

**MINUTES**

**Regular Meeting – Aurora City Council  
Monday, October 8, 2018**

**CALL TO ORDER – REGULAR MEETING**

Mayor LeGare convened the regular meeting of City Council at 4:00 p.m.

**ROLL CALL**

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Gruber, Hiltz, Lawson, Murillo, Richardson, Roth, Watson
COUNCIL MEMBERS ABSENT:	Johnston
OFFICIALS PRESENT:	City Manager Twombly, 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 Hiltz, second by Watson, to recess for executive session.

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF OCTOBER 8, 2018 AND CALL TO ORDER**

Mayor LeGare reconvened the regular meeting of City Council at 7:34 p.m.

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

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

COUNCIL MEMBERS ABSENT: Johnston (arrived after roll call)

3. **INVOCATION** Barbara Shafer, City Clerk Analyst

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 24, 2018**

Motion by Bergan, second by Roth, to approve the minutes of the meeting of September 24, 2018, as amended.

◆ *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 Murillo noted she had clarification revisions related to item 12a and agreed to provide those revisions to the City Clerk.

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

Abstaining: Hiltz

6. **CEREMONY**

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

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

<u>Name</u>	<u>Board or Commission</u>
Douglas Meares	Aurora Fox Arts Center
Kimberly Bauer	Cultural Affairs Commission
Polly Page	Oil and Gas Commission
Brad Pierce	Oil and Gas Commission

- b. Swearing in of newly appointed Client Services Group Manager and Assistant City Attorney – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the newly appointed Client Services Group Manager, Rachel Allen, and Assistant City Attorney, Uyen Dang. City Council congratulated Ms. Allen and Ms. Dang and thanked them for their service to Aurora.

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

Arnie Schultz, Aurora, Colorado, stated his support of the Public Invited to be Heard portion of the City Council meeting remaining somewhat the same and moving the section on the agenda to after the Consent Calendar. He noted his objection however to the time constraint attached to turning in the Public Invited to be Hear speaker slips when other speaker slips for later agenda items could be turned in at any time during the meeting. He expressed appreciation to those council members who voted in favor of the proposed recreation center in Ward VI.

Crystal Murillo, Aurora, Colorado, spoke in recognition of Indigenous Peoples' Day.

Bryan Lindstrom, Aurora, Colorado, stated his opposition to the new proposed rule of putting the Public Invited to be Heard speaker slips in by 7:30 p.m. He discussed the difficulty some people had in getting to the meeting on time due to work constraints and the importance of making public input more accessible rather than less.

Margaret Rash, Metro District III for Murphy Creek and E-470 Neighbors Group, Aurora, Colorado, expressed appreciation to the City Council for their service and reminded them that it was the council members' responsibility to listen to their constituents. She requested the City Council ensure those residents who wanted to speak would have the time to do so.

Randall McCoy, Aurora, Colorado, discussed his negative experiences with City of Aurora Police officers.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-k**

**General Business**

- a. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with EAP Glass, Incorporated, Lakewood, Colorado in the not-to-exceed amount of \$60,000.00 for glass repair and replacement services on an as-needed basis through September 30, 2019. STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works
- b. Consideration to APPROVE THE PURCHASE of 10 shares of the Western Mutual Ditch Company Stock, from WPI-Western Ditch CO LLC, for \$1,250,000, by the City of Aurora, acting by and through its Utility Enterprise. STAFF SOURCE: Dawn Jewell, Principal Water Resources, Aurora Water
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ace Pipe Cleaning, Inc. in the amount of \$102,544.50 for the Floating Closed Circuit Television (CCTV) Inspection Services for Wastewater Interceptors Project, Project No. B-4414. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Lynker Technologies, Boulder, Colorado in the amount of \$80,231.00 for professional services associated with the Aurora Water-Raw Water Supply Model – Wild Horse Support Project. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

Motion by Gruber, second by Watson, to approve items 9a – 9d.

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

- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Vanir Construction Management, Inc., Sacramento, CA in the amount of \$142,240.00 for the Cost Estimating Services for the Fitzsimons Peoria Stormwater Outfall, Project R-1892. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

Council Member Roth stated he would abstain from the vote due to a potential future conflict.

Motion by Bergan, second by Berzins, to approve item 9e.

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

Abstaining: Roth

- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Edge Contracting, Inc., Golden, Colorado in the amount of \$4,428,532.60 for the Easterly Creek Detention Pond, Project No. 5551A. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water
- g. Consideration to AWARD A SOLE SOURCE CONTRACT to Motorola Inc., Westminster, CO in the amount of \$91,637.76 to purchase 16 total portable radios for use by Fire,

Detention and Water staff on the P25 Trunked Radio System for public safety. (**Staff Requests a Waiver of Reconsideration**) STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

- h. Consideration to AWARD A SINGLE SOURCE CONTRACT to MSA Safety Incorporation, C/O Process Technology, Inc., Salt Lake City, Utah in the amount of \$66,000.00 for the purchase of three (3) MSA Tri-Gas Monitoring Systems for the Piney Creek lift station. STAFF SOURCE: Steven Sciba, Manager of Water Operations and Maintenance, Aurora Water

Motion by Gruber, second by Watson, to approve items 9f - 9h with a waiver of reconsideration on item 9g.

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

### **Final Ordinances**

- ◆ i. **2018-38**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 1.4 acres more or less at the Southeast corner of South Peoria Avenue and East Cornell Avenue from Highway Service District (B-3) to Transit-Oriented Development District, Core Sub-District (TOD-Core) and amending the zoning map accordingly (Key Bank at Regatta Plaza/The Point) STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Services

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

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

- ◆ j. **2018-39**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, vacating a portion of the public right-of-way for South Ireland Way, between East Dry Creek Road and East Long Avenue, City of Aurora, County of Arapahoe, State of Colorado (South Ireland Way Street Vacation) STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Services

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

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

- ◆ k. **2018-40**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, authorizing the issuance and sale by the City of Aurora, Colorado, acting by and through its utility enterprise, of First-Lien Sewer Improvement Revenue Bonds (Stormwater Outfall Improvement Project), series 2018, in an aggregate principal amount not to exceed \$30,000,000, for the purpose of financing, in whole or in part, the cost of additions and improvements to the sewer system operated by the utility enterprise, pledging certain funds and revenues of the enterprise to the payment of such bonds, prescribing the form of such bonds, and providing other details in connection therewith. STAFF SOURCE: Joseph Scott, Debt & Treasury Senior Analyst, Finance

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

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

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10. **RESOLUTIONS**

- ◆ a. **R2018-91**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the acquisition of certain real property located in Arapahoe County for the First Creek Detention Ponds Project. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

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

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

- ◆ b. **R2018-92**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, finding a petition for annexation of a parcel of land 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, to be in substantial compliance with Section 31-12-107(1), C.R.S., and giving notice of a public hearing on the proposed annexation (Majestic Commercenter II) 538.415 acres. STAFF SOURCE: Jacob Cox, Project Manager, General Management

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

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

- ◆ c. **R2018-93**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2019 employee pay schedule and classifications. STAFF SOURCE: Dianna Giordano, Director, Human Resources

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

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

- ◆ d. **R2018-94**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the acquisition of a parcel of real property for the Triple Creek Greenway Corridor (CONFLUENCE OPEN SPACE SOUTH) **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Pat Schuler, Manager, Open Space & Natural Resources, Parks, Recreation, and Open Space

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-41**  
PUBLIC HEARING and INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 10.3 acres more or less at the Northwest corner of East Exposition Avenue and South Richfield Street from Planned Community Zone District Commercial (PCZD Commercial) to Medium Density Residential District (R-2) and amending the zoning map accordingly (PARKWAY POINT REZONE) STAFF SOURCE: Daniel "Dan" Osoba, Planner, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

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Daniel Osoba, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezoning request of 10.3 acres from PCZD to R-2 zoning and amended the zoning map accordingly.

Samantha Crowder, representing the applicant, gave a presentation of the item.

Council Member Murillo asked the unit price point. Ms. Crowder stated it would be market rate but noted the price point would start at the low \$300k range.

Mayor Pro Tem Berzins stated the project was in Ward III and she liked the design as well as the ingresses and egresses.

Mayor LeGare asked Ms. Crowder to clarify the two-acre discrepancy called out in the rezone information in the backup material and in the site survey. Ms. Crowder did so, noting the site plan included the parcel and the rezone went to the center line of the adjacent right-of-way.

Mr. Osoba concurred.

Mayor LeGare closed the public hearing on the item.

Motion by Berzins, second by Bergan, to introduce item 11a.

Council Member Hiltz stated she did not generally support moving from commercial to residential but noted this was an excellent use for the area. She highly recommended the applicant consider ways to make the price point more affordable because there was a lot going on in the area in terms of development.

Council Member Murillo echoed Council Member Hiltz's comments related to affordability in terms of price point in that area.

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

Council Member Richardson noted Council Member Johnston was on her way to the meeting and asked if, considering her involvement in the next three agenda items, the items could be deferred until she arrived.

City Council agreed to defer items 11b – 11c and 12a until Council Member Johnston could be present.

- ◆ b. **2018-42**  
PUBLIC HEARING and INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan E-470/Northeast Plains land use map to allow for E-470 Regional Retail/Commercial subarea zoning in an area currently designated as E-470 medium density residential subarea (AURORA HIGHLANDS COMPREHENSIVE PLAN AMENDMENT II) STAFF SOURCE: Deborah Bickmire, Planner, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Deborah Bickmire, Planner, Planning & Development Services, gave a presentation on the items.

Tracy Young, Manager, Parks, Recreation and Open Space, stated PROS did not support the item and asked that conditions of approval be added.

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Council Member Bergan asked if this was the first time there had been a request to swap floodplain for open space dedication. Ms. Young answered affirmatively. Council Member Bergan asked Ms. Young if she was concerned this would set precedent for other developments. Ms. Young answered affirmatively. Council Member Bergan concurred.

Council Member Richardson stated the applicant requested a 100 percent credit and asked Ms. Young what percentage range staff was comfortable with. Ms. Young stated open space dedication was required to be outside of the 100 year floodplain. Council Member Richardson asked if any other applicant had been able to utilize a floodplain area for an otherwise dedicated open space. Ms. Young answered no. Council Member Richardson asked Ms. Young to repeat her reference to 'never' in the conditions for approval requested by staff. Ms. Young stated there could never be an actual deficit within any village. Council Member Richardson expressed concerns related to that request as never was a long time and a future City Council might take exception to that provision.

Ms. Young stated the applicant agreed to the note related to the neighborhood parks dedication, noting staff requested that be applied to the dedicated open space as well.

Diana Rael, Norris Design, representing the applicant, gave a presentation on the items.

Council Member Bergan asked Ms. Rael if she could point out the floodplain. Ms. Rael answered no, noting the mapping had not yet been completed. She stated it was approximately 30 acres. Council Member Bergan discussed the importance of having that mapped out prior to approval and pointed out that was a requirement of all developers.

Ms. Rael discussed the PROS manual and noted this was a paradigm shift that she hoped would lead to a PROS manual update.

Council Member Bergan expressed concerns related to approving an FDP without knowing where the floodplain was and that doing so demonstrated favoritism to one developer over another.

Ms. Rael stated the applicant's engineer could speak to defining the floodplain.

Mayor LeGare asked Council Member Bergan if that information would help. Council Member Bergan answered no, noting the issue was that the location of the floodplain was unknown.

Council Member Hiltz asked if it had been determined who was paying for the fire station. Ms. Rael answered no, noting that would be determined at a later date. Council Member Hiltz asked why there were not any references to oil and gas except as outside agents.

Michael Sheldon, Sheldon and Associates LLC, representing the applicant, provided a report on the ongoing oil and gas negotiations surface use agreement (SUA) as they related to the items. He noted it was the applicants intention to have negotiations completed in the next two weeks.

Council Member Hiltz asked why a property was purchased on top of an SUA when these issues were not addressed. Mr. Sheldon stated this was not a newly purchased property, noting it was purchased during the recession. Council Member Hiltz reiterated her question, asking why the SUA issue was not addressed prior to the hearing when the property was owned for ten years and the issue had been discussed for ten years. Mr. Sheldon clarified it was actually an 18-month timeframe and not ten years.

Council Member Bergan noted she also questioned why the agreement was never negotiated, noting the applicant proposed City Council approve the FDP with waivers contingent upon an agreement that may or may not happen with ConocoPhillips. She stated she did not feel comfortable approving an FDP that was not concrete at this point. She

pointed out there have been requirements in the past where these types of agreements were provided in writing and without that in this case, she did not see how City Council could legally approve the item.

Mr. Sheldon stated his opinion that both the City and ConocoPhillips was protected with the additional condition that the FDP was not valid unless ConocoPhillips moved.

Council Member Bergan asked if there was any guarantee there was oil at the new location. Mr. Sheldon stated the concept was they could reach their minerals to harvest from the sections they moved to in the industrial corridor just as easily as they could in the mixed use area they were in.

Council Member Bergan asked if the concerns raised by other developers related to moving Harvest Road from their property as it related to alignment with DIA had been addressed. Mr. Sheldon discussed the Northeast Area Transportation Refresh Study (NEATS) as it related to that issue. Council Member Bergan noted other landowners had Harvest Road in their FDP and asked if this would change other landowner FDPs.

Mayor LeGare asked staff to address Council Member Bergan's question.

Mac Callison, Transportation Planning Supervisor, discussed the Harvest Road alignment possibilities.

Council Member Bergan restated her question regarding Harvest Road and the impact on other property owners.

Mr. Callison discussed the alignment and possible alternatives. Council Member Bergan pointed out it was Harvest and not Powhatan. Mr. Callison stated that was so prior to the Aurora Highlands Master Planned Community, noting it was projected to continue south to 22<sup>nd</sup> Avenue.

Council Member Gruber asked if Harvest Road had to run down the middle of the Aurora Highlands neighborhood in order to be in keeping with the original NEATS plan and eminent domain would be used to do so. Mr. Callison agreed it would bifurcate a master planned community because it was in conflict with the plan.

Mayor LeGare stated Council Member Bergan's concerns were that the backup material included objections to the alignment of Harvest Road by developers. He stated all of those who objected eventually agreed with the NEATS.

Mr. Callison concurred.

Council Member Bergan asked if there were any ongoing objections. Mayor LeGare stated there were emails from various entities agreeing to the change.

Cameron Ming, ConocoPhillips, noted ConocoPhillips requested a continuance of the item until the SUA negotiations were complete.

James Borgel, Holland & Hart LLP, representing ConocoPhillips, clarified a few issues related to ConocoPhillips' position in these proceedings. He echoed Mr. Ming's comments related to a continuance and asked that a time limit of two weeks for the negotiations to be completed be added as a condition of approval if the item moved forward.

Council Member Watson asked if ConocoPhillips planned to put tanks or piping at this location. Mr. Borgel deferred to Mr. Ming.

Mr. Ming confirmed four tanks per well was planned for the site with a maximum of eight wells.

Council Member Bergan asked if this was related to property rights for section 20 and the fact that ConocoPhillips was being asked to move. Mr. Ming answered affirmatively.

Council Member Gruber asked Mr. Ming to describe the tanks. Mr. Ming did so.

Mr. Sheldon pointed out the current section 20 SUA had 36 separate wells scheduled for that property which accounted for a lot of tanks in the Energy and Technology Center.

Mr. Ming noted there would be the same number of tanks.

Council Member Bergan asked if the same number of tanks were proposed for each section and not less in section 21. Mr. Ming answered affirmatively, noting there would be more well pads in section 21 to accommodate the proposed development. Council Member Bergan asked if there would be more in section 21. Mr. Ming answered affirmatively.

Council Member Gruber asked the distance of the drilling site to E-470. Mr. Ming stated approximately two miles.

Council Member Richardson asked Mr. Borgel if he was familiar with the recent Crestone Peaks decision. Mr. Borgel answered affirmatively. Council Member Richardson pointed out the decision was shocking in that it gave local government some potential influence at the state level. He stated his hope that the decision would keep the pressure on.

Mr. Borgel concurred.

Council Member Richardson asked Mr. Borgel if he was amenable to the City pausing their efforts on the ConocoPhillips permitting during the continuance. Mr. Borgel stated his understanding that the permit was currently in abeyance and City was not currently working on it during the process. Council Member Richardson asked if ConocoPhillips would continue to support the abeyance. Mr. Borgel stated he would support a two week lack of process time.

Council Member Bergan asked if the negotiations have been going on for 18 months. Mr. Borgel answered affirmatively. Council Member Bergan asked if the delay cost ConocoPhillips money. Mr. Borgel agreed it cost everyone time and money on both sides. Council Member Bergan asked Mr. Borgel if he thought an agreement was in place with Aurora Highlands. Mr. Borgel stated it was not an agreement until there was ink on the paper. He pointed out there have been ongoing negotiations but no deal has been reached.

William Windler requested a delay of the item until it became clear how the NEATS Refresh realignment would impact his property.

Council Member Johnston pointed out both she and Council Member Gruber served on the RTA, noting the RTA had a work plan, schedule and held public meetings on the NEATS study and the applicant has stated they would follow the NEATS recommendations. She stated there was information in the backup and RTA board information complemented the information. She asked Council Member Gruber to speak to the RTA specifics.

Council Member Gruber did so, noting the Aerotropolis Regional Transportation Authority was established between the county and the metro district. He noted their charter was to build the roads and infrastructure and pointed out plans without money were just lines on a map. He pointed out the alignment options were on the map, noting the RTA has been meeting and would select the appropriate option and the City and County have approved moving forward with the RTA.

Mayor LeGare referenced page 492 in the backup material related to emails that addressed the Harvest Road alignment, noting they demonstrated it was a good compromise.

Council Member Hiltz asked what deal was in place for financing with the RTA, what the terms were for the City to issue bonds to move it forward independently, and what the terms and error rates were on a miscalculation. Council Member Gruber stated there was an existing requirement levied on the RTA by the City, County and metro district to put roads in through plans and a schedule shown through the Intergovernmental Agreement (IGA). He stated there was currently a plan for vertical development and a tax estimate from that vertical development. He stated the RTA was currently working to determine the funding capability based on future developments which would in turn pay for the bonds.

Bryan Lindstrom, Aurora, Colorado, stated he has accepted the fact of gentrification in Aurora and shared the story of one of his student's experiences with displacement in North Aurora. He asked City Council to consider the people who were impacted by their decisions.

Council Member Bergan asked if the City was negotiating with an entity that did not own the land. Ms. Bickmire explained the ownership represented to the City was a number of entities. She noted she was unaware of who had ownership or who had options.

Mayor LeGare asked Mr. Sheldon to speak to that question.

Rita Connerly, Fairfield and Woods, stated a Title I report calling out the property owners was submitted. She stated options were on a portion of sections 20, 16, 21 and 28.

Council Member Bergan asked if section 20, where ConocoPhillips currently had property rights, was under options and not owned. Ms. Connerly answered no, noting Conoco had the options on the west half of section 20. Council Member Bergan asked if Green Valley East was Oakwood. Ms. Connerly answered no, noting it was an affiliate of Aurora Highlands. Council Member Bergan asked if there were eight LLCs. Ms. Connerly agreed there were a number of LLCs. Council Member Bergan asked if there were underholding companies. Ms. Connerly stated they were under a parent. She pointed out there was an Framework Development Plan (FDP) covering a portion of the property where the SUA rests and the remaining portion was a General Development Plan (GDP), which were both noted under Title and were protected. She pointed out the request was for an approval for an amendment for those documents to correspond to today's market conditions. She discussed the noise contours and need to move forward for all parties.

Council Member Bergan noted Ms. Connerly was requesting approval on behalf of Aurora Highlands while ConocoPhillips was requesting a continuance.

Mayor LeGare asked Ms. Connerly to speak to the legal aspects of Conoco's rights under the SUA. Ms. Connerly did so and noted approval of the amendment did not remove ConocoPhillips' rights under the SUA.

Council Member Hiltz stated she had similar concerns and related her understanding of the request. She asked if approval could be conditioned upon the FDP being approved considering everyone was certain that the agreement would be reached in two weeks. She questioned why the onus was put on City Council to make that happen. Ms. Connerly stated an agreement would make certain representations that required a substantial investment for the acquisition of additional land and they would like to know they had an FDP prior to making that substantial investment.

Council Member Gruber reminded everyone that the meetings were videotaped and all comments made in a meeting were a matter of public record. He asked if Aurora Highlands

planned for their parks to be consistent with City standards. Ms. Connolly answered affirmatively.

Mayor LeGare stated his understanding that there was a request for a 100 percent offset of park for floodplain and asked Ms. Connerly to clarify that information. Ms. Connerly did so, noting the question was whether Aurora Highlands intended to comply with the park land dedication requirements based on City code and the answer was affirmative.

Ms. Rael stated the ask was for the 100-year floodplain to be considered towards open space and not park requirement.

Council Member Johnston pointed out the City had high standards in that regard and noted that although it was called a 100-year floodplain, it could be less. She asked if the applicant could consider staff's recommendations. Mr. Sheldon confirmed the applicant intended to adhere to those recommendations.

Mayor Pro Tem Berzins asked if the applicant was working with Urban Drainage and Flood Control. Ms. Rael answered affirmatively. Mayor Pro Tem Berzins pointed out she was the Council representative on the Urban Drainage board and confirmed there were many engineers hard at work on how to deal with 100 year floods. She noted this was a new way to get this done that was multi-purposed and better for the environment.

Ms. Connerly expounded on that topic as it related to the Aurora Parks and Open Space Dedication and Development Criteria Manual.

Mayor Pro Tem Berzins stated she did not have a doubt that this would fit into the Urban Drainage plan. She stated she would like to see the City update its codes to move it into the next century.

Council Member Lawson asked if the floodplain status must be disclosed to potential homebuyers.

Todd Johnston, Turf Home Services, District Service for metro district, answered affirmatively and discussed the floodplain design.

Council Member Johnston asked if the applicant agreed to accept Parks & Open Space staff recommendations. Mr. Sheldon answered affirmatively.

Council Member Richardson pointed out this was an open space issue because the applicant wanted to switch floodplain for an open space credit and not parks.

Mr. Johnston concurred.

Council Member Richardson asked if it was true that the applicant had every intention to comply with the parks requirement. Mr. Johnson answered affirmatively.

Council Member Murillo asked for clarification on the items. Ms. Bickmire stated item 11b was a request to amend the land use designation on the City's comprehensive plan; item 11c was a request to change the zoning to match the land use designation and item 12a was approval of the FDP with the specific land use plan as it has been outlined. Council Member Murillo asked if the applicant needed all three items to pass before they could move forward. Ms. Bickmire answered affirmatively.

Daniel Money, Assistant City Attorney, pointed out the Comprehensive Plan amendment required a 2/3 majority vote to pass and confirmed there would be an issue with the other two items if the amendment did not pass.

Council Member Johnston asked if, because the applicant agreed to staff recommendations on the waiver request, there were only two items.

Mayor LeGare answered no.

Ms. Bickmire clarified the applicant requested three waivers.

Council Member Johnston asked if there continued to be a waiver if the applicant agreed to staff recommendations. Ms. Bickmire explained staff called that a deviation, noting there were still three separate waiver requests.

Mr. Money suggested there was confusion on the agreement between Parks and the applicant. He asked each entity to clarify their understanding so that it was done correctly.

Ms. Young clarified the applicant agreed to approval of the FDP with the condition that was outlined in staff's recommendation.

Mayor LeGare asked if the applicant was amenable to that clarification. Mr. Sheldon answered affirmatively.

Council Member Watson noted the applicant has stated they were working with ConocoPhillips to reach an agreement and that they expected to have that finalized in the next two weeks.

Mr. Sheldon agreed that was the expectation. He pointed out the applicant has agreed to a fourth condition that prior to the recordation of the FDP, the existing SUA in section 20 would have to be eliminated to have new SUAs in sections 21 and 28.

Mayor LeGare asked if the applicant was amenable to the timeframe suggested by ConocoPhillips. Mr. Sheldon agreed the applicant was working towards that.

Council Member Bergan pointed out a recent issue where an applicant made a verbal agreement in Council Chambers regarding displacement that was deferred because Council wanted the agreement in writing.

Council Member Gruber pointed out prior to that decision, it had been Council policy that a statement made on video at a formal meeting was a legal agreement and it was determined after that meeting that that continued to be the case. He asked staff if that was in fact correct.

Daniel Brotzman, Interim City Attorney, answered affirmatively.

Mayor Pro Tem Berzins pointed out a site plan was recently approved with a parking agreement that was not in writing.

Council Member Hiltz noted at the beginning of the process when City Council was discussing affordable housing and infrastructure, the question of the applicant paying for a fire station was raised. She asked Mr. Sheldon where the applicant stood on agreeing to pay for a fire station and personnel at that location for one year and for one apparatus.

Mr. Sheldon did not know that information and suggested that would be revisited when the first Contextual Site Plan (CSP) came up.

Council Member Murillo asked how the FDP interacted with the CSP. Mr. Sheldon stated the applicant would address the issue when there was a CSP that required a fire station.

Mayor LeGare closed the public hearing on the items.

*Mayor LeGare called for a brief recess.*

Motion by Berzins, second by Richardson, to introduce item 11b.

Council Member Johnston stated this was a growing area of Aurora. She expressed appreciation to the applicant for their efforts in addressing staff recommendations and their investment of time and resources to offer a compromise. She noted the choices were to support the FDP and be put in a better position for negotiations for the agreement with ConocoPhillips or if not, there was a high chance that the applicant would walk away. She stated her support of the items because her choices were for the existing and future constituents.

Council Member Gruber stated his support of the items, noting it related to vision and what was desired for this area. He stated he was pro oil and gas and pro property rights and pointed out it had to do with what was wanted for Aurora. He noted this was the opportunity to move the oil wells from a visible area to under the noise contours. He discussed how large enterprises would be paid for without development tap fees.

Council Member Richardson asked if the item required seven votes. Mr. Money answered affirmatively. Council Member Richardson asked City Council to please step up to support the item, noting he did not know why any developer would come to the City of Aurora if an item like this could not be approved. He stated his vision was to have oil wells located in a science and technology corridor which would demonstrate how these two entities cooperated.

Council Member Bergan stated her support of items 11b and 11c, noting however, she did not support the FDP (item 12a).

Council Member Roth stated his support of the items. He agreed with the importance of vision, noting it should be bold and innovative and this developer has proven themselves to be bold and innovative. He echoed Council Member Richardson's comments related to the fact that this area would remain prairie for a long time if the item was not approved.

Council Member Hiltz stated she did not like the position the City was put in where they were asked to make a decision on an FDP that had issues that were not fully fleshed out that was put on top of an existing contract that had been around for a long time. She pointed out surface rights could not be wished away with no oil and gas wells put anywhere in the City. She asked if there was a way to ask staff to attach the two week condition to the approval.

Mayor LeGare stated that question related to item 12a.

Council Member Watson stated his support of the item, noting the developer has made every effort to come to an agreement to make this happen and he did not want to see a lot of tanks on 26th Avenue.

Council Member Murillo stated it was appropriate to consider the vision for the City, noting there was a lot unsaid. She pointed out it has been a priority of Council to discuss housing and there has been no concrete discussion on how that vision would be executed as it related to housing concerns, maintaining infrastructure long-term and impact fees. She noted she would be remiss if she did not include that in the conversation.

Mayor Pro Tem Berzins discussed her positive experience living in a home built by the developer and stated her support of the item. She noted the amount of time, money and effort that has went into this opportunity to take that part of the City into the next level. She pointed out the need for transportation, roads, water and houses there because of the

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number of jobs, hotels and warehouses that were planned. She stated she agreed with the vision and noted the importance of having a plan.

Council Member Lawson stated she would support items 11b and 11c but would not support item 12a. She noted she too believed in vision and building out east should be smart because once it was out there, it could not be changed. She pointed out this plan has been worked on for a long time and there were still unknown factors. She believed that Council should make decisions with all of the facts in place and noted she disagreed with some of the price points as well.

Council Member Johnston discussed her desire to have this type of development take place in her ward, noting it could not happen before due to the make-up of previous City Councils. She pointed out there were price points that were more affordable.

Council Member Gruber discussed his interaction with the developer that impressed him on the concept of inclusive housing.

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

- ◆ c. **2018-43**  
PUBLIC HEARING and INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 29.9 acres more or less east of E-470 between 38th Avenue and 26th Avenue from E-470 Medium Density Residential Subarea Zone District (E-470 RMED) to E-470 Regional Retail Commercial Zone District (E-470 R&C) and amending the zoning map accordingly (THE AURORA HIGHLANDS REZONE)  
STAFF SOURCE: Deborah Bickmire, Planner, Planning & Development Services

Motion by Roth, second by Berzins, to introduction item 11c.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- a. PUBLIC HEARING for the Consideration of the Aurora Highlands Framework Development Plan with waivers. STAFF SOURCE: STAFF SOURCE: Deborah Bickmire, Planner, Planning & Development Services

Mayor LeGare closed the public hearing on the item.

Motion by Bergan, second by Lawson, to defer item 12a to the October 29, 2018 City Council meeting.

Council Member Bergan stated the developer had a great vision for the Aurora Highlands, however she was requesting a two week deferral because there were outstanding issues related to the SUA, floodplain and road alignment and she did not think it was good policy for the City Council to make decisions with all of the associated uncertainties. She pointed out a deferral would allow time for everything to be settled and in writing and it would not hurt the applicant to do so.

Council Member Johnston pointed out the question remained of why the applicant would want to pay tens of millions of dollars to ConocoPhillips before the FDP was approved. She noted doing so did not make good business sense.

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Council Member Hiltz stated she saw the item from both sides and noted in order for her to make a decision to defer the item, she would need to know if the commitment that was made on the floor would hold up.

Mayor LeGare stated he would not open the public hearing at this time.

Council Member Richardson urged City Council to oppose the motion to continue and to support the FDP. He discussed the reconsideration period and process at it related to the FDP.

Mayor LeGare stated he could vote on the motion to defer and he would vote in opposition. He discussed ConocoPhillips' surface rights, noting they were solid regardless of the decision. He stated he had no doubt item 12a would be conditioned on an agreement being made before it was recorded.

*VOTE ON MOTION TO DEFER*

Voting Aye: Bergan, Lawson

Voting Nay: Mayor LeGare, Berzins, Gruber, Hiltz, Johnston, Murillo, Richardson, Roth, Watson

Motion by Johnston, second by Richardson, to approve item 12a with the addition of the following language, *"this FDP with waivers shall be contingent upon the applicant entering into a SUA with oil and gas companies to place oil and gas operations and other industrial development within the Energy and Industrial Corridor. A CSP would not be approved without execution of such agreements."*

Daniel Brotzman, Interim City Attorney, stated the items were combined and there were three waivers and two conditions.

Council Member Bergan asked if there were two conditions of Conoco and staff recommendations. Council Member Johnston answered affirmatively. Council Member Bergan asked if the two week time limit was included. Council Member Johnston answered no. Council Member Bergan asked if that could be included. Council Member Johnston answered no, noting she did not want to put a limit on it.

Council Member Hiltz stated she too would like to see the two week time limit added to the motion because everyone has agreed to it. She suggested a three week deadline might also work.

Council Member Johnston stated she did not want to put a time limit on the negotiations because she believed there was a good faith effort demonstrated and that everyone wanted to get it accomplished. She stated a time limit might make negotiations tricky and could put the whole agreement at a disadvantage. She asked the applicant and ConocoPhillips to get it completed in good faith, noting she did not want to box it in with a date.

Council Member Richardson concurred. He pointed out rising rates were enough motivation to get the ball rolling and they did not need the government to step in to further motivate them.

Council Member Bergan pointed out ConocoPhillips has been negotiating for 18 months and the City could give them a three week timeframe.

Council Member Johnston stated she was adamant that a timeframe condition would not be added to the motion. She pointed out she was not a professional negotiator and the main issue was to get the agreement in place, noting there would not be a CSP without it. She

stated she would not dictate the date and time this would happen as she believed it would be completed in a timely manner.

Council Member Bergan noted she was perplexed by Council Member's Johnston's resolve to not entertain a time limit. She pointed out everyone has agreed to two weeks and there has been a suggestion of three weeks and without a time limit, this could go on for months and months even though both sides were motivated as suggested by Council Member Richardson. She stated she had planned to support the motion with a timeframe and was now unsure of her decision.

Council Member Watson pointed out both the applicant and ConocoPhillips have stated on the record that they would complete the agreement in two weeks and he suggested if not, those who voted in support of the motion could call the item up.

Mayor LeGare stated he could vote on the motion, noting his understanding that the applicant did not state they would have the agreement completed in two weeks but rather stated they would *strive* to have the agreement completed in two weeks. He stated this was a major negotiation and he felt the applicant was motivated so he was certain negotiation would continue regardless of how long it took.

Council Member Hiltz stated she too had planned to vote to support the motion with a timeframe and asked for clarification that her affirmative vote would allow her to call the item up at the next Council meeting.

Mr. Brotzman confirmed Council Member Hiltz could call the item up to be reconsidered.

Mayor LeGare asked if doing so would require a vote of City Council. Mr. Brotzman answered affirmatively.

Council Member Hiltz asked the difference between calling an item up and a reconsideration.

Council Member Richardson stated his appreciation for the clarification because he wanted to be sure that City Council understood that one council member could not solely call up or reconsider an item.

Council Member Bergan asked for clarification because it was stated that those on the prevailing side could ask for an item to be reconsidered and then it was also stated that it required a majority vote for an item to be reconsidered.

Mayor LeGare stated a council member could request an item be called up and the request would require a simple majority vote of Council to be called up.

Council Member Bergan asked the point of a call up if it required a majority vote. She stated her understanding from previous items in previous meetings being called up.

Mayor LeGare stated a council member must be on the prevailing side to call up an item.

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

13. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-44**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 86 of the City Code of the City of Aurora, Colorado, regarding the levy and assessment of a Destination Marketing
  
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Improvement Fee on hotels in the City and other matters in connection therewith.  
STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

Council Member Richardson stated there were unexpected actions taken by City Council at the recent budget workshop regarding this item. He asked if the City Attorney had signed off on directing a portion of the levy and assessment proceeds to a single department for communication activity and if Bruce Dalton could clarify if he could move forward with his plan as a result of Council's action.

Mayor LeGare stated his understanding that the City Council voted to reduce the general fund budget that went to Visit Aurora by \$250k and that it had nothing to do with item 13a. He stated his preference that Mr. Dalton not speak to the item if it was to complain about Council's decision.

Council Member Bergan noted the item was presented to some of the hotels in the area and no objections were stated.

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

- ◆ b. **2018-45**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 130 of the City Code of the City of Aurora, Colorado, relating to the Visitor's Promotion Program. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

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

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

- ◆ c. **2018-46**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, establishing the Aurora Municipal Complex as the designated public place for the posting of meeting notices for General Improvement Districts and Special Improvement Districts within the boundaries of the City; and providing other details in connection therewith. STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by Berzins, second by Watson, to introduce item 13c.

Council Member Bergan asked staff to speak to why the City decided to change the postings for the various metro districts.

Terri Velasquez, Director, Finance, did so, noting the neighborhoods were involved in the formation of metro districts however the City Council sat as the board and the neighborhoods were no longer involved once the debts were issued. She stated it was difficult in the past for staff to physically determine a posting location within the districts and this ordinance would change the location to the Aurora Municipal Complex.

Council Member Gruber pointed out General Improvement Districts (GIDs) were relatively unknown useful tools and asked staff to clarify their purpose. Ms. Velasquez did so, noting the General Improvement Districts provided various types of infrastructure such as fencing and sewer. Council Member Gruber stated his understanding that GIDs were generally used by homeowners associations to replace existing fencing by taking out a City-supported loan to make improvements such as fencing, which resulted in a tax or mill levy being placed on the houses in that association. He asked staff to speak to how that process worked. Ms. Velasquez did so, noting the City's Finance Department worked with the Public Works

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Department to assist the neighborhoods with a fence program through the Request for Proposal (RFP) process. She pointed out the neighbors voted on and were involved throughout the process.

Council Member Richardson asked where the GID notices for this ordinance were currently posted. Ms. Velasquez stated some were posted at clubhouses if there were any. She pointed out one of the things the City was looking into was working with Neighborhood Services to determine where there was an association to notify them of the budgets. Council Member Richardson expressed concerns related to the lack of pedestrian traffic in City Halls nowadays because everything was electronic.

Ms. Velasquez pointed out the initial notices went to the HOAs, were posted on the City website and in the Aurora Sentinel. She stated the idea was that there was better communication between the HOAs as opposed to putting a stick in the ground. She discussed the public process, noting the setting of the mill levy was the remaining issue.

Council Member Richardson asked if these items were usually controversial. Ms. Velasquez stated much of the district was usually in favor of it by the time they were moved forward. Council Member Richardson asked if postings in neighborhoods would be impacted if this item were to pass. Ms. Velasquez answered affirmatively.

Jason Batchelor, Deputy City Manager, stated this item related to existing GIDs and this would not be the only notification method when a new district was being created. He confirmed the City would push out as much information to as many of those involved as possible in that instance.

Council Member Richardson asked if, other than during the creation of a new district, this would impact the current residents. Mr. Batchelor answered no.

Council Member Watson pointed out a vote was required of the homeowners in the HOA when a fencing program was proposed.

Mr. Batchelor concurred.

Council Member Watson asked the majority percentage. Ms. Velasquez stated 65 percent.

Mr. Batchelor stated his belief that it was more than a simple majority.

Council Member Watson confirmed it was a super majority.

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

- ◆ d. **2018-47**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, authorizing the issuance of a wastewater revenue note between the water enterprise fund and wastewater enterprise fund in a principal amount of sixteen million dollars (\$16,000,000) for the purpose of funding, through an Interfund loan, the design, engineering, and construction of the south east area maintenance facility, and prescribing other details in connection therewith. ***(This item also appears on the October 8, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2b of the Study Session Packet.)*** STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

Joseph Scott, Lead Senior Analyst, Debt, Treasury, Investments, provided a brief summary of the item, noting it related to a note that would help build a maintenance facility which

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would house the utility organization and future development would contain Parks & Recreation and Maintenance.

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

***For purposes of considering the following items 13e-13j, the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively***

- ◆ e. **2018-48**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2007 (Cherry Creek Racquet Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Bergan, second by Watson, to introduce item 13e.

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

- ◆ f. **2018-49**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2008 (Peoria Park) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Watson, second by Roth, to introduce item 13f.

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

- ◆ g. **2018-50**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of General Improvement District 3-2008 (Meadow Hills Country Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

- ◆ h. **2018-51**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of Pier Point 7 General Improvement District 2-2009 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

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- ◆ i. **2018-52**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of General Improvement District 2-2011 (Aurora Conference Center) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

- ◆ j. **2018-53**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, of Cobblewood General Improvement District 1-2016 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Berzins, second by Watson, to introduce item 13j.

Mayor Pro Tem Berzins expressed her admiration and appreciation of the Cobblewood residents for their efforts in this regard.

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

***The following items 13k-13n are 2019 Budget related Ordinances***

- ◆ k. **2018-54**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adopting an operating and capital improvements projects budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Greg Hays, Budget Officer, Finance
- ◆ l. **2018-55**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, establishing the tax levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2019, and ending December 31, 2019. STAFF SOURCE: Greg Hays, Budget Officer, Finance
- ◆ m. **2018-56**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2019 and ending December 31, 2019. STAFF SOURCE: Greg Hays, Budget Officer, Finance
- ◆ n. **2018-57**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending certain sections of chapter 138 and 146 of the city code of the city of Aurora, Colorado, relating to services for the provision of water. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

Motion by Roth, second by Bergan, to introduce items 13k – 13n.

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Council Member Murillo asked if these items were translated from the fall budget workshop.

Greg Hays, Finance, answered affirmatively.

Council Member Murillo asked Mr. Hays to provide details on that process considering the meeting was not televised. Mr. Hays did so, referencing page 617 in the backup and listed the budget changes and highlights.

Council Member Richardson expressed appreciation to Mr. Hays for his attendance at the Ward IV Town Hall meeting where he explained the six or more vote items. He encouraged his fellow council members to take advantage of Mr. Hays' briefing.

Council Member Gruber stated he found it interesting that Mr. Hays provided a questionnaire to citizens who attended his presentations that asked what they would add or take away from the City and asked Mr. Hays to speak to his findings. Mr. Hays did so, noting the questionnaire was unofficial. Council Member Gruber noted that consensus was done independently.

Mayor LeGare noted Council Member Johnston was present and welcomed her to vote on the item.

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

14. **ORDINANCES FOR FINAL**

- ◆ a. **2018-22**  
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending various Sections of Chapter 146 of the City Code of the City of Aurora, Colorado, to create the Original Aurora Districts. (**Ordinance 2018-22 tabled at the June 4, 2018 Council meeting.**) **Ordinance 2018-22, Introduced 6-2 (Murillo, Richardson voting no) at the September 24, 2018 Council meeting.** STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

Mayor Pro Tem Berzins stated she would abstain from the vote on items 14a and 14b due to a potential conflict of interest related to family-owned land.

Motion by Roth, second by Watson, to approve item 14a.

Mark Shaker spoke in support of the item.

Bryan Lindstrom, Aurora, Colorado, noted he made a mistake earlier and spoke to item 12a rather than this item. He stated his hope that his mistake would not dilute the story of his student that he shared previously and that it would be considered in Council's deliberations on this item.

Council Member Murillo stated she did not support the item previously and would continue to not support it because there was nothing in place from a policy or process standpoint to mitigate the impact of community displacement. She stated her appreciation to those citizens who spoke in support of the item at the previous meeting, noting those who supported the rezone also benefitted from the rezone. She stated it was a mischaracterization that all citizens supported it. She expressed her concern that the City was prioritizing short term gain, noting there were a few great projects that addressed affordable housing, but they were few and far between compared to all the redevelopment that did not guarantee that community would not be displaced. She stated she wanted to be clear on why she was voting this way and contextualize it because while the City has

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gone through a long community input process, there continued to be people that did not show up to the meetings. She pointed out staff has done a lot to address that concern in the capacity that they could but with such a big change, it was her opinion that more could be done. She stated the importance of making that distinction very clear, noting that context was critical. She noted she had heard people were interested in addressing displacement and as it moved forward, gentrification needed to be addressed with City policies and tools. She stated she did not want that issue to be overlooked or forgotten because it remained an issue regardless of how people voted.

Council Member Hiltz stated she concurred with Council Member Murillo's comments and therefore would not vote to support the item. She pointed out the City did not have an affordable housing plan or an affordable housing study or any information on the impacts in Ward I or Original Aurora so far based on changing dynamics and development. She noted there has been a lot of talk about opportunity zones and it was unknown how that would impact the area. She pointed out these items have not been addressed by the previous Council even though they had the knowledge that this was coming along. She noted the question was to keep the status quo or to move forward and it was her opinion that while she did not like the status quo, she did not think the status quo for another three months would impact the long term vision.

Council Member Johnston echoed Council Member Murillo's current and previous comments related to gentrification and displacement concerns in all communities but particularly in Ward I. She agreed the City Council needed to address these concerns through policy, to promote inclusive developments, to build community wealth and protect the City's vulnerable communities. She stated she did not agree however that the rezone should be placed on hold while the City developed those policies. She pointed out there were a lot of non-profit organizations and projects that needed this item to move forward in order to provide supportive permanent housing options in this area and the rezoning had to move forward to do that. She requested City Council join her in directing staff to move forward towards policy related to displacement and gentrification in the City by the end of the year.

Council Member Watson stated his support of the item and discussed the effort that went into this rezoning plan. He pointed out cities do not usually do a very good job of providing affordable housing because they did not generally have a budget to do it. He noted the other side of that was that developers constructed affordable housing and the rezoning allowed people to work to develop it. He pointed out doing so started the process and it had to start in order to be accomplished.

Council Member Murillo stated she did not have a lot of faith that after this vote, the City Council would actually pass meaningful policy that addressed displacement and gentrification. She pointed out they could not agree to a five percent affordable housing on a development that did not replace a community when a developer agreed to it. She stated she was skeptical that good faith or trust existed based on past Council votes, noting it was legitimate to consider decisions made in the past to forecast the future. She stated her respect for everyone's positions but confirmed she would be adamant on how that materialized especially if the City was moving forward with the idea that the process was to initiate it prior to all of the rules being in place or without understanding all of the implications for such a broad sweeping change for such a vulnerable community in a very marketable, highly developable part of town. She stated she would love to be proven wrong and be shown how these developments would not displace people in the manner that has been seen in other communities.

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

Voting Nay: Hiltz, Murillo, Richardson

◆ b. **2018-23**

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Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning a portion of the City to the Original Aurora Districts, the Fitzsimons Boundary Area District Subarea I, and the Open District (Original Aurora Rezone) (**Ordinance 2018-23 tabled at the June 4, 2018 Council meeting.**) **Ordinance 2018-23, Introduced 6-2 (Murillo, Richardson voting no) at the September 24, 2018 Council meeting.** STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

Motion by Bergan, second by Roth, to approve item 14b.

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

Voting Nay: Hiltz, Murillo, Richardson

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

None

17. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, October 16, 2018 at 6:30 p.m. at the Heather Gardens Clubhouse where a state and county candidate forum was planned.

Mayor Pro Tem Berzins announced the Ward III meeting was scheduled for Wednesday, October 10, 2018 at the Aurora Chamber office at 6:00 p.m. where ballot questions would be discussed.

Council Member Bergan expressed appreciation to her colleagues who supported the recreation center and to her husband for the beautiful roses he sent her in celebration of their 30<sup>th</sup> wedding anniversary.

Council Member Hiltz expressed appreciation to the Arapahoe Kennel Club for their invitation to their Best in Show event. She noted this week was Fire Prevention Week and Aurora Fire had a lot of good tips on keeping children safe on Halloween. She recommended that those interested in more information should go to the Aurora Fire Facebook page.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, October 16, 2018 at the Anschutz Medical Campus at 6:00 p.m.

18. **PUBLIC INVITED TO BE HEARD**

Juan Marcano, Aurora, Colorado, expressed appreciation to those council members who voted against the rezone because they voted for people above people's entitlement to make a profit. He expressed concerns related to those who voted to support the rezone because it

supported policies that generated more instances of the displacement of vulnerable communities.

19. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 12:05 a.m.



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BOB LEGARE, MAYOR

ATTEST:



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Interim City Clerk, Mike Lawson