Voting Nay: Hiltz, Johnston, Murillo

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-05**
PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, to Rezone 41.71 acres, more or less, generally located at the Southwest Corner of N Catawba Way and E 6th Avenue from E-470 – RAC E-470-RMED to allow for single-family duplex homes and amend the Aurora Zoning Map accordingly. **(Case Number 1999-2024-02) Recommended unananimously at the February 14, 2018 Planning Commission meeting.** STAFF SOURCE: Jonathan Woodward, Planner, Planning & Development Services

Mayor Pro Tem Berzins opened the public hearing on the item.

Jonathan Woodward, Planner, Planning & Development Services, provided a presentation on the item, noting it related to a rezone request to rezone 41.71 acres from E-470 – RAC E-470-RMED to allow for single-family duplex homes. He pointed out this included 13 acres designated for commercial development.

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Kirk Williams, Aurora, Colorado, spoke in opposition to the item. He discussed the need for commercial development in the area and expressed concerns related to the amount of development in the area causing negative impacts to the water table and property values in the area. He encouraged City Council to keep that in mind when reviewing this item.

Council Member Johnston asked staff to clarify how the rezoning was compatible with surrounding development. Mr. Woodward did so, noting the property to the south contained single-family detached residential. Council Member Johnston noted the backup notes referred to the City's Comprehensive Plan and asked the last date of the plan and when it would be updated.

Mindy Parnes, Planning Manager, stated the plan was currently dated 2009. She pointed out the item was not consistent because of Council's recent action to amend. She confirmed the plan was currently being updated and should be adopted by the end of the summer.

Council Member Johnston pointed out the plan was dated 2009 and it was now 2018 and the plan was being updated in 2018. She confirmed her plan to put in a Council request related to the water table concern raised by Mr. Williams, expressed concerns related to the growth and vision of Ward II and stated she would not support the item.

Council Member Hiltz echoed Council Member Johnston's comments, noting she too would not support the item. She stated her disappointment that the need for more commercial and less housing was not being met in this instance. She expressed appreciation to Mr. Williams for raising the water table issues, noting she was interested in reviewing the results of Council Member Johnston's request in that regard. She pointed out the commercial development would not only be a good tax base for the City but it would meet the needs of the residents who lived in that area. She stated knowing the price points and retail plans were important because while Richmond homes were nice, they were not always affordable.

Council Member Murillo agreed there was a need for clarity of price points because of the need for affordable housing in Aurora. She stated she could not support the item because it did not address the larger needs in the community.

Council Member Johnston asked how much of the City budget was generated by sales tax.

Jason Batchelor, Interim City Manager, stated approximately 55 percent.

Council Member Bergan reiterated the sales tax could not be generated without the housing development being in place.

Alison Coombs, Aurora, Colorado, pointed out there was existing residential in the area that needed commercial development.

Mayor Pro Tem Berzins closed the public hearing on the item.

Motion by LeGare, second by Bergan to approve item 11a.

Council Member LeGare stated he lived in the area and it was true that there was not any nearby commercial development. He pointed out the government did not build retail centers, they build things that are not profitable like recreation centers and fire stations and the private sector builds retail centers and grocery stores. He confirmed adding additional housing in the area brought the area one step closer to having retail in the area. He stated therefore he would support the item.

Motion by Legare, second by Bergan

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

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Voting Nay: Hiltz, Johnston, Murillo

Item 12b Continued

- ◆ b. **2018-07**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 94, Article III, of the City Code to prohibit the unauthorized use of a financial transaction device. STAFF SOURCE: Sergeant Daniel Courtenay, Police

Motion by Richardson, second by Bergan to introduce item 12b.

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

- ◆ c. **2018-08**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, enacting a Moratorium on the acceptance or approval of development applications for the redevelopment of mobile home parks within the City. STAFF SOURCE: Michael Hyman, City Attorney

AMENDMENT I

Motion by Murillo, second by Johnston, to amend item 12c, section III of the proposed ordinance with the addition of language stating "*in the event that for any reason the task force is unable to deliver the findings and recommendations prior to the end of this 10-month period, the City Council may adopt an ordinance extending the moratorium for the purpose of allowing the task force additional time to complete its work.*"

VOTE ON AMENDMENT I

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

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

Mayor Pro Tem Berzins asked those who were present in opposition to the item to stand, noting approximately six people did so.

Ron Starrett, Aurora, Colorado, spoke in opposition to the item.

Jason Batchelor, Interim City Manager, explained the proposed ordinance would put a moratorium on the City from processing or accepting development applications for the redevelopment of existing mobile home parks with the purpose of allowing Council to appoint a task force to study the issues around affordable housing and specifically the role mobile home parks played in helping the City meet the affordable housing needs in the City. Robert Evans, Aurora, Colorado, spoke in opposition to the item.

Michael Himawan, Aurora, Colorado, spoke in support of the item and asked those present who would be impacted by the item to stand.

Mayor Pro Tem Berzins recognized approximately 50 people standing.

Dean Antweiler, Aurora, Colorado, spoke in opposition to the item.

Council Member LeGare asked Mr. Antweiler if he knew if the mobile home park managers he met with were related to a larger corporate entity that owned multiple parks in multiple states. Mr. Antweiler stated he did not.

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Council Member Murillo stated her memory was the particular property owner owned multiple properties.

Council Member LeGare believed it was the outside expert that spoke at the study session that might have made the comment that there were multiple parks owned by the property owner.

Council Member Bergan asked if the moratorium included all of the mobile home parks in Aurora.

Mike Hyman, City Attorney, answered affirmatively.

Council Member Bergan asked why it was necessary to put the moratorium on all mobile home parks when the City was really just looking at this particular mobile home park owner. Mr. Hyman stated the concept of a moratorium was related to an issue involving land use and it gave a time-out from processing applications so that the broader issue could be considered. He pointed out it allowed a task force to study the general issue of mobile home parks and their role in providing non-regulated affordable housing. Council Member Bergan asked if the City was liable to be sued by any of the mobile home park developers. Mr. Hyman agreed that was always a possibility noting the important factor was whether the City had a defensible case which he believed they did under Colorado law. Council Member Bergan asked if the property owner could cite loss of income by not being able to sell his property. Mr. Hyman stated he could not speak to that without more factual information.

Council Member Gruber clarified property rights were not being addressed in this instance because the property owner could sell and manage their property under the moratorium. He pointed out zoning was the issue being addressed by City Council.

Mr. Hyman concurred.

Council Member Bergan asked if the property would have to be rezoned if the owner were to sell it to be anything other than a mobile home park. Mr. Hyman clarified the moratorium related to the land use application.

Council Member Murillo clarified the City Council was not singling out one particular mobile home park owner. She noted the purpose of the item was to explore affordable housing in Aurora. She stated the item would allow a task force to review the issue and to make recommendations. She stated the City Council viewed this as a global issue and they had a vested interest in housing their community members.

Council Member Hiltz echoed Council Member Murillo's comments related to this being a global issue. She stated unless Council was hearing from other park owners that they planned to redevelop their sites within the next 10 months because ten months was a small amount of time to address a very large issue. She stated if not then it was not an undue burden on other park owners. She asked if the City Council has heard from anyone or was anyone present to speak in that regard.

Council Member Bergan asked if all of the mobile home park owners had been notified of the moratorium. Mr. Bachelor answered no.

Maria Delores Chavez, through a translator, spoke in support of the item.

Council Member Hiltz suggested three additional minutes be given to those who required an interpreter.

Mayor Pro Tem Berzins concurred.

Shawn Lustigman, Denver Meadows owner, noted the City did not do anything in the last two years and asked what City Council was trying to accomplish with the 10 month moratorium. Council Member LeGare pointed out a lot of families would be displaced and asked Mr. Lustigman why he did not shut the park down. Mr. Lustigman pointed out he was the only owner in the state of Colorado who gave the residents two years to move instead of six months.

Council Member LeGare pointed out Mr. Lustigman was present because the City was planning to put a moratorium on his park because nothing was done.

Mr. Lustigman pointed out he was asked to talk to the tenants and he did but nothing was accomplished.

Council Member LeGare stated what he would have done if he owned the mobile home park which was to shut the park down when Council Member Richardson initiated the tabling of the motion to rezone the property.

Mr. Lustigman noted he was attempting to shut it down and reiterated that he gave the residents two years to move out.

Council Member LeGare pointed out Mr. Lustigman did not shut the park down because he continued to take rent.

Council Member Bergan stated her understanding that the City asked the owner to delay selling the park. She asked for clarification regarding the two year timeframe. Mr. Lustigman explained he notified the tenants that he wanted to shut down the park in the next two years and gave them the time to move out with a move out date of June 30, 2018 which he just extended to September 30, 2018. He noted he offered to help them move but they ignored him and filed lawsuits against him. He stated approximately 60 people moved out in that timeframe. He pointed out he has owned the park for 30 years and has never had this problem. He noted he decided to close the park when City Council decided to table the item. He discussed his sister's health issues and asked what the City hoped to accomplish with the moratorium. He added he was not notified of the meeting.

Council Member Murillo expressed appreciation to Mr. Lustigman for his attendance and comments, noting a counter narrative from the residents of Ward I has been heard as well. She pointed out the moratorium did not prevent the closing of the park and discussed the importance of affordable housing in the City and the intent of the moratorium and the task force was to talk about mobile homes as a source of affordable housing.

Mayor Pro Tem Berzins suggested Mr. Lustigman enter the conversation when he was contacted by the City in this regard in the future.

Council Member Hiltz asked Mr. Lustigman if there were cameras on his property. Mr. Lustigman answered affirmatively. Council Member Hiltz asked Mr. Lustigman if he sold or leased any properties or mobile homes after he notified the residents he planned to close the park. Mr. Lustigman answered affirmatively, noting he notified them the park would be closing on a certain date. Council Member Hiltz asked Mr. Lustigman if he had verifiable written proof that people were given the information. Mr. Lustigman answered affirmatively. Council Member Hiltz stated she would like to see that. She asked Mr. Lustigman if he turned off the water at the property without adequate notification to residents. Mr. Lustigman answered no. Council Member Hiltz asked Mr. Lustigman if he could provide written proof of that as well. Mr. Lustigman stated he did not provide notice when water lines breaks occurred. Council Member Hiltz asked if notification was provided when the water was turned off intentionally. Mr. Lustigman discussed management of a mobile home park. Council Member Hiltz asked Mr. Lustigman if he has been charging additional fees to residents who had children, an extra vehicle or visitors. Mr. Lustigman answered affirmatively, noting there were extra charges for anyone beyond whoever signed the

original lease. Council Member Hiltz asked Mr. Lustigman if he could provide written proof of the residents' consent in that regard. Mr. Lustigman answered affirmatively, noting it was all in the files. Council Member Hiltz reiterated her desire to review the written proof and asked Mr. Lustigman to contact the City Clerk in that regard. Mr. Lustigman invited Council Member Hiltz to visit the park anytime.

Laura Garcia; Ana Torar; Alison Coombs; Elisabeth Zacarias; Martha Lugo; Rosario Campos; Kristopher Grant; Onelia Hernandez; Andrea Chrigboga-Flor; Cesiah Guadarrama; Victoria Medisch; Petra Bennett; and Kristen Mallory spoke in support of the item.

Mark Shaner, representing the Denver Meadows property owner, discussed the current litigation related to the mobile home park and spoke in opposition of the item.

Council Member Richardson stated his support of the item and addressed the City Clerk, City Attorney and Interim City Manager and asked the date of the finaling of the ordinance and noted the effective date was tied to the publication of the final ordinance. He asked when the ten month moratorium would end. He stated his intention to amend the resolution to remove the language 'not to exceed and no later than.' He pointed out the task force was a key element in the process and noted it has not been stated who would be on the task force.

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

Council Member Hiltz expressed appreciation to the speakers and translators present. She referenced her conversation with the property owner and suggested those concerns be considered when deliberating this item. She discussed affordable housing in Aurora and how mobile homes were being taxed in Aurora at the residential rate. She urged Council to look at the overall picture, noting ten months was not too long of a time to reevaluate the situation.

Council Member Johnston expressed appreciation to those who attended the meeting and shared their experiences. She reiterated this issue impacted all mobile home community members and that everyone's input should be considered whether the text was the same or not. She stated the task force was consistent with the vision and growth of the City and she would support the item.

Council Member Lawson expressed appreciation to those in attendance and discussed the right of everyone to have options for where they lived in the City. She noted the importance of City leaders to make good decisions for their constituency overall. She stated her support of the item, noting her hope that the task force would address the issue of affordable housing in the City. She stated the importance of looking at things through others eyes.

Council Member LeGare stated he previously argued against the item because of property rights, however, he has decided to support the ten month moratorium because it did not have any practical effect on any of the other 11 mobile home parks in Aurora besides Denver Meadows. He cautioned the moratorium would not fix everything with regards to finding homes for everyone displaced in ten months. He expressed his hope that a non-profit entity could work with the mobile home park to look for a solution.

Council Member Bergan echoed Council Member LeGare's initial concerns related to property rights. She stated she would support the item in the hopes that the task force could determine a viable solution in the next ten months. She stated her hope that the task force would be made up of those who represented mobile home owners and the community.

Council Member Roth reiterated the City Council was voting on a ten month moratorium but not on any proposed redevelopment or rezoning. He expressed his appreciation to those who attended the meeting and shared their opinions. He stated he would support the item because it was the right thing to do. He encouraged staff, City Council and the community to bear in mind that the task force should be mobilized as quickly as possible and it should

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meet frequently in order to cover the necessary ground. He suggested the conversation around affordable housing should include condominiums and townhouses as it related to construction defect litigation in the state.

Council Member Richardson asked when the item would be back for final approval and what the effective date would be.

Mike Hyman, City Attorney, stated the final approval date would be April 9, 2018 and the effective date would be May 12, 2018.

Council Member Richardson concurred with Council Member Roth with regards to the task force.

Mr. Batchelor discussed the creation of the task force, noting Council could provide as little or as much input as they would like with regards to the makeup and tasks of the group. He stated the end date for the moratorium would be March 12, 2019.

Mayor Pro Tem Berzins asked if Council could email their requests in that regard. Mr. Batchelor answered affirmatively.

Council Member Murillo concurred. She stated her interest in learning best practices from other cities who have addressed this issue so that there was a fair and open process and agreed the task force should meet regularly.

Council Member Richardson stated practically speaking, there was another year for the mobile home residents and expressed his hope that the task force could come up with a solution in that timeframe.

AMENDMENT I

Motion by Richardson, second by Gruber, to amend item 12c by striking the 'no later than' language.

VOTE ON AMENDMENT I

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

VOTE ON ORIGINAL MOTION

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

Mayor Pro Tem Berzins expressed appreciation to all those who attended and spoke on the matter.

13. RECONSIDERATIONS AND CALL-UPS

Motion by Johnston, second by Richardson, to call-up the Eastern Hills Oil & Gas Permit.

Council Member Johnston stated the item was approved administratively and discussed the input she has received from no less than 75 residents. She noted the importance of a community meeting in this regard considering the number of citizen comments.

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Council Member Hiltz discussed her positive experience with the gas and oil tours. She stated her support for community meetings as well.

Council Member Bergan stated her support of the item and asked what would be accomplished during the timeframe. She expressed her understanding that an open house did take place on the matter. Council Member Johnston noted staff made a recommendation of a neighborhood meeting as well as light and noise mitigation. She discussed the importance of having City and ConocoPhillips representatives attend a neighborhood meeting.

Mayor Pro Tem Berzins asked Council Member Johnston if her hope was to have the neighborhood meeting prior to the item being heard by City Council. Council Member Johnston answered affirmatively, noting that was her preference but if it did not work out that way, at least there would be a call-up for a public hearing.

Council Member Gruber reiterated Council Member Bergan's comments related to the City process. He stated he would support the call-up but in doing so, would be on the look out to see if the City did anything incorrectly when following procedures in this regard.

Council Member LeGare stated he would not support the item. He discussed a previous time when a similar item was called up and was passed because it was determined that guidelines, rules and regulations were in place and staff followed them. He agreed this was a controversial issue but he did not support giving the impression that a public hearing would change the situation, noting doing so was a charade. He suggested City Council change the rules if there were issues with the administrative approval of oil and gas wells in Aurora.

Council Member Roth concurred with Council Member LeGare's comments.

Council Member Johnston stated the current make-up of the City Council would not allow the votes but suggested the community would be shown where Council stood on the issue, noting it also supported community involvement. She discussed her plan to propose reform in this instance.

Council Member Murillo discussed the importance of educating people and not creating false expectations. She discussed the City's authority with regards to oil and gas. She expressed her frustrations related to working under goals and priorities that she had no part in establishing.

Council Member Hiltz discussed processes and pointed out the unanimous vote this evening was a perfect example of the power of people sway how things got done.

Council Member Richardson suggested ConocoPhillips consider a neighborhood meeting.

Council Member Bergan expressed concerns that Council Member Johnston planned to call-up every oil and gas issue.

Council Member Johnston clarified she planned to call-up industrial zoned projects near residential areas.

Council Member Bergan asked if that were so even for those that have met the rules and ordinance requirements.

Council Member Johnston reiterated her plan to call up all industrial zoned projects in residential areas.

Council Member Gruber removed his support of the item, noting it did not make sense to make a show of people sharing their opposition to an item that was already approved based on the City's rules and regulations.

- ◆ ***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.***

Council Member Johnston stated these were located in residential areas. She expressed her hope that this would create more of a formal conversation between oil and gas developers and neighbors so that call-ups would no longer be necessary.

Council Member Hiltz stated administrative approvals did not allow for community meetings in neighborhoods of those whose health and safety were impacted. She stated it was not a show to listen to constituent concerns and pointed out in fact that it was City Council's job to do so. She asked that ConocoPhillips hold community meetings.

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

Voting Nay: Bergan, Gruber, Lawson, LeGare, Roth

14. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Human Relations Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by Johnston, to appoint Maria Schoeffler to the Human Relations Commission.

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

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- b. Consideration to appoint two (2) members to the Busk-Ivanhoe Water System Authority. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by Bergan, to appoint Marshall Brown and Thomas Simpson to the Busk-Ivanhoe Water System Authority

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

- c. Consideration to remove one (1) member and appoint three (3) people to the Citizens Advisory Committee on Housing and Community Development. STAFF SOURCE: Linda

Motion by LeGare, second by Roth, to remove Nicholas Onizak from the Citizens Advisory Committee on Housing and Community Development.

Council Member Bergan stated Mr. Onizak was removed for not attending meetings.

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

Motion by Murillo, second by Hiltz, to appoint Kathryn Messer and Chukwufumnaya Camera from the Citizens Advisory Committee on Housing and Community Development.

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

Mayor Pro Tem Berzins expressed appreciation to the volunteers who served on City boards and commissions.

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15. **REPORTS**

- a. Report by the Mayor

◆ *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.*

No report.

b. Reports by the Council

Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Tuesday, March 27, 2018 at the Beck Recreation Center at 6:30 p.m. where development and redevelopment in Ward II and other areas would be discussed. She noted Spanish interpreters would also be made available. She expressed appreciation to the Quest Academy for their invitation to her to be an honorary judge for their work on their persuasive arguments through writing and speeches.

Council Member Gruber announced the upcoming military and veterans employment expo scheduled for Thursday, April 5, 2018 at 10:00 a.m. at the Aurora Municipal Center.

Council Member Lawson expressed appreciation to all those who attended the recent At-Large Town Hall meeting.

Council Member Roth noted everyone received the CML conference booklet and suggested everyone interested in attending book their rooms sooner rather than later. He announced the upcoming Ward V Town Hall meeting scheduled for Tuesday, April 17, 2018 at 6:30 p.m. where a tour of the City of Aurora Police and Fire Safety Training Center (CAPSTC) was planned.

Council Member LeGare announced the reappointment of Tony Brake to the Business Advisory Board.

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, March 28, 2018 at the Tallyn's Reach Library where a water conservation and xeriscape presentation would be provided.

Council Member Richardson wished Mayor Hogan all the very best with his health situation.

Council Member Hiltz expressed appreciation to everyone who attended the At-Large Town Hall, to Falck Rocky Mountain Ambulance Service for hosting the recent St. Baldrick's Foundation fundraiser and to the Aurora Fire Department for the recent facility tour and ride-alongs. She announced the upcoming Grocery Cart Races to benefit Comitis Crisis Center where she and Council Member Lawson would participate and that the Libraries Public Relations Communications meeting has been postponed.

Council Member Murillo announced the next Ward I meeting was rescheduled to Saturday, April 21, 2018 at 11:00 a.m. at the Del Mar Fire Station due to the conflict with the upcoming City Council annual trip to Washington, DC. She stated the topic would be the Original Aurora rezone, noting a larger venue might be needed given the amount of interest that has been shown in that regard.

Mayor Pro Tem Berzins announced, on behalf of Mayor Hogan, the reappointment of Nosh Tarachand to the Business Advisory Board.

Council Member Roth announced the reappointment of Phillip Villard to the Business Advisory Board.

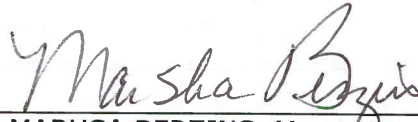
14. **PUBLIC INVITED TO BE HEARD**

- ◆ *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.*

Sam Coudley, Aurora, Colorado, discussed his public and political interests and efforts in the City of Aurora.

15. **ADJOURNMENT**

Mayor Pro Tem Berzins adjourned the regular meeting of City Council at 10:58 p.m.



MARHSA BERZINS, Mayor Pro Tem

ATTEST:



City Clerk

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