

MINUTES

**Regular Meeting – Aurora City Council
Monday, August 27, 2018**

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 4:05 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF AUGUST 27, 2018 AND CALL TO ORDER**

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

2. **ROLL CALL** Michael Lawson, Interim City Clerk

COUNCIL MEMBERS PRESENT:	Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. **INVOCATION** Pastor Reid Hettich, Mosaic Church of Aurora

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 6, 2018**

Motion by Berzins, second by Gruber, to approve the minutes of the meeting of August 6, 2018, as presented.

◆ *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.*

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

Abstaining: Bergan, Roth, Watson

6. **CEREMONY**

- a. Congressman Coffman to present the Hogan Family with a Congressional Record in honor of Mayor Stephen D. Hogan

Mayor LeGare invited Congressman Coffman to come forward. Congressman Coffman presented Becky Hogan with a congressional record in honor of Mayor Stephen D. Hogan.

- b. Proclamation recognizing Art in Public Places 25th Anniversary Day - Mayor LeGare

Mayor LeGare invited Patti Bateman, Director, Arts, Library and Cultural Services; George Peck, Commissioner, Art 2 C on Havana; Laura Noe, Chair, Art in Public Places Commission; Amy Cheslin, Cultural Affairs and Art in Public Places Commission; Carina Banuelos-Harrison, Art 2 C on Havana; Rachel Granrath, Vice Chair, Art in Public Places Commission; Jane McGrath, Arts in Public Places Commission; Julie Weinheimer, Art in Public Places Commission; Susan Bruce, Arts in Public Places Commission; Sue Bodis, Ivy Peterson; Roberta Bloom, Public Art Coordinator; Rob Niedringhaus, Art in Public Places Commission; Gary Margolis, Cultural Services Division Manager; Terry and Bob Gehler, and Linda Berry to come forward. He read the proclamation recognizing Art in Public Places 25th Anniversary Day. Each guest expressed appreciation for the recognition.

- c. Recognition from Buckley Air Force Base – Mayor LeGare

Mayor LeGare invited Kevin Hougen, President, Aurora Chamber of Commerce, and Vice Commander Colonel Riegel, Buckley Air Force Base, to come forward to acknowledge the Air Force Space Command trophy recognizing the City of Aurora by Buckley Air Force Base. Vice Commander Colonel Riegel acknowledged the City of Aurora as a tremendous partner to Buckley Air Force Base. Mayor LeGare expressed appreciation for the recognition and discussed his experience visiting the Pentagon as it related to Buckley AFB and the City of Aurora.

- d. Swearing in of Jim Twombly, City Manager– Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the new City Manager, Jim Twombly. Mayor LeGare and City Council congratulated Mr. Twombly and thanked him. Mr. Twombly expressed appreciation to City Council for being chosen as City Manager and stated his excitement to work with City of Aurora staff and to serve the City. He introduced his family present at the swearing in.

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

Hashim Coates, Aurora, Colorado, addressed rumors and shared facts related to a housing development, Providence at the Heights, being built in Ward III.

Juan Carlos Munoz discussed his experience with homelessness and the need for the City to provide housing for those in need.

Leanne Wheeler, Colorado Criminal Justice Reform Coalition (CCJRC), Aurora, Colorado, spoke in support of the Providence at the Heights housing development.

Eric Mulder, Aurora, Colorado, spoke in support of the Providence at the Heights housing development.

Randall McCoy, Aurora, Colorado, discussed incidents in which he has been victimized by criminals and the Aurora Police.

Mayor LeGare stated he would ask the new City Manager to review Mr. McCoy's concerns.

Andrea Chiriboga-Flur, Senior Housing Organizer, 9to5 Colorado, expressed appreciation to the City for their efforts in negotiating with the Denver Meadows Mobile Home Park owner to move the closing date to February 2019. She asked the City to address the housing crisis in a way that did not displace residents in lieu of development. She asked those present to stand if they were in support of Denver Meadows residents, stable affordable housing and for the City of Aurora to take bigger steps to provide affordable housing.

Mayor LeGare recognized approximately 100 people standing in support of Ms. Chiriboga-Flur's comments.

Shannon Holloman, Aurora, Colorado, expressed her appreciation for the six month extension for the closing date of the Denver Meadows Mobile Home Park.

Lorena Valentin, Aurora, Colorado, stated her appreciation for the additional six months extension for the Denver Meadows Mobile Home Park closing.

Mayor LeGare asked staff if the six month extension was granted and secured in writing.

Jason Batchelor, Deputy City Manager, answered no, noting it has been discussed and the City was hopeful to get that agreement in writing.

Mayor LeGare stated the City was working very hard to get the agreement in writing so that everyone would know where they stood.

Tabitha Zacarias Baez, Aurora, Colorado, expressed appreciation for the efforts being made for the Denver Meadows residents to stay in their homes and the need to address the affordable housing issue.

Bruno Tapia Garcia, Act Now to Stop War and End Racism (ANSWER), stated ANSWER stood in solidarity with the Denver Meadows residents and discussed how more needed to be done to provide affordable housing.

Nancy Flores, Aurora, Colorado, discussed the need for permanent affordable housing and expressed appreciation to those who were working on this issue.

Mike Burke stated his appreciation for the efforts being made to provide the Denver Meadows residents with an extension.

Tiffany Taylor, Aurora, Colorado, stated her support of the Providence at the Heights housing development.

Imani Saiful Rasul Latif, Aurora, Colorado, stated her support of the Denver Meadows residents and the Providence at the Heights housing development and discussed the need for affordable housing.

Margaret Sobey, Murphy Creek Golf Course (MCGC) Neighbors, expressed concerns related to the proposed zoning code changes in Aurora.

Erin Crawford, Aurora, Colorado, spoke in support of the Providence at the Heights housing development and the Denver Meadows residents.

Corey Thurman & Lamumba Sayers, Heavy Hands Heavy Heart, discussed their program and community center located in Aurora.

Council Member Johnston expressed appreciation to Mr. Thurman and Mr. Sayers for their efforts in the community and asked if they have met with Aurora Public Schools to discuss their outreach. Mr. Sayers answered affirmatively. Council Member Johnston suggested they connect with Kevin Cox, Aurora Public Schools Board of Education member, in that regard.

Mr. Sayers and Mr. Thurman agreed to do so.

Kevin Cox spoke in support of the Providence at the Heights housing development and the Denver Meadows residents.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 10e moved to item 11b as a public hearing.

9. **CONSENT CALENDAR - 9a-j**

General Business

- a. Consideration to AWARD OPENLY SOLICITED CONTRACTS for Master Engineering Services Agreements (MESA VI) to fifty-five (55) firms in various amount as noted in this Commentary, for providing task order engineering services over a three-year period, RFP 1895. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- b. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of \$295,662.74 to add final design and construction phase engineering services for the Jefferson Lake Repairs Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

Motion by Roth, second by Berzins, to approve items 9a and 9b.

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

- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with RJH Consultants, Inc., Englewood, Colorado in the amount of \$3,760,266.49 to add professional services and geotechnical field services for the Wild Horse Reservoir Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

Council Member Roth pointed out the \$3.7M was being used to purchase additional design services for additional capacity.

Motion by Roth, second by Gruber, 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 CH2M Hill Engineers, Inc., Englewood, Colorado in the amount of \$843,030.00 to add design services and engineering services during construction for the Quincy Reservoir Intertie & Aeration System Improvements Project. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

- e. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID CONTRACT with Inland Potable Services, Inc., Centennial, Colorado in the amount of \$195,897.08, for the Aurora Reservoir Improvements-Work Packages 1 and 2 Project, Project No. 5589A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Kantex Industries, Inc., Colorado Springs, Colorado in the amount not-to-exceed \$500,000.00 for lead service line testing services. B-4279 STAFF SOURCE: Marena Lertch, Manager Water Service Operations, Aurora Water
- g. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT with Arvada Pump Co., Arvada, Colorado in the not-to-exceed amount of \$155,742.00 for annual motor parts, inspections and repair services for the Water facilities through July 2019. (R-1763) STAFF SOURCE: Steven Sciba, Manager of Water Operations and Maintenance, Aurora Water
- h. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Safebuilt Colorado, LLC, Loveland, Colorado in the amount not-to-exceed \$300,000.00 for residential roof inspection services as required for building permit requests for the period through July 31, 2019; B-4253. STAFF SOURCE: Scott Berg, Chief Building Official, Public Works
- i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Communication Infrastructure Corporation, Austin, Texas in the amount of \$61,054.00 for microwave radio hardware and installation for Fire Station 16. **(Staff requests waiver of reconsideration)** STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

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

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

Final Ordinances

- ◆ j. **2018-34**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 7.3 acres more or less at the northeast corner of Jewell Avenue and South Abilene Street from Low Density Residential District (R-1) to Business and Commercial District (B-4) and amending the zoning map accordingly (1800 SOUTH ABILENE STREET REZONE) STAFF SOURCE: Daniel "Dan" Osoba, Planner, Planning & Development Services

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

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

10. **RESOLUTIONS**

- ◆ a. **R2018-71**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the city at a special election to be held at the same time as the November 6, 2018, statewide general election, a ballot issue of whether the operation and licensing of optional premises

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cultivation facilities and medical marijuana-infused product manufacturing facilities shall be permitted in the City of Aurora, Colorado. **(Staff Requests a Waiver of Reconsideration) Deferred from the August 6, 2018 Council meeting.** STAFF SOURCE: Robin Peterson, Manager of Marijuana Enforcement, Finance

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

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

- ◆ b. **R2018-76**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the city at a special election to be held at the same time as the November 6, 2018, statewide general election, a ballot issue allowing medical marijuana centers and authorizing an additional 4.0% sales and use tax on the sale of medical marijuana and medical marijuana-infused products. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Robin Peterson, Manager of Marijuana Enforcement, Finance

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

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

Voting Nay: Bergan, Berzins, Richardson

- ◆ c. **R2018-77**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, consenting to the dissolution of Tallyn's Reach Metropolitan District No. 1. STAFF SOURCE: Mark Geyer, Project Manager, General Management

Council Member Bergan stated her understanding that District I was in favor of its dissolution and asked if District I had any outstanding financial obligations.

Mark Geyer, Project Manager, General Management, stated any financial obligations were absorbed by Districts 2 and 3.

Eve Grina, Esq, White Bear Ankele, representing the applicant, answered no.

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

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

- ◆ d. **R2018-78**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to approve designating the property located at 1629 Galena Street, Aurora, Colorado, as a local historic landmark. STAFF SOURCE: Drake Brownfield, Museum Specialist, Library & Cultural Services

Motion by Hiltz, second by Murillo, to approve item 10d.

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

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ITEM 10e MOVED TO ITEM 11b

- ◆ f. **R2018-80**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City at the Special Municipal Election of November 6, 2018, a ballot issue concerning the procedure in the Collective Bargaining process set forth under the Aurora Charter. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Jason Batchelor, Interim City Manager, General Management

Bob Wesner, President, Aurora Police Association (APA), stated his opposition to the item, noting it was biased and misleading and was not in the best interest of the community.

Council Member Watson disagreed with Mr. Wesner that a vote either way equated to a council member's feelings for the Aurora Police Department. He stated his support of Aurora Police, noting this was going to the citizens to decide because there was a breakdown in the negotiation communications. He pointed out the APA had until September to change their minds.

Jason Batchelor, Deputy City Manager, provided a summary of the item.

Council Member Bergan noted this has been a long and difficult process that no one took lightly. She stated she has always been in full support of Aurora police officers and she respected them immensely. She pointed out the decision was a result of looking beyond tomorrow into the future regarding the long-term impact to the City. She disagreed with the statement that not supporting the pension equated with not supporting the police. She stated pensions were risky and unpopular and noted the City provided a defined contribution plan for City police officers.

Council Member Hiltz stated her support of the shift to Fire and Police Pension Association (FPPA) because Aurora police officers did not pay into social security, did not have adequate post-retirement health benefits between the ages of 55 and 65 or a pension. She discussed her objections to the biasness of the factfinders report.

ORIGINAL MOTION

Motion by Gruber, second by Watson, to approve item 10f with a waiver of reconsideration.

AMENDMENT I

Motion by Richardson, second by Berzins, to amend item 10f to strike the 2nd legislative recital 'whereas' in its entirety.

Council Member Richardson requested the City Attorney sign all approved ordinances prior to presenting them to City Council. He asked the City Attorney if he wrote the ordinance.

Daniel Brotzman, Acting City Attorney, answered affirmatively, noting he did so on behalf of City Council. He pointed out the 'whereases' were taken from the factfinder's report.

Council Member Richardson asked staff to speak to what 'tremendous advances' were referenced in the legislative recital.

Jason Batchelor, Deputy City Manager, did so, noting those references were to a number of issues agreed to in the collective bargaining process.

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Council Member Richardson asked Mr. Batchelor to be specific. Mr. Batchelor listed increased funeral expenses, injury leave, updated references to employee handbook and the City's increased contribution to employee health insurance. Council Member Richardson stated insurance has gone up and asked if the increased City contribution was a common result. Mr. Batchelor answered no, noting there have been years where the union has asked for the dollars the City set aside for that to be used in other ways. Council Member Richardson asked if pension issues were important. Mr. Batchelor stated staff has approached collective bargaining and taken direction from Council. Council Member Richardson asked if pension issues were the most important issue. Mr. Batchelor agreed the APA has stated it was their top issue. Council Member Richardson asked if salaries were an important issue. Mr. Batchelor answered affirmatively. Council Member Richardson asked if annual leave for non-administrative personnel was important. Mr. Batchelor agreed it was an issue that has reached an impasse. Council Member Richardson asked if step increases were an important issue. Mr. Batchelor stated step increases were a non-issue because they have been eliminated from the contract. Council Member Richardson pointed out the important issues of pensions, salaries, annual leave and step increases were at an impasse.

Mr. Batchelor concurred.

Council Member Richardson stated his reasoning behind the amendment was that it was subjective and the purpose was unclear.

VOTE ON AMENDMENT I

Voting Aye: Berzins, Hiltz, Richardson

Voting Nay: Bergan, Gruber, Johnston, Lawson, Murillo, Roth, Watson

AMENDMENT II

Motion by Richardson, second by Berzins, to amend item 10f to strike the 1st representation of the independent factfinder representation related to City control and replace it with the independent factfinder report language conclusion verbatim.

Council Member Richardson asked Mr. Brotzman to speak to where the representation came from. Mr. Brotzman reiterated it was a compilation of the factfinder's recommendation. He pointed out both sides agreed that the nature of the pension issues was that there was a long-term commitment by the City to an entity that was not controlled by the City. Council Member Richardson read the factfinder opinion aloud and asked Mr. Brotzman how the language was interpreted differently in the resolution. Mr. Brotzman stated there was a problem with the factfinder language as it related to a ballot question. He stated he summarized the factfinder language to avoid a three page ballot question. Council Member Richardson asked if the independent factfinder suggested the City give up local control, not avoid risk and embrace unfunded liability. Mr. Brotzman answered affirmatively. Council Member Richardson stated it was not actually what the factfinder stated and read aloud from the factfinder report.

Mr. Brotzman reiterated he summarized and shortened the version that was appropriate for a ballot question.

Council Member Richardson opined this was a pro statement to cause people to vote in favor of the ballot question.

Council Member Gruber stated the prime reason it was voted down was because the FPPA was controlled by a board of directors that had a direct impact on the City's ability to fund pensions in the future. He discussed the 97 percent funding did not include cost of living adjustment increases. (COLA)

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Council Member Lawson stated her support of the police department and for them to have a pension. She stated her struggle with the pay increases for each officer, noting that money could possibly go towards the FPPA. She stated this should go on the ballot because the City Council could not come to a consensus. She pointed out there was a lot to consider in this instance and discussed the animosity she has received from the police in this regard.

Council Member Johnston pointed out City Council agreed to look at changing the current defined contribution program and the factfinder agreed with that. She discussed the factfinders comments on retirees noting it stated it was unconscionable to leave them behind. She stated it was not fair to say that the factfinder's report was based on a biased company when she used over 85 sources.

Council Member Richardson suggested council members vote for the amendment that would substitute what the factfinder actually said as opposed to the pro statement provided by staff.

Council Member Bergan asked if all of the actual factfinder comments would be included in the ballot question if the amendment were approved. Mr. Brotzman stated legally it could all be included but doing so made it harder for voters to understand and that was why he summarized it.

Council Member Hiltz agreed there were 85 references throughout the report and pointed out however there were only five in the pension portion and two out of the five were extremely biased. She did not feel comfortable making decisions based on a report that was biased by using resources such as the American Legislative Exchange Council. (ALEC) She would like to see other information from other sources to determine if it lined up with the report, noting it set a precedence as a non-partisan council to accept these items as facts.

Council Member Johnston stated the factfinder discussed enormous risk to the City and the public of unfunded liabilities, steadily increasing liabilities and/or unrealistic assumed rates of return, noting those sentences should be included as well.

VOTE ON AMENDMENT II

Voting Aye: Berzins, Hiltz, Richardson

Voting Nay: Bergan, Gruber, Johnston, Lawson, Murillo, Roth, Watson

AMENDMENT III

Motion by Richardson, second Berzins, to amend item 10f by replacing the long standing provision language of *'delete provisions requiring benefit salaries'* with *'delete the long standing City Charter provision requiring.'*

Council Member Bergan asked if that language was in the factfinder report. Council Member Richardson answered affirmatively and discussed maintenance of standards.

Council Member Johnston asked staff to speak to what the maintenance of standards included and what it was. Mr. Batchelor did so.

Council Member Bergan pointed out the City has had collective bargaining since 1992 which meant the maintenance of standards has changed.

Mr. Batchelor concurred, noting the City did not know what standards were being maintained since 1992. He stated it was the City's position to explain and define them in the contract.

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Council Member Richardson stated if the item went to the ballot and the independent factfinder position won then the charter amendment was in trouble.

Mr. Brotzman stated this charter amendment remained, noting all legal benefits, salaries and entitlements remained but it would not however, be in the language of the collective bargaining agreement.

VOTE ON AMENDMENT III

Voting Aye: Berzins, Hiltz, Richardson

Voting Nay: Bergan, Gruber, Johnston, Lawson, Murillo, Roth, Watson

AMENDMENT IV

Motion by Richardson, second by Berzins, to amend item 10f to substitute language '*shall the City police officers join the thousands of other law enforcement personnel and their 221 agencies who have the security of the professionally administered defined benefit pension.*'

Council Member Watson asked Council Member Richardson if he was negotiating for the APA. Council Member Richardson asked what role the APA had in fashioning their position, noting the ballot question was written by the City for the City's benefit.

Council Member Bergan stated her understanding that the City Council drafted the ballot question. Mayor LeGare clarified the City Council asked the City Attorney to draft the ballot question for the City Council to approve or amend and approve.

Council Member Johnston asked if the City had any local control in terms of the City contributions should the City Council support the APA joining the FPPA. Mr. Batchelor answered no.

VOTE ON AMENDMENT VI

Voting Aye: Berzins, Hiltz, Richardson

Voting Nay: Bergan, Gruber, Johnston, Lawson, Murillo, Roth, Watson

MOTION TO CALL THE VOTE ON THE ORIGINAL MOTION

Motion by Watson, second by Bergan, to call the vote on the original motion thereby ending discussion.

VOTE ON MOTION TO CALL THE VOTE ON THE ORIGINAL MOTION

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

Voting Nay: Berzins, Hiltz, Richardson

VOTE ON THE ORIGINAL MOTION

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

Voting Nay: Berzins, Hiltz, Richardson

- ◆ g. **R2018-81**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adding language to the ballot question regarding the continued issuance of photo red light tickets. **(Staff Requests a Waiver of reconsideration)** STAFF SOURCE: Division Chief Vanessa Wilson, Police

Council Member Roth discussed the item, noting the ballot question was approved but he did not feel it went far enough. He stated it was very important to differentiate how Aurora handled this issue as compared to all other municipalities in the area. He explained the other municipalities send a citation once a photo is taken in an intersection and Aurora was the only municipality that had an officer determine the validity of the violation. He noted he asked the City Attorney to add the statement *'and after review by a law enforcement personnel.'*

ORIGINAL MOTION

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

AMENDMENT I

Motion by Murillo, second by Bergan, to amend item 10g to include *'and after review by law enforcement personnel with a portion of the revenues of such tickets funding non-profit organizations with a nexus to law enforcement.'*

Council Member Gruber stated it was important to ask citizens the fundamental question of whether or not they agreed that it was dangerous for drivers to enter into an intersection on a red light and if they deserved a ticket. He believed it was and they did and it was important that it not relate to the City using law enforcement to collect money as that was a secondary element. He stated for that reason he could not support the item.

Council Member Murillo agreed the issues were separate and stated that was the difficulty in drafting the question. She suggested this was a more accurate way to interpret the question.

Council Member Roth stated it was important that people understand what nexus to law enforcement and the six non-profit organizations meant. He explained the intent was to provide a law enforcement officer with the opportunity to take a person in need of assistance to the appropriate facilities.

VOTE ON AMENDMENT I

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

Voting Nay: Gruber

Mayor LeGare stated the existing photo red light ballot resolution approved by the City Council would be terminated if this item were to pass.

VOTE ON THE ORIGINAL MOTION AS AMENDED

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

Voting Nay: Richardson

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11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-35**
PUBLIC HEARING and INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, to amend the Saddle Rock Golf Club South General Development Plan to allow for 36 Single family attached units on a 2.29 acre site (Saddle Rock Golf Club South GDP Amendment) STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Heather Lamboy, Planning Supervisor, Planning & Development Services, provided a brief summary of the item, noting it related to a request to amend the Saddle Rock Golf Club South General Development Plan (GDP) to enable residential development.

Council Member Gruber stated Council Member Watson voted in opposition to the item.

Ms. Lamboy clarified Council Member Watson voted in opposition to the site plan that accompanied the GDP amendment at the time, noting he did vote in favor of the actual amendment.

Council Member Gruber pointed out the two motions related to the move from retail to residential and the site plan. He asked the applicant what was done to bring in retail development.

Bob Montano, representing the applicant, stated the current owner advertised for many years and listed the property through a broker but no interest was realized.

Council Member Gruber stated 55 percent of the City revenue came from sales tax and they have been very emphatic to developers that developments include retail for that reason. He stated his disappointment that there was not a larger effort to bring retail into the area.

Council Member Bergan stated that area was limited in what commercial could go in, noting it was surrounded by a lot of townhomes and residences. She stated her understanding that the neighbors did not object to the change.

Ms. Lamboy concurred.

Mayor LeGare closed the public hearing on the item.

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

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

Voting Nay: Watson

- ◆ b. **R2018-79**
PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First amendment to the Amended and Restated Service Plan for Cross Creek Metropolitan District No. 2 and the second amendment to the Amended and Restated to Intergovernmental Agreement between the City and Cross Creek Metropolitan District No. 2. ***(This item also appears on the August 27, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2e of the Study Session Packet.)*** STAFF SOURCE: Jacob Cox, Project Manager, General Management

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Mayor LeGare opened the public hearing on the item.

Jacob Cox, Project Manager, General Management, provided a brief summary of the item, noting it related to a request to approve the first amendment to the Amended and Restated Service Plan for Cross Creek Metropolitan District No. 2 and the second amendment to the Amended and Restated to Intergovernmental Agreement between the City and Cross Creek Metropolitan District No. 2.

Mayor LeGare 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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-36**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, Amending Section 66-32 Relating to Fire Apparatus Access Road Specifications. STAFF SOURCE: Anna Bunce, Traffic Manager, Public Works

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

Council Member Lawson asked if different types of traffic calming devices would be used as needed or if there was only one type that would be used.

Anna Bunce, Traffic Manager, Public Works, stated whatever type was appropriate would be used in coordination with Fire Safety on a site by site basis.

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

Voting Nay: Berzins

13. **ORDINANCES FOR FINAL**

- ◆ a. **2018-33**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Chapter 62, Article II, Division 2, of the City Code of the City of Aurora Colorado, related to nuisance property used in connection with certain crimes. ***Ordinance 2018-33, Introduced 6-3 (Hiltz, Johnston, Murillo voting no) at the July 23, 2018 Council meeting.*** STAFF SOURCE: Commander Harry Glidden, Police

Motion by Bergan, second by Gruber, to approve item 13a.

Council Member Bergan discussed the history and process of the item. She urged her fellow council members to support this public safety item.

Council Member Johnston expressed appreciation to Council Members Bergan and Richardson for their efforts in this regard. She confirmed her previous concerns related to the 10 day notice for military have been addressed.

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

- ◆ ***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.***

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Parks and Recreation Board. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Roth, second by Watson, to appoint Terry Todd to the Parks and Recreation Board.

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

- b. Consideration to reappoint two (2) members and to appoint three (3) new members to the Art in Public Places Commission for a total of five (5) new members. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Bergan, second by Berzins, to reappoint Laura Noe and George Peck and appoint Rick Forsman, Celina Kaur and Brittany Pritle to the Art in Public Places Commission.

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

- c. Consideration to appoint one (1) new Associate Judge (4-yr term); and appoint four (4) new Relief Judges (2-yr term). STAFF SOURCE: Presiding Judge Shawn Day, Judicial

Council Member Bergan nominated Judge Peter Frigo.

Council Member Watson nominated Judge Billy R. Stiggers.

Mayor LeGare nominated Andrea Koppenhoffer.

Judge Frigo received three votes. Judge Stiggers received seven votes thereby winning the appointment of Associate Judge to a four-year term.

Motion by Hiltz, second by Gruber, to appoint Robert Garvey, Karen Steinhauser, Tricia McCarthy and Jonathan Lucero as Relief Judges.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor LeGare discussed the success of the recent Global Fest and expressed appreciation to the Parks & Recreation Department, Office of Immigrant International Affairs, Communications Department, City staff and volunteers for their efforts in that regard. He welcomed Mr. Twombly to the City.

- b. Reports by the Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, September 18, 2018 at the Moorhead Recreation Center at 6:00 p.m., and an additional Town Hall meeting was scheduled for Thursday, September 20, 2018 at the Village Exchange Center at 6:00 p.m. where elections, voting and local and state ballot initiatives

would be discussed. She reiterated her deep care for the police department and unions, noting this was a very difficult conversation and decision because there were always competing needs and interests. She stated her willingness to continue discussions related to improved retirement for police officers.

Council Member Richardson discussed the amendment he was prevented from offering, noting it would have amended the question to remove the TABOR language. He pointed out only one of the 221 police and fire agencies have ever had a TABOR vote and the amendment was an indication of his opposition to this police pension issue. He pointed out the TABOR vote increased the cost to the police officers incrementally and he stated his belief that that was the goal in this instance. He stated he should have been heard and he should not have been cut off from making amendments.

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, September 26, 2018 at the Tallyn's Reach Library from 6:00 p.m. to 8:00 p.m. where a budget presentation and general updates would be provided.

Mayor Pro Tem Berzins noted she had comments on the ballot question that she was unable to share prior to the vote. She pointed out the issue has been discussed behind closed doors for four months and she had been looking forward to sharing her comments. She noted she was the only person who sat on the City Council when the Fire Department requested the change to FPPA. She noted it was a very complicated plan and City Council spent hours with the finance representative rather than the legal team. City Council decided to give the Fire Department the choice to go into the FPPA and she regretted that this City Council did not do the same for the Police Department. She offered congratulations to Mr. Twombly and his family on his new position as City Manager of the City of Aurora and expressed appreciation to all of the volunteers and staff who helped make the recent employee appreciation event a success.

Council Member Roth welcomed Mr. Twombly to the City and announced the next Ward V Town Hall meeting was scheduled for Tuesday, September 18, 2018 at the Heather Gardens Clubhouse where the presenter would be Marshall Brown, Director, Aurora Water. He invited Mr. Twombly to attend the meeting and to be introduced. He noted the Ward V October meeting was the annual candidate forum specific to candidates running for office in 2018 who would represent residents of Ward V. He discussed the Aurora Places publication which was a huge effort of community outreach.

Council Member Lawson announced the Aurora Citizens Academy starts Thursday, September 20, 2018 and applications were being accepted at this time. She directed those interested to the City website for more information. She announced the At-Large Town Hall meeting was scheduled for Tuesday, September 18, 2018 at the Cheluna Brewery in the Stanley Marketplace. She announced Jamal Bowen, Empowering Community Entrepreneurs, would be leading an entrepreneur leadership workshop at the Aurora Public Library on Saturday, September 22, 2018.

Council Member Gruber discussed the recent City and union negotiations and his previous experiences with union negotiations and how this experience between the City and the union went differently. He confirmed the City cared about the police department and agreed to put up \$3M each year from now on to give them the raises they requested. He stated his willingness to have more discussions related to improved retirement for police officers.

Council Member Johnston announced the Ward II Town Hall meetings were scheduled for Thursday, September 27, 2018 at 6:30 p.m. at the Beck Recreation Center where Parks and Open Space representatives would be present to provide an overview of open space and on Thursday, October 25, 2018 where ballot measures would be discussed.

Council Member Watson echoed Council Member Roth's statement about the Aurora Places publication and commended the Planning & Zoning Commission for their efforts in producing the document.

16. **PUBLIC INVITED TO BE HEARD**

None

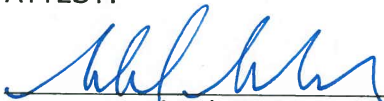
17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:45 p.m.



BOB LEGARE, MAYOR

ATTEST:



Michael Lawson, Interim City Clerk