

MINUTES

Regular Meeting – Aurora City Council Monday, September 24, 2018

CALL TO ORDER – REGULAR MEETING

Mayor LeGare convened the regular meeting of City Council at 5:00 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, 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 SEPTEMBER 24, 2018 AND CALL TO ORDER**

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

2. **ROLL CALL** Barb Shafer, City Clerk Analyst

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

COUNCIL MEMBERS ABSENT: Hiltz

3. **INVOCATION** Pastor Scott Bloyer, Elevation Christian Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 4, 2018**

Motion by Roth, second by Bergan, to approve the minutes of the meeting of September 4, 2018, as presented.

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

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

Abstaining: None

APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 17, 2018

Motion by Bergan, second by Richardson, to approve the minutes of the meeting of September 17, 2018, as presented.

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

Abstaining: None

6. **CEREMONY**

a. Colfax Marathon Awards

Mayor LeGare invited Andrea Dowdy, CEO, Colfax Marathon and the Aurora Fire Department running team to come forward. Ms. Dowdy presented awards to Mayor LeGare and Aurora Fire Department Teams #1 and #2 and expressed appreciation to the Aurora Police and Fire Departments, Kaiser Permanente and the City of Aurora for their efforts in creating another successful and safe marathon. Each guest expressed appreciation for the recognition.

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

a. Public Invited to be Heard on the 2019 Budget

Linnea Reed-Ellis and Michael Himawan, Aurora, Colorado, stated their opposition to the proposal that the time allowed in the Public Invited to be Heard segment of the City Council meeting agenda be limited.

Arnie Shultz, Aurora, Colorado, echoed the previous comments related to limiting the public speaking time in City Council meetings, expressed appreciation to the City for their efforts related to including recreation centers in the City budget and advocated for more effort in that regard.

Jon Barber, President, E-470 Neighbors Group, Aurora, Colorado, expressed concerns related to infrastructure and plans not keeping up with development in the City and discussed the related safety concerns.

Randall McCoy, Aurora, Colorado, discussed city, state and federal officials' suppression of citizens and his negative experiences with City of Aurora Police.

Bryan Lindstrom, Aurora, Colorado, expressed appreciation to the City Council for honoring the democratic process.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with the adjustment of item 6a.

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

General Business

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

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Coblaco Services, Inc., Aurora, Colorado in the amount of \$133,975.00 for the Spinney Mountain Reservoir Dam Outlet Works Painting Phase 2 Project, Project No. 5647A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to American West Construction, LLC, Denver, Colorado in the amount of \$539,475.00 for the Aurora Reservoir Dam Instrumentation Project, Project No. 5654A. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water
- c. Consideration to EXTEND A SINGLE SOURCE CONTRACT to KG Lewis (formerly Lewis Fowler LLC), Englewood, Colorado in the amount of \$150,210.00 for professional consulting services to support final implementation tasks for the City's workflow management software system through March 2, 2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Accela Inc., San Ramon, California in the total amount of \$351,979.75 to provide annual maintenance and support for the Workflow Process Software System through September 29, 2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- e. Consideration to APPROVE AN AGREEMENT between the City of Aurora and The Colfax Marathon Partnership. STAFF SOURCE: Terri Velasquez, Director, Finance

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

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

Final Ordinances

- ◆ f. **2018-37**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adopting the 2018 Comprehensive Plan. STAFF SOURCE: Daniel Krzyzanowski, Senior Planner, Planning & Development Services

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

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

10. **RESOLUTIONS**

- ◆ a. **R2018-87**
Consideration to APPROVE A RESOLUTION of the City Council of Aurora, Colorado, Approving the Restaurant Program Grant Agreement/Letter of Understanding among the City of Aurora, Colorado, Byung Young Cho, Soon Ja Lee (Owners) and Mountain Pig, LLC and the Loan Agreement between the City of Aurora, Colorado and the Owners for the Development of the Mason Dumplings Restaurant. STAFF SOURCE: Timothy "Tim" Gonerka, Senior Project Manager, Planning & Development Services

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

Council Member Gruber asked staff the location of the restaurant.

Tim Gonerka, Senior Project Manager, Planning & Development Services, noted it was located at the corner of Dayton and Montview.

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Council Member Gruber asked if the City has supported other restaurants located in Ward I. Mr. Gonerka answered affirmatively.

Council Member Murillo asked Mr. Gonerka to speak to the City's restaurant incentive program, noting it was a great program. Mr. Gonerka did so, noting it was a program approved by Council to incentivize restaurants to come into northwest Aurora specifically with the goal of creating restaurant venues in spaces where there were not any. Council Member Murillo reiterated it was a great program and discussed the Transforming Safety Initiative grant funding program that was designed to reduce crime via community development.

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

- ◆ b. **R2018-88**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the termination of a Drainage Easement to allow for the dedication of a Drainage & Trail Easement over the Bolling Drive Tributary. ***(This Item Also Appears on the September 24, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2a of the Study Session Packet.)***
STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

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

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

- ◆ c. **R2018-89**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between Community College of Aurora and the City of Aurora for Joint use of facilities. STAFF SOURCE: Byron Fanning, Manager of Recreation Services, Parks, Recreation & Open Space

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

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

- ◆ d. **R2018-90**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the Urban Drainage and Flood Control District, regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for 22nd Avenue outfall to Westerly Creek. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

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

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

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11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-38**
PUBLIC HEARING and INTRODUCTION OF AN ORDINANCE 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

Mayor LeGare opened the public hearing on the item.

Heather Lamboy, Planning Supervisor, Planning & Development Services, gave a brief summary of the item, noting it related to a request to rezone a parcel of land from B-3 to TOD-Core and amending the zoning map accordingly.

Diane Mullan, Aurora, Colorado, an adjacent resident, raised questions related to the project such as a completion timeline, construction of a pedestrian bridge, rezoning boundaries, neighborhood notification, and access between the properties.

Council Member Richardson asked staff to speak with Ms. Mullan about her concerns and to provide her with Council Member Richardson's contact information.

Jason Batchelor, Deputy City Manager, agreed to do so.

Andrea Amonick, Development Services/AURA Manager, stated the 1.4-acre Key Bank site was the only site being rezoned, noting doing so made all of the zoning on the site consistent with the overall development plan. She clarified the completion timing on the first phase was winter of 2019; the wall was a noise and screening wall intended for the King Soopers loading docks; and that the City and AURA were actively seeking funding for a pedestrian bridge. She stated she would be happy to provide Ms. Mullan with her contact information to answer any further questions she might have.

Mr. Batchelor added redevelopment on the north half of the site was necessary to relocate the fueling station before a pedestrian bridge could be installed.

Mayor LeGare closed the public hearing on the item.

Motion by Richardson second by Gruber, to introduce item 11a.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2018-22**
PUBLIC COMMENT and INTRODUCTION OF AN ORDINANCE 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. STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

Mayor LeGare opened the public hearing on items 12a and 12b.

George Thorn, President, Mile High Development; Jeff Martinez, President, Brothers Development; Amanda Blaurock, Village Exchange Center; Beth Strimpel, President, Del Mar Neighborhood United (DMNU); Curtis Maddox; Jordan Orr, Trammel Crow Company; Jonathan Alpert, Stanley Marketplace owner and developer; and Mark Shaker, Stanley Marketplace owner and developer, spoke in favor of the item.

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Linnea Reed-Ellis, Aurora, Colorado; Michael Himawan, Aurora, Colorado; Juan Marcano, Aurora, Colorado, William Gandrez; Nadine Caldwell, North Aurora Neighborhood Organization (NANO); Karen Schwieder, NANO; Alison Coombs; and Bryan Lindstrom, Aurora, Colorado, spoke in opposition to the item.

Council Member Bergan asked staff if the accessible dwelling units (ADUs) were approved as a conditional use.

Sarah Wieder, Planner, Planning & Development Services, answered affirmatively.

Council Member Bergan asked Ms. Wieder to speak to how that approval process. Ms. Wieder did so, noting the homeowner must live in Original Aurora in the primary dwelling unit and must bring their request to City staff in order to be eligible to construct an ADU. She stated notice would then be provided to adjacent neighbors prior to the request being brought to the Planning & Zoning Commission for approval as a conditional use. She pointed out any item could be called up by the City Council should there be any concerns or questions. Council Member Bergan asked if City Council could also call up any site plan. Ms. Wieder answered affirmatively.

Council Member Lawson asked if any stakeholder or community meetings were held since the item was put on hold. Ms. Wieder answered affirmatively.

Ms. Wieder provided a brief presentation on the item.

Mayor LeGare closed the public hearing on items 12a and 12b.

Council Member Murillo expressed appreciation to City staff for their efforts in this regard. She discussed the items that she agreed with and those that she did not related to development in Ward I and noted the importance of affordable housing in the City. She expressed concerns related to the potential for displacement with a rezone of this size especially considering the City did not have a displacement tracking system at this time. She stated she could not support the item at this time without the complimentary policy and consideration. She discussed the rezone approval criteria as it applied to this item and noted she looked forward to working towards a solution. She clarified her nay vote was not against growth and development but was rather against displacement.

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

Council Member Richardson stated he would not support the item in deference to the Ward Council Member's position.

Council Member Watson stated the discussion of attainable housing has been a topic of interest in the City of Aurora for a long time and discussed the City's limitations in providing affordable housing. He pointed out ADUs were a part of the conditional use process which meant they were reviewed by staff which included public comment. He pointed out additionally that City Council could make changes as they saw fit and it was for all of those reasons that he would vote in support of the item.

Council Member Gruber discussed the significant efforts made by the City Council to enhance and improve Ward I, noting he would support the item because it was another important step in the process of doing so.

Council Member Berzins stated she would abstain from the vote due to family owned property in the area.

Council Member Johnston stated this decision was a challenge because of her constituency and the Ward Council Member's varying opinions. She noted the zones were complex and pointed out this rezoning was a pilot project. She stated the status quo was unacceptable and the zoning update addressed where the City was headed. She stated her support of the item and noted that while gentrification and displacement were concerns; they could not all fall on this item.

Council Member Bergan stated her support for the item. She agreed the issue was comprehensive and expressed appreciation to staff for their outreach efforts in this regard. She discussed the current market conditions and the need for flexibility in zoning which this item allowed in a responsible way.

Council Member Lawson stated her support of the item because this was a chance for permanent support for housing in an area where it was needed. She agreed gentrification and displacement needed to be addressed, noting it would be done through policy.

Council Member Murillo agreed it was not an easy vote and expressed her hope that the City Council would address displacement because that really was at the heart of her goal and intent. She expressed concerns that this would exchange long term gain with short term gain and noted she would vote her conscience.

Mayor LeGare stated he could not vote on the item unless there was a tie but noted he would vote to support the item if he were to vote because he believed the overall rezoning was a good opportunity to create opportunities in Original Aurora.

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

Voting Nay: Murillo, Richardson

Abstaining: Berzins

- ◆ b. **2018-23**
PUBLIC HEARING and INTRODUCTION OF AN ORDINANCE 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) STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

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

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

Voting Nay: Murillo, Richardson

Abstaining: Berzins

- ◆ c. **2018-39**
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 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 Roth, to introduce item 12c.

Council Member Bergan expressed appreciation to the entities involved for their efforts to come together to meet all of the neighbors' concerns.

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

- ◆ d. **2018-40**
Consideration of AN ORDINANCE FOR INTRODUCTION 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. ***(This Item Also Appears on the September 24, 2018 Study Session) (Due to this item being dual listed, the backup is included in item 2c of the Study Session Packet.)*** STAFF SOURCE: Joseph Scott, Debt & Treasury Senior Analyst, Finance

Terri Vasquez, Director, Finance, provided a brief summary of the item.

Motion by Roth, second by Berzins, to introduce item 12d.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to appoint (1) one member and reappoint (4) members to the Oil and Gas Advisory Committee. STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning & Development Services

Mayor LeGare asked staff to speak to the backup information stating the item was tabled.

Dan Brotzman, Interim City Attorney, did so and confirmed there was not a motion to table the item at a regular meeting but that it was tabled at a study session which was not allowed.

Council Member Johnston nominated Lisa Clark.

Council Member Lawson nominated Doug Schriener.

Council Member Roth nominated Brad Pierce.

Council Member Johnston advocated for Ms. Clark, noting the vacancy was created because Council Member Johnston vacated it when she was elected. She clarified Ms. Clark did not have the opportunity to be interviewed regardless of the bylaws which stated that would occur. She confirmed Ms. Clark lived in an area where fracking was a concern and noted the intent was to have a citizen representative and Ms. Clark was someone that represented the community and not the industry interests.

Council Member Roth advocated for Brad Pierce, noting Mr. Pierce was an Aurora City Council member for 12+ years who was instrumental in forming the Oil & Gas Committee and instigating the conversation of the committee's makeup. He noted Mr. Pierce was very familiar with City and committee processes.

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Lisa Clark received two votes.
Doug Schriener received one vote.
Brad Pierce received seven votes.

Motion by Roth, second by Gruber, to appoint Brad Pierce to the Oil and Gas Advisory Committee.

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

Voting Nay: Johnston, Murillo

Motion by Bergan, second by Richardson, to reappoint Max Blair, Polly Page, and Chad Polak and Joshua Reddell to the Oil and Gas Advisory Committee.

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

16. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Watson discussed the success of the recent Comprehensive Plan approval and expressed appreciation to City Council and City staff for their efforts in that regard.

Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Thursday, September 27, 2018 at the Beck Recreation Center at 6:30 p.m. where a presentation on open space was planned.

Council Member Gruber extended congratulations to City staff for their efforts with regards to the Comprehensive Plan.

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

Council Member Roth discussed the time he spent recently with the new City Manager, Jim Twombly on a tour of Ward V, and announced the Ward V Town Hall meeting was scheduled for October 16, 2018 at 6:30 p.m. where a candidate forum was planned. He listed those candidates who agreed to attend.

Council Member Berzins announced the Ward III morning meeting was scheduled for Thursday, September 27, 2018 at the Aurora Hills Golf Course Tin Cup restaurant at 7:15 a.m. where an Arapahoe County Clerk & Recorder's representative would be present to discuss this year's election.

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, September 26, 2018 from 6:00 p.m. to 8:00 p.m. where a budget presentation and general updates would be provided. She discussed the success of the recent Aurora Public Schools Gala.

Council Member Richardson announced the appointment of Garrett Walls to the Business Advisory Board.

Council Member Murillo discussed the success of the recent Ward I Town Hall meetings which provided information on the different state ballot initiatives. She announced the Ward I Town Hall meeting was scheduled for Tuesday, October 16, 2018 at the Anschutz Medical Campus at 6:00 p.m. where the social determinants of health would be discussed.

17. **PUBLIC INVITED TO BE HEARD**

None

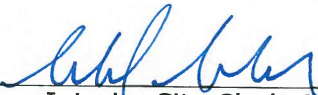
18. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 10:08 p.m.



BOB LEGARE, MAYOR

ATTEST:



Interim City Clerk, Mike Lawson