

MINUTES

**Regular Meeting – Aurora City Council
Monday, November 19, 2018**

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 4:49 p.m.

ROLL CALL

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

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 NOVEMBER 19, 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, Berzins, Bergan, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson
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COUNCIL MEMBERS ABSENT:	None
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3. **INVOCATION** Pastor Tim Davis, Peace Mennonite Community Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 29, 2018**

♦ *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.*

Mayor LeGare expressed appreciation to Bryan Lindstrom for bringing an error in the recording of the minutes of a previous meeting to the Council's attention. He confirmed the City Clerk reviewed the issue and concurred with Mr. Lindstrom's findings.

Mayor Pro Tem Berzins addressed her abstention to the vote on the changes to the Original Aurora rezoning, noting she stated her abstention each time the item was presented. She noted however her vote was cast as affirmative rather than an abstention on October 8, 2018. She stated she was uncertain as to why that happened but noted her belief that the Mayor, Council and her constituents understood her intention to abstain and her reasoning behind that choice. She confirmed her family owned property within the large area of Yosemite to Peoria and that while the City Attorney advised her that she could vote on the rezoning matter because it was general in nature and would address a large area, she felt it was prudent to abstain. She clarified neither at the time of the vote nor now did she have a pending zoning application with the City. She stated the importance of clarifying this issue for the record. She noted the mistaken vote could not be changed in the system or the minutes and expressed appreciation that her vote did not affect the outcome of the zoning either way. She reiterated her intention was to abstain but that she momentarily failed to do so.

Motion by Bergan, second by Richardson, to approve the minutes of the meeting of October 29, 2018, as presented.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Johnston, 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>
Kari Gallo	Board of Adjustment and Appeals
Janet Marlow	Citizens Advisory Budget Committee

- b. Proclamation declaring November 19 - November 24, 2018 National Hunger and Homelessness Awareness Week

Mayor LeGare invited Shelley McKittrick, Director, Homelessness Program; Hashim Coates, NAACP Aurora; Richard Balarona, Homelessness Program volunteer; Yasmine Mohamed, Colorado Youth Advisory Council; Sydney Hawkins, Homelessness Program Liaison, Juan Marcano, Aurora Residents for Transparency and Transformation; Judeth Jacques, Program Manager, Colfax Community Network; Glen Jackson, Aurora Warms the Night and Ready to Work Aurora; Kristen Mallory, Aurora Residents for Transparency and Transformation and Bryan Lindstrom, Aurora Residents for Transparency and Transformation, to come forward to accept the proclamation. He read the proclamation declaring November 19 – November 24, 2018 National Hunger and Homelessness Awareness Week.

Mayor LeGare recognized Boy Scout Troop #734 in attendance.

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

Nancy Flores; Mariana Anguiano; Elizabeth Zararias; Petra Bennett; Russell Ruch; Patrick Ostiguy; Bruno Tapia; Lillian House; Aria Dellepiane; and Moira Casados Cassidy, Aurora, Colorado, and Andrea Chiriboga-Flor and Cesiah Guadarramu, 9to5 Colorado, requested support and concrete action on behalf of the City Council to the Denver Meadows Mobile Home Park community. They discussed the importance of respecting the property owner and the residents' rights and expressed concerns related to displacement due to the closing of the mobile home park.

Dena Zerr, Aurora, Colorado, discussed a convicted sexual predator that parked his RV in child safety zones in Aurora and expressed concerns related to the lack of appropriate laws to protect children in Colorado. She asked the City Council to approve an amendment that would make it illegal for sex offenders to live within 1000 feet of child safety zones and/or to ban street parking within 1000 feet of child safety zones.

Council Member Hiltz expressed appreciation to Ms. Zerr for the information she has been providing on the Nextdoor website and asked her to provide her contact information to staff.

Mayor LeGare noted Ms. Zerr's information was on the speaker slip.

Randall McCoy, Aurora, Colorado, expressed concerns related to poor investigative issues by the Aurora Police Department. He requested action be taken to solve his friend's death.

Council Member Murillo raised the topic of the Denver Meadows Mobile Home Park contacting her with issues related to the water being turned off. She asked if the City had staff who could answer questions from a predominantly Spanish-speaking community.

Jim Twombly, City Manager, answered affirmatively and discussed the process of handling a water line break.

Council Member Murillo clarified the Denver Meadows property owner should inform the City of Aurora prior to shutting off the water.

Mr. Twombly concurred.

Council Member Gruber asked for a presentation from the Mobile Home Task Force to be scheduled.

Mayor LeGare agreed that could occur during a study session. He discussed the Denver Meadows Mobile Home Park issue, noting more than two years ago the park owner requested a rezone on the property because he had owned it for over 40 years and was ready to either redevelop or sell the park for redevelopment. He stated the City Council tabled the rezoning hearing at that time which meant the request was denied because of the impact to the residents and in order to give them more time to figure out what was next. He noted in recent times and under state law, the property owner provided the residents with multiple notices announcing the park would close however for various reasons, the park did not close. He pointed out there have been many deadline extensions generated by himself, City Council and City staff within the last year to further extend the closing of the park. He noted the most recent closing date that was set for September 30, 2018 was extended to March 31, 2019 to allow the remaining 32 families the time to relocate. He stated the City has been working with the individual residents to assist them with their move from the park but the City did not have funds available to buy mobile homes or to build mobile home parks to replace spaces being lost. He noted doing so for one development

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would set precedent and there was not the money to do that. He pointed out he planned to meet with an attorney representing the residents of Denver Meadows, noting the City would do whatever possible to help within its financial and legal ability. He pointed out it was important to note that the property owner did not have any obligation to keep the park open and once their leases were up, the residents rights in this matter in Colorado were limited to the notice requirements required by state statute. He noted there have been residents that have claimed legal issues and have filed lawsuits in that regard and reiterated the City would do what it could within the limited legal and financial parameters allowed within a Home Rule City.

Council Member Johnston expressed appreciation to the speakers who came forward. She raised the topic of eminent domain and asked whether it could be applied in this instance.

Mayor LeGare stated eminent domain meant the City could condemn the property and then purchase it for Fair Market Value which the owner considered to be \$40M. He agreed the City had the power to do so using taxpayer funds and asked how that would work when the next mobile home park closed.

Council Member Bergan asked exactly how many people still lived in the park. Mayor LeGare agreed to provide that information after the meeting.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-h**

General Business

- a. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Growling Bear Co., Greeley, Colorado in the not-to-exceed amount of \$285,519.11 for the Design/Build of the Municipal Justice Center 2nd Floor and the Aurora Municipal Center 3rd Floor Remodels Project, Project Number R-1940. STAFF SOURCE: Lynne Center, Facility Project Delivery Manager, Public Works

Council Member Watson discussed purchasing guidelines and the importance of considering and utilizing Aurora businesses in these types of construction contracts because not doing so sent money outside of the City.

Council Member Johnston concurred, noting her understanding that it was an openly solicited contract and oftentimes Aurora businesses did not bid. She discussed the importance of building community wealth and referenced City code section 2-682, minority, women and small business enterprise participation, which addressed minority and women in small business and the Small Business Enterprise Program. She noted the section stated the City Manager could develop policies and procedures designed to implement this program and stated her hope to see that happen. She pointed out addressing community wealth would take many tools and expressed appreciation to Council Member Watson for continuing to shine a light on this issue.

Council Member Bergan agreed it was important to try and get local businesses to participate in the City's Requests for Proposals (RFP) and asked staff how this company was chosen.

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Lynne Center, Facility Project Delivery Manager, Public Works, stated this was a professional services contract and staff's decision was primarily based on the technical expertise of the firms that responded.

Council Member Bergan asked how long a company had to respond. Ms. Center stated it could vary from solicitation to solicitation but there was a three week deadline in this case.

Council Member Roth stated his support of Aurora businesses and addressed a potential unintended consequence to the proposal that if contractors in other areas realized they would not have a chance because the City would only give work to Aurora contractors then they would stop bidding thereby keeping the City from getting the same competitive pricing.

Council Member Johnston respectfully disagreed and suggested it might lower prices and increase competition.

Council Member Roth provided a more specific example of a large local general contractor with an Aurora address, who was, to his knowledge, the only vertical commercial constructor and they would be the only Aurora contractor who could bid on a large contract in the City.

Mayor LeGare pointed out there was also the possibility that a general contractor with 200 - 300 employees would have hundreds of those employees living in Aurora who could be excluded because their employer's corporate office was elsewhere.

Motion by Gruber, second by Bergan, to approve item 9a.

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

- b. Consideration to AWARD A SOLE SOURCE CONTRACT to the 18th Judicial District Juvenile Assessment Center, Centennial, Colorado in the amount of \$212,745.00 to provide services to delinquent and at-risk juveniles through December 31, 2019. STAFF SOURCE: Chief Nicholas "Nick" Metz, Police

Council Member Johnston expressed appreciation to Chief Metz for including the memorandum of understanding to have the deliverables of what would be provided to the juvenile assessment center besides transportation of at-risk youth.

- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls, LLC, Denver, Colorado in an amount not-to-exceed \$427,582.30 for police uniforms and tailoring services as required through November 30, 2019. STAFF SOURCE: Chief Nicholas "Nick" Metz, Police

Motion by Gruber, second by Bergan, to approve items 9b – 9c.

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

- d. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to ISS Facility Services, Inc., San Antonio, TX in the amount not-to-exceed \$647,435.64 for custodial services for the AMC Campus for the period December 1, 2018 through November 30, 2019. B-4181 STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works

Council Member Watson expressed similar concerns related to this contract as he did with Item 9a, noting the contract went to a company in Texas to clean a building in Aurora. He

pointed out the City's purchasing guidelines state that any contract over \$250k was supposed to involve a minority or small business.

Council Member Bergan pointed out she asked the same question on the same contract last year when it was presented and asked staff to speak to that question.

Chris Carnahan, Deputy Director, Public Works Operations, Public Works, did so, noting this company was an international company with a large office in Denver. He pointed out it was a custodial contract that hired local employees.

Council Member Lawson asked why the City did not follow the policy regarding minorities and women in small business and what the outreach mechanism was for that policy. Mr. Carnahan listed the many outreach efforts in that regard.

Willie Brown, Senior Procurement Agent, concurred and discussed the contract award process.

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

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

Voting Nay: Johnston, Murillo, Watson

- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Exacom Inc., Concord, New Hampshire in the amount of \$119,053.19 for the upgrade of the public safety radio logging and recording system. STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- f. Consideration to APPROVE AN AGREEMENT between the City of Aurora and the International Association of Fire Fighters Local 1290 for the Years 2019-2020. STAFF SOURCE: Dianna Giordano, Director, Human Resources

Motion by Gruber, second by Bergan, to approve items 9e – 9f.

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

- g. Consideration to award an OPENLY SOLICITED CONTRACT to Studiotrope Design Collective, Denver, Colorado in the amount not-to-exceed \$100,800.00 for Design Services and Construction Administration for the Aurora Municipal Center Customer Service Hub, RFP R-1926. STAFF SOURCE: Katrina Rodriguez, Engineering Supervisor, Public Works

Council Member Watson reiterated his concerns related to the problem with the process of not looking for companies in Aurora or small disadvantaged businesses for some of these contracts.

Motion by Gruber, second by Bergan, to approve item 9g.

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

Final Ordinances

- ◆ ***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.***

- ◆ h. **2018-58**
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 Dearborn Way, a cul-de-sac between East 2nd Avenue and East 4th Avenue, City of Aurora, County of Arapahoe, State of Colorado and reserving a utility easement therein. (DEARBORN WAY STREET VACATION) STAFF SOURCE: Stephen E. Rodriguez, Planning Supervisor, Planning & Development Services

Motion by Berzins, second by Roth, to approve item 9h.

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

10. **RESOLUTIONS**

- ◆ a. **R2018-102**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing James Twombly, and reappointing Jason Batchelor and Terri Velasquez as Directors of the Aurora Capital Leasing Corporation. (***Staff Requests a Waiver of Reconsideration***) STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

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

- ◆ b. **R2018-103**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the third amended and restated establishing contract for the E-470 Public Highway Authority. (***This item also appears on the November 19, 2018 Study Session (Due to this item being dual listed, the backup is included in item 4c of the Study Session Packet.)***) STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-59**
PUBLIC HEARING and INTRODUCTION FOR AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 6.95 acres more or less at the Southwest Corner of East Mississippi Avenue and Tower Road from Retail Business District (B-1) to Medium Density Residential District (R-2) and amending the zoning map accordingly. (COMMONS AT EAST CREEK AT TOWER LANDING REZONE) (***Case Number 2012-2001-01 Recommended approval unanimously at the October 24, 2018 Planning Commission Meeting***) STAFF SOURCE: Deborah Bickmire, Planner II, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Deborah Bickmire, Planner II, Planning & Development Services, provided a brief summary of the item, noting it related to a rezone request of 6.95 acres from B-1 to R-2 and

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amending the zoning map accordingly. She confirmed staff found the rezoning complied with rezoning criteria.

Mayor LeGare closed the public hearing on the item.

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

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2018-104**
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 Aurora Single Tree Metropolitan District. *(This item also appears on the November 19, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2a of the Study Session Packet.)* STAFF SOURCE: Mark Geyer, Project Manager, General Management,

Mayor LeGare opened the public hearing on the item.

Mark Geyer, Project Manager, General Management, provided a brief summary of the item, noting it related to a request to refinance outstanding debt into a more favorable interest rate.

Council Member Gruber stated his understanding that the Single Tree development had a large commercial element that was replaced by affordable housing which closed the available land for growth. He stated the refinancing was critical to managing the debt because the change did not generate enough revenue to support the debt that the metro district currently had.

Mr. Geyer concurred.

Mayor LeGare closed the public hearing on the item.

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

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

13. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-60**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 26-28 of the Aurora City Code, and adding article III Titled "Community Development Grants and Loans", expanding the duties and powers of the City of Aurora Business Advisory Board, and other related matters. STAFF SOURCE: Chad Argentar, Planning Supervisor, Planning & Development Services

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

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

Voting Nay: Berzins

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- ◆ b. **2018-61**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 1 of the City Code of the City of Aurora, Colorado, by the addition of a New Article II establishing a Code of Ethics for all elected officials of the City. STAFF SOURCE: Terri Velasquez, Director, Finance

MOTION TO TABLE

Motion by Johnston, second by Murillo, to table item 13b to allow the item to be reviewed by a policy committee with direction to work on a comprehensive ethics ordinance.

Council Member Johnston stated her intent was to table the item in order to continue the discussion. She stated she had a lot of questions on the amendments and felt further discussion and review were needed for collaboration and compromise.

Mayor LeGare asked Council Member Johnston if the item should go to a policy committee or to study session. Council Member Johnston stated her preference that the item go to the Federal, State, and Intergovernmental Relations policy committee and then back to a study session.

Council Member Watson stated the table process limited the discussion process and a continuance allowed for more discussion.

Daniel Brotzman, Interim City Attorney, concurred, noting tabling the item was for the current council meeting only and once tabled, a vote to remove it from the table would be required.

Council Member Bergan clarified discussion on all of the amendments would continue if the table motion were to fail.

Mayor LeGare concurred.

Council Member Murillo asked for clarification regarding the difference between a continuance and a tabling. Mr. Brotzman stated a continuance was set for a specific date to be heard by Council and a table required a super majority to be brought back before Council.

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

MOTION TO CONTINUE

Motion by Johnston, second by Murillo, to continue item 13b to be reviewed by committee and at a study session and returned to City Council at the first meeting in February.

Voting Aye: Hiltz, Johnston, Lawson, Murillo

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

ORIGINAL MOTION

Motion by Berzins, second by Richardson, to approve item 13b.

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Council Member Johnston stated her disappointment in the Council decision to neither table nor continue the item, noting she had comprehensive lists of amendments which were not actually amendments but was actually her ordinance. She pointed out she gave her colleagues the opportunity to bring this to a policy committee to get public input. She stated she would not go through the amendments because they were not ready and she noted she obviously did not have support for the item. She confirmed she would continue to work on a comprehensive ethics ordinance.

Duane Senn, Aurora, Colorado, stated he was initially excited to see a proposed change of Aurora's current code of ethics but now it appeared to him that not much has changed therefore he did not support the item. He suggested the item be tabled until it could be discussed further or that the City adopt the state's ethics code.

Bryan Lindstrom, Aurora, Colorado, discussed his disappointment with the accidental voting involving a conflict of interest as stated earlier and now the discussion to redline a conflict of interest provision. He stated the item should be tabled and discussed to create a comprehensive ethics law that benefitted the citizens.

Kristin Mallory, Aurora, Colorado, expressed appreciation to those council members who took the lead in the ethics code revision. She stated the item should be tabled to create true ethics reform because Aurora residents deserved better.

Linnea Reed-Ellis, Aurora, Colorado, stated her disappointment that the item was not tabled because doing so did not serve the citizens of Aurora.

Council Member Hiltz echoed Council Member Johnston's disappointment that the City Council did not vote to table the item so that there could be a conversation about very important ethics issues. She pointed out the people elected the City Council to do the right thing and it was a complete failure on Council's part to demonstrate that they were not willing to have an ethics conversation.

Council Member Lawson concurred, noting she did not understand why the item did not warrant future discussion. She stated she would not support the item because the City Council was voted in by the people and with that, they were accountable to the people and transparency and integrity were part of that accountability.

Council Member Murillo discussed the flawed process and how part of that was the rush in getting the item to a vote without being transparent because there were two versions of the ethics ordinance which went through two different processes. She pointed out the item presented went through the Management & Finance (M&F) committee and no one had prior knowledge it was being presented so no larger input was provided. She stated the other ethics ordinance went through the FSIR policy committee and was discussed in tandem with a lobbying ordinance. She took issue with that process and also with the fact that the City Council was unable to discuss it before rushing it through. She pointed out there were other stakeholder groups that have not been engaged because of the timeline and further stated her frustration and concern with this process. She stated she would not support the item.

AMENDMENT I

Motion by Richardson, second by Berzins, to approve amendment #8, (as noted in the backup).

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Council Member Richardson stated his motion related to the lack of a conflict of interest provision in City code. He pointed out that was addressed currently in the Council Rules of Order and Procedure and considering those were not readily available to everyone, the amendment would pull that into the new ordinance.

Mayor LeGare referenced amendment 8, section d3 related to serving on a non-profit board.

Council Member Richardson stated he would provide a subsequent amendment to address that issue by including a definition of business should this motion pass.

Mayor LeGare pointed out this amendment included a notwithstanding for nonprofit agencies. He asked if page 131 was a part of the amendment. Council Member Richardson pointed out Mayor LeGare brought concerns related to adverse impacts on service on nonprofit boards forward to the Council and noted that was not his intent. He asked Mr. Brotzman to address Mayor LeGare's concern.

Mayor LeGare read aloud page 131, section 124 and item 3. He asked Council Member Richardson if that was familiar. Council Member Richardson answered affirmatively, noting he thought the concern related to the definition of a business in section 1-18 that spoke to both profit and nonprofit organizations.

Mayor LeGare pointed out the original stated a business was a nonprofit and the amendment addressed the fact that a council member could vote as a nonprofit board member as long as it was disclosed. He stated he would have the City Attorney further define 'substantial economic benefit to the nonprofit' should the item be approved.

Council Member Bergan stated her understanding of the item and pointed out none of the council members received any kind of compensation on nonprofits.

Council Member Johnston asked for clarification regarding if this related to a council member who sat on a nonprofit board as a Council representative or as a personal volunteer. Mayor LeGare discussed his position on the Sand Creek Regional Greenway board and Mile High Comitis board, noting both entities received money from the City. Council Member Johnston stated she would not support the item because many organizations were 501(c)(3)s and not necessarily community based organizations, therefore that would be a conflict of interest.

Council Member Hiltz referenced the amendment related to 'it was not a breach to accept or receive a benefit as an indirect consequence of transacting City business,' and asked why that would not be a violation of public trust and questioned the intent of the amendment. Council Member Richardson stated the intent was that as a part time council, council members were active in the community in both nonprofit and private entities so the provision addressed an indirect consequence of a vote.

Council Member Bergan referenced page 131, section 1-25, voluntary disclosure, noting it addressed council members making disclosures in any kind of interest on any kind of vote.

VOTE ON AMENDMENT I

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

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Council Member Richardson stated he was proud to be a co-sponsor of the item, noting it was a very effective way to bring the City forward because it set out pathways for citizens to file an ethics and conflict of interest complaint. He stated it would be very beneficial as a strong part of City code.

AMENDMENT II

Motion by Gruber, second by Richardson, to amend item 13b by replacing the text 1b on page 120.

Council Member Gruber stated the purpose of the amendment was to focus the ethics rules on City Council, board and commission members and Council appointees.

Council Member Johnston expressed appreciation that this item included board and commission members but reiterated the rules were not strong enough and should also extend to executive staff.

Council Member Richardson agreed boards and commission members and Council appointees should be covered by the ethics and conflicts of interest provision, noting he disagreed that the City Council had any jurisdiction over City employees. He stated his belief that the City Manager had the ability, under the City's form of government, to adopt effective rules of ethics and conflict of interest provisions for the employees.

Council Member Bergan stated her support of the amendment and agreed with Council Member Richardson's comments related to Council's interactions with City staff, noting it was under the purview of the City Manager.

Council Member Johnston stated her original intent was to include executive staff because as a City Manager form of government, many times different people came in contact with executive staff prior to City Council. She stated she would not support the item because it did not include executive staff.

VOTE ON AMENDMENT II

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

Mayor LeGare stated he would have voted to support extending the item if he had a vote because City Council should have gone to a more public study session to review the changes.

VOTE ON ORIGINAL MOTION AS AMENDED

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

Voting Nay: Mayor LeGare, Hiltz, Johnston, Lawson, Murillo, Watson

Mayor LeGare stated he voted against the item to break the tie and urged City Council to move the item back to study session or policy committee for further review.

Council Member Bergan stated one version went to M&F and one went to FSIR.

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Mayor LeGare disagreed, noting one version went to M&F as an add-on item.

Council Member Bergan asked if the item also went to FSIR. Mayor LeGare stated he was unaware of that answer, but suggested City Council continue to work on an ethics policy they could agree upon.

- ◆ c. **2018-62**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of the public right-of-way for East 14th Avenue, a street segment between Boston Street and Beeler Street, City of Aurora, County of Arapahoe, State of Colorado and reserving a utility easement therein. (BOSTON ELEMENTARY SCHOOL-STREET VACATION) STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning and Development Services

Motion by Bergan, second by Gruber, to introduce item 13c.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Judicial Performance Commission
STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Roth, second by Berzins, to appoint Kelli Malcolm to the Judicial Performance Commission.

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

- b. Consideration of the appointment of two (2) youth members to the Aurora Youth Commission. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Hiltz, second by Murillo, to appoint Madison Dragon and Jamie Nichols to the Aurora Youth Commission.

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

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

Motion by Bergan, second by Watson, to appoint Danielle Lammon to the Parks and Recreation Board.

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

Absent at the time of the vote: Roth

- ◆ ***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.***

- d. Consideration to reappoint one (1) member to the Homestake Steering Committee. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Watson, second by Roth, to appoint Dan Mikesell to the Homestake Steering Committee.

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

- e. Consideration to reappoint one (1) member to the Joint Water Authority. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Roth, second by Bergan, to appoint Dan Mikesell to the Joint Water Authority.

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

- f. Consideration to appoint two (2) members to the Cultural Affairs Commission. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Murillo, second by Watson, to appoint Maureen Maycheco and Donnie Betts to the Cultural Affairs Commission.

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

16. REPORTS

- a. Report by the Mayor

Mayor LeGare noted several council members referenced the Day Resource Center and discussed the many different aspects of the center that provided services to the community, noting Wells Fargo recently made a \$100k contribution to the Comitis Crisis Center which was closely associated with the Day Resource Center. He noted that donation was very appreciated and would go a long way in providing food to people that needed support.

Council Member Murillo announced the next Ward I Town Hall meeting was scheduled for Tuesday, November 20, 2018 at the MLK Library where a presentation by the Police Department and next year's topics would take place. She discussed her attendance at the recent Opportunity Zone Conference which incentivized private development.

Council Member Hiltz announced that the firefighter gear whose funding was approved previously had arrived and been distributed. She expressed appreciation to all those who filled in and helped out during her recent surgery.

Council Member Richardson announced there was not a Ward IV meeting in December and expressed appreciation to Jim Twombly, City Manager, for his attendance at the recent Ward IV meeting.

Council Member Bergan announced the traffic signal at Heritage Eagle Bend and soon on Arapahoe was installed and discussed her participation in the Day Resource Center community Thanksgiving dinner. She wished everyone a blessed Thanksgiving.

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Mayor Pro Tem Berzins stated she too participated in the Thanksgiving dinner at the Day Resource Center and discussed her attendance at the Colorado celebration of the 100 year anniversary of the independence of the country of Latvia.

Council Member Watson discussed the success of the Day Resource Center Thanksgiving dinner.

Council Member Johnston discussed her attendance at the Opportunity Zone meeting, provided background on the event and discussed the importance of maintaining the intent behind these promise zones in high-need areas.

Council Member Gruber echoed Council Member Johnston's comments on the importance of Opportunity Zones. He expressed his appreciation for the support for the modification of the zoning in Ward I that would allow the implementation of Opportunity Zones along Colfax and other areas. He wished everyone a happy Thanksgiving.

Council Member Lawson congratulated the fourth graduation class from the Citizens Academy and expressed appreciation to all those who believed in the program. She discussed her attendance at the Thanksgiving dinner at the Day Resource Center.

Council Member Roth discussed the recent fire tragedy at Heather Gardens and his visit with the residents, noting it was very inspiring to be there to try and provide comfort. He recognized the Aurora Police Department, Aurora Fire Rescue, victim advocate groups, Heather Garden professionals and Red Cross for their inspiring efforts in that situation and noted particular appreciation to the Radisson Inn at I-225 and Parker Road for going above and beyond to offer rooms to the displaced residents at a greatly reduced cost.

17. **PUBLIC INVITED TO BE HEARD**

Hashim Coates, Aurora, Colorado, discussed the ongoing issue with the Denver Meadows Mobile Home Park, the gentrification of Aurora communities and his concerns related to the lack of an ethics discussion and holding City Council to a higher ethical standard. He reminded those listening to his comments that this was an election year and suggested those who did not feel their voices were heard to remember the City Council votes and to vote accordingly.

Andrea Chiriboga-Flor, 9to5 Colorado, clarified the City could enact eminent domain for Denver Meadows and sell the property to Roc USA and confirmed the City has not been asked to either pay for a new mobile home park or a new piece of land. She expressed frustration that the City listened but did not act. She pointed out Mayor Hogan was very committed to this community and she did not feel his legacy was being upheld.

18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:27 p.m.

BOB LEGARE, MAYOR

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

November 19, 2018

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ATTEST:

City Clerk

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