

**MINUTES**

**Regular Meeting – Aurora City Council  
Monday, August 6, 2018**

**CALL TO ORDER – REGULAR MEETING**

Mayor LeGare convened the regular meeting of City Council at 4:04 p.m.

**ROLL CALL**

PRESIDING:	Mayor LeGare
COUNCIL MEMBERS PRESENT:	Berzins, Gruber, Hiltz, Lawson, Murillo, Richardson
COUNCIL MEMBERS ABSENT:	Bergan, Roth
OFFICIALS PRESENT:	Interim City Manager Batchelor, City Attorney Hyman, Interim City Clerk Lawson
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Johnston

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

**CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

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

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF AUGUST 6, 2018 AND CALL TO ORDER**

Mayor LeGare reconvened the regular meeting of City Council at 7:40 p.m.

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

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

COUNCIL MEMBERS ABSENT: Bergan, Roth

3. **INVOCATION** Bob LeGare, City of Aurora Mayor

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JULY 23, 2018**

Motion by Berzins, second by Richardson, to approve the minutes of the meeting of July 23, 2018, as presented.

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

- ◆ *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.*

6. **CEREMONY**

- a. Swearing in of newly appointed Council Member at Large of the City of Aurora, Colorado – Johnny Watson – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the newly appointed Council Member at Large, Johnny Watson. City Council congratulated Mr. Watson and thanked him for his service to Aurora. Mayor LeGare welcomed Mr. Watson to the Aurora City Council. Council Member Watson was seated on the dais.

- b. 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>
Mtali Desai	Aurora Youth Commission
Joseph Lewis	Aurora Youth Commission
Jhostin Perez	Aurora Youth Commission
Josephine Stockton	Aurora Youth Commission
Leanne Wheeler	Citizens Advisory Budget Committee
Dan Daly	Golf Course Advisory Committee
Kevin Hempsted	Human Relations Commission
Lauren Piner	Human Relations Commission
Oren "Von" Limbaugh	Judicial Performance Commission
Gary Bruno	Veterans Affairs Commission
Lynn Donaldson	Veterans Affairs Commission

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

Nicholas Walker, Aurora, Colorado, expressed appreciation to Council Member Berzins and Mayor LeGare for their efforts on behalf of the Lyn Knoll neighborhood. He asked the City Council to review his request related to neighborhood fencing, signage and improvement of the entryways into the neighborhood.

Mayor LeGare referenced code section 91-16, which allowed the chair of the meeting to limit testimony in this section if speakers stated the same concerns repeatedly. He stated he may ask people in the audience to stand and be counted for their united cause if that were to occur.

Bryan Lindstrom, Aurora, Colorado, asked that the ward redistricting task be delayed until after the election.

Council Member Hiltz stated her opinion that City Council should hear all testimony because everyone had a Constitutional right to free speech and the City Council believed in the Constitution. She noted people came out to speak to things that were happening in the City that impacted them and while there might be common themes, each person was a unique individual with their own story and experience. She stated she was elected to sit on the dais and hear testimony for as long as it took. She stated she did not agree with grouping or limiting testimony.

- ◆ ***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 suggested, in the interest of allowing everyone to speak, that the testimony time limit be reduced from three minutes to two minutes.

Mayor LeGare stated he would proceed with his position as Chair to use resolution 91-16 if issues were repeated. He agreed everyone had a right to be heard but noted there was also a meeting to be run with many items on the agenda. He pointed out anyone who was limited from speaking could submit a letter to their City Council person, the City Council or City Clerk. He stated his view that limiting did not mean shutting down the voice of everyone totally, noting there were many ways to communicate in this regard.

Bob Wesner, President, Aurora Police Association (APA), Aurora, Colorado, discussed the police pension plan and stated his disappointment at City Council's rejection of the APA's proposal.

Greg Gallazzi, Vice-President, APA, Aurora, Colorado, echoed Mr. Wesner's comments and discussed the police pension plan.

Cesiah Guadarrama Trejo, Housing Organizer, 9to5 Colorado, asked those present with an interest in the Denver Meadows Mobile Home Park to stand. She discussed the urgency for City Council to take action for the Denver Meadows Mobile Home Park matter.

Mayor LeGare recognized approximately 65 people standing.

Rodrigo Martinez, Aurora, Colorado, Denver Meadows resident, echoed Ms. Trejo's comments, and discussed the need for support and help for the families.

Judy Lutkin, Aurora, Colorado, Secretary, APA, discussed the police defined contribution plan and the need for a change to a defined benefit plan. She requested the City Council consider keeping Aurora on par with Denver with regards to police benefits and pay.

Virgil Majors, Aurora, Colorado, APA, echoed Ms. Lutkin's comments and discussed the police department's benefits and ongoing benefit negotiations.

Jenee Donaldson, 9to5 Colorado, discussed the Eugene, Oregon housing proposal as it related to the Denver Meadows Mobile Home Park.

Nancy Flores, Denver Meadows United Neighbors, Aurora, Colorado, expressed her frustrations related to the closing of the park.

Arturo Dominguez, former Denver Meadows resident, Aurora, Colorado, echoed Ms. Flores comments and shared his experience losing his home.

Walker Obrecht, Head Grievance Steward, APA, Aurora, Colorado, concurred with Mr. Wesner and stated his disappointment that for the first time since 2005, the Chief's office sent representatives to testify against the rank and file in a fact-finding mission.

Nicole Wicklund, Aurora Police officer, Aurora, Colorado, expressed concerns related to the Fire and Police Pension Association (FPPA) and the City's lack of support of the police department in this regard.

Council Member Hiltz expressed appreciation to all those who attended the meeting especially the group speaking about the police retirement. She stated her support of the City moving to the FPPA because this was not just about the FPPA and retirement choices and officers to get educated on their own retirement plan, it was about most of the officers outliving their retirement plans. She noted there has been a lot of comment related to the lack of council support so she wanted to state her position.

- ◆ ***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.***

Jason Chilson, APA, Aurora, Colorado, expressed appreciation to all those involved in reaching a proposed agreement and discussed the negative impact the rejected proposal had on the police officers.

Humberto Chicaro, former Denver Meadows resident, Aurora, Colorado, discussed how he was forced out of his home which resulted in him purchasing another home he could not afford.

Mariana Angiane, Denver Meadows United Neighbors, Aurora, Colorado, discussed her home situation and asked City Council for help with regards to the closing of the mobile home park.

Maria Teresa Zacarias, former resident of Denver Meadows, Aurora, Colorado, discussed her experience in being displaced from her home.

Shannon Holloman, Denver Meadows resident, Aurora, Colorado, discussed her experience purchasing her home and what would happen if the park closed. She requested help from the City Council in that regard.

David Cook, APA, Aurora, Colorado, encouraged the City Council to rethink the contract negotiations and discussed his disappointment in that regard.

Amber Roberts, Field Training Officer (FTO) Specialist, Aurora Police, discussed specialist pay, job requirements and retirement.

Jonathan Dediemar, Aurora Police, Aurora, Colorado, asked that the City Council consider treating the police better when negotiating the contract.

Josh Perrott, Aurora Police, discussed his experience working in public service and the defined benefit plan. He asked the City Council to allow the police to decide on their own plan.

Petra Bennett, Denver Meadows resident, Aurora, Colorado, discussed affordable housing in Aurora and how the park closing would impact her financially. She expressed her hope that the City would step in to help considering there was less than 60 days until the park closed.

Elizabeth Zacarias, Denver Meadows United Neighbors, Aurora, Colorado, stated she was displaced from the mobile home park community with no concrete plan of support from the City. She requested help from the City in that regard.

Sean Mitchell, Aurora Police, echoed the previous comments related to the police pension plan and discussed his concerns related to there not being enough money in the plan for him to retire. He stated he would like to have a defined benefit plan.

Council Member Richardson thanked Officer Mitchell for his efforts on behalf of the police department. He stated one of the issues raised with the FTTP was the depletion of the retiree fund. He asked everyone to think creatively, such as an administrative fee subsidy, to keep the fund viable.

Ana Tovar, Denver Meadows, Aurora, Colorado, discussed the financial impact closing the park would have on her and asked if the City had a plan for the community. She stated if not, the residents would need \$2M for relocation costs. She stated if that was not done then the residents would be back to the City Council meetings every Monday from now on. She pointed out there were cities with better policies in place to preserve accessible housing, such as mobile home park owners paying for resident relocation if they closed a park, and suggested the City of Aurora implement some of those policies.

- ◆ ***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.***

Judith Marguez, 9to5 Colorado, Aurora, Colorado, discussed the mobile home communities that have disappeared in the City due to development that the City did nothing to protect. She discussed the lack of affordable housing in Aurora and the lack of concern for those living in these communities and the negative impact this situation has had and would have on these residents.

Gustavo Tovar, Denver Meadows resident, Aurora, Colorado, discussed the nightmare he experienced living at the mobile home park and pointed out the problem was not closing the park but that the residents would be displaced when it did.

Reverend Doctor Lynda Rawlins, Aurora, Colorado, asked the City Council to seriously consider the resident and police speakers' comments.

Michael Himawan, Aurora, Colorado, stated his support of the Denver Meadows residents and discussed ward redistricting. He expressed concerns related to public trust, timing and the election process in Aurora. He suggested the City Council explore an ordinance that would redistrict after the election.

George Lopez, Denver Meadows resident, Aurora, Colorado, discussed the effects closing the mobile home park would have on the residents.

Liliana Pena, former Denver Meadows resident, Aurora, Colorado, discussed her experience losing her home and how the closing of the park would impact the residents.

Lalo Ramirez, Denver Meadows resident, Aurora, Colorado, emphasized the need for an immediate resolution for the Denver Meadows community.

Joshua Acosta, Denver Meadows community ally, Aurora, Colorado, asked the City Council to consider the value of the residents living there and how to help them. He stated housing was a right and no one should be displaced from their home. He noted there were only two months left to make a plan and if one was not made then the speakers would be back every week to speak about it until something was done.

Bruno Tapia, Denver Meadows community ally, Aurora, Colorado, echoed Mr. Acosta's comments with regards to the Denver Meadows residents.

Robert Curran, Denver Meadows community ally, Aurora, Colorado, expressed his understanding that these hard-working people have asked the City for help with no relief. He stated there needed to be a plan for them as well as other residents in the City facing these issues.

Moira Casados Cassidy, Denver Meadows community ally, Aurora, Colorado, discussed the impact that allowing children and families to live in desperation had on the community overall. She stated there was a need for justice and a plan on behalf of these families to support their right to housing.

Russell Ruelt, Denver Meadows community ally, Aurora, Colorado, stated people would return to the meetings week after week stronger each time if the City Council did not choose to help.

Lillian House, Denver Meadows community ally, Aurora, Colorado, discussed the need for the City Council to make a commitment to help the residents prepare for this crisis that happened in 60 days.

Ryan Handy, Denver Meadows community ally, Aurora, Colorado, discussed the active action of the landlord towards those who lived in the community and the need for a concrete plan to be put forth to mitigate their concerns.

- ◆ ***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.***

Omar Montgomery, President, Aurora-NAACP, Aurora, Colorado, welcomed Council Member Watson and Mayor LeGare and stated the Aurora-NAACP's support of the Denver Meadows residents. He discussed his experience of tent cities filled with displaced people when recently visiting New Orleans and expressed his hope that that would not happen in Aurora in this instance.

*MAYOR LEGARE CALLED FOR A TEN MINUTE RECESS*

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

**General Business**

- a. Consideration to approve an Employment Contract for the City Manager position by and between the City of Aurora, Colorado and James M. Twombly. STAFF SOURCE: Dianna Giordano, Director of Human Resources, Human Resources

Motion by Richardson, second by Berzins, to approve item 9a.

Voting Aye: Mayor LeGare, Berzins, Gruber, Johnston, Richardson, Watson

Voting Nay: Hiltz, Lawson, Murillo

- b. Consideration to AWARD WORK PACKAGE NO. 2 of the Fire Station 15 Project to Golden Triangle Construction, Inc., Longmont, Colorado in the amount of \$25,864.00, R-5523A. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Project One Integrated Services, LLC, Englewood, Colorado in the amount of \$131,040.00 for construction management services associated with Fire Station 5. STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Everbridge, Inc., Pasadena, California in the amount of \$131,500.00 for annual support of the Citizen and Emergency Notification System through September 30, 2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC, Lake Mary, Florida in the amount of \$74,943.78 for annual maintenance and support of the One Solution Software through June 30, 2019. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology
- f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to EJ USA, Inc., Denver, Colorado in the not-to-exceed amount of \$54,000.00 for the purchase of manhole products as required by the Water Department through March 31, 2019. (B-4215) STAFF SOURCE: Steven Sciba, Manager of Water Operations and Maintenance, Aurora Water
- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Veritiv Operating Company, Denver, Colorado in the not-to-exceed amount of \$100,000.00 for print shop paper, envelopes and supplies as required by the Communications Department

- ◆ ***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.***

through July 31, 2019. (B-4433) STAFF SOURCE: Lori MacKenzie, Manager of Public Relations, Communications

- h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Western Land Group, Denver, Colorado in the amount of \$143,000.00 for public lands consulting services associated with the Wild Horse and Box Creek Reservoirs. STAFF SOURCE: Richard Vidmar, Principal Water Resources, Aurora Water
- i. Consideration to award an OPENLY SOLICITED CONTRACT to S A Miro, Incorporated, Denver, Colorado in the amount not-to-exceed \$140,000.00 for Design Services of the District 3 Aurora Police Department Fence and Gate project, RFP R-1909. STAFF SOURCE: Katrina Rodriguez, Principal Engineer, Public Works
- j. Consideration to approve CHANGE ORDER NO. 4 to a competitively bid contract with Republic Services #535, Phoenix, Arizona in the amount not to exceed \$50,000.00 for Refuse Collection Services. STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works

Motion by Richardson, second by Berzins, to approve items 9b – 9j with a waiver of reconsideration on item 9b.

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

10. **RESOLUTIONS**

- ◆ a. **R2018-68**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Agreement among Premier Urban Partners, LLC and Marimba! LLC. STAFF SOURCE: Timothy "Tim" Gonerka, Senior Project Manager, Planning & Development Services

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

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

- ◆ b. **R2018-69**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Amendment to the Intergovernmental Agreement between the City of Aurora, 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 First Creek Detention Upstream of I-70 in the City of Aurora. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

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

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

- ◆ c. **R2018-70**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, between the City Council of Aurora, Colorado and the City and County of Denver to interconnect their public safety radio systems. STAFF SOURCE: Wade Williams, Supervisor, Information Technology

- ◆ ***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.***

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

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

- ◆ d. **R2018-71**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City at a Special Election to be held at the same time as the November 6, 2018, Statewide General Election, a ballot issue allowing Medical Marijuana Centers, optional premises cultivation facilities and medical marijuana-infused products facilities in the City and authorizing an additional 4.0% sales and use tax on medical marijuana and medical marijuana-infused products. STAFF SOURCE: Robin Peterson, Manager of Marijuana Enforcement, Finance

Kelby Cross, Chief Technical Officer, WonderLeaf, stated his opposition to the item.

Council Member Richardson asked if there was a product that was purchased by both recreational and medical marijuana users. Mr. Cross stated the marijuana flower itself. Council Member Richardson asked the difference in cost of the product currently between the two. Mr. Cross stated it depended on the location and noted the difference was generally 15 percent. He stated his argument was not that medical marijuana was less expensive; his argument was that people in Aurora were currently going outside of Aurora to purchase medical marijuana which would not be necessary if Aurora would allow it. He pointed out these residents were often disabled or veterans suffering from legitimate ailments who were seeking alternative medicine. Council Member Richardson asked if the four percent tax, which would close the gap from 15 percent to 11 percent, was a significant difference. Mr. Cross stated he did not want Aurora to inadvertently create a worse situation for themselves because many people see a tax increase on a ballot and do not go any further. Council Member Richardson asked if medical marijuana had more government oversight in administration. Mr. Cross answered no and discussed the oversight regulations for recreational cannabis.

Council Member Lawson asked Mr. Cross what would cause him to move his company out of Aurora. Mr. Cross explained it was not cost effective to operate two separate facilities; one to process recreational and another to process medical. He noted having medical cannabis in Aurora would allow him to operate both out of the same facility and if not, he would have to leave. Council Member Lawson asked staff if the resolution would allow Mr. Cross' business to do both.

*(INDISCERNIBLE -LOW VOLUME)*

Council Member Gruber expressed his understanding that the growing process for medical and recreational marijuana was identical and asked if it would make more sense to have two questions; one that would address the growth, processing and development of medicines and the other that would address the sale of medical marijuana in Aurora. Mr. Cross answered affirmatively. He stated he was an advocate for the industry but speaking from the production and manufacturer sector, he would not realize a change except to pay Aurora twice - once for each license.

Council Member Lawson asked staff if the resolution would allow Mr. Cross' business to manufacture both recreational and medical marijuana.

Robin Peterson, Manager of Marijuana Enforcement, Finance, answered affirmatively.

- ◆ ***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 Gruber noted the topic of splitting the question to address the growth, processing and development of medicines and another to address the retail of medical marijuana in Aurora was raised during study session. He stated his support of doing so, noting it would make more sense to the voters to have one question that addressed the financial impact and another that would not.

Council Member Richardson stated the administration of medical marijuana sales was more staff intensive.

Ms. Peterson stated it would not for the City but suggested it might be for the owners.

Council Member Richardson stated the City would not need any more staff in this instance.

Jason Batchelor, Interim City Manager, agreed there would be minimal staff impact in terms of regulating medical grow and medical product manufacture. He noted the question of allowing medical dispensaries was an open question because City Council left the question open based on their study session discussion as to whether Aurora was only allowing the 24 licenses to have medical sales or if the City would open up a request for proposal (RFP) process on medical dispensaries. He pointed out doing so would require additional staff because it was an extremely staff intensive to process.

Council Member Richardson stated his support of Council Member Gruber's suggestion and asked staff if it was still an option given the timeframe.

Council Member Johnston stated her support of splitting the question into two different ballot measures. She expressed concerns that the \$1.8M was a loose assumption and asked staff to speak to that concern. Ms. Peterson did so, noting the estimation was based on Denver's experience with medical versus recreational, noting 35 percent of their sales were medical related so that was the best data staff could utilize for their analysis to determine what portion of Aurora's sales could potentially be medical sales. Council Member Johnston expressed concerns that those who were not going to retail would then pursue medical and Aurora would realize revenue but the four percent tax would realize more. She stated she did not see the connection that Denver's 35 percent of medical sales to the City realizing a \$1.8M revenue loss.

Ms. Peterson stated it was based on Aurora's current taxable sales and the concern that without the additional tax on the medical side, the City could potentially have a shift in medical purchases and then have no correlated tax.

Mr. Batchelor stated adding a dollar amount was a TABOR requirement.

Michael Hyman, City Attorney, stated the issue with TABOR was the percentage increase of the tax so that the City could avoid a tax refund.

Council Member Johnston stated she disagreed with the \$1.8M and asked staff if the state had a record of the number of medical cardholders there were in each city. Ms. Peterson answered affirmatively, noting the state would not disclose it. Council Member Johnston expressed concerns related to the ballot language and asked if it could be cleaned up.

Council Member Richardson expressed concerns related to using Denver's model because medical users in Aurora were driving to Denver and therefore were included in the 35 percent. He asked if 35 percent was too high. Mr. Batchelor stated the data used in

- ◆ ***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.***

estimating revenues was unknown so due to TABOR, the estimate was inflated, noting it was better to err on that side in order to avoid a refund. He reiterated data for estimating revenues was not available so given the TABOR restrictions, it was better to be conservative. He agreed dividing the question into two separate questions with one for the manufacture was a good idea because there would not be a tax component and it would shorten the question by removing those on the retail side.

Council Member Richardson asked if any local revenue would be realized from the medical marijuana. Mr. Batchelor answered no, noting there was an excise tax on retail that would bring in revenue. Council Member Richardson asked if a medical plant could be distinguished from a recreational plant in a grow house. Mr. Batchelor answered affirmatively. Council Member Richardson asked if it was the grower's job or the government's job to differentiate the medical plant from the recreational. Mr. Batchelor stated it fell to both entities.

Mayor LeGare asked Mr. Hyman to speak to the timing for the ballot question. Mr. Hyman discussed the resolution process and confirmed the City had time to act. Mayor LeGare suggested, in the interest of time, that someone make a motion to defer the item to the August 27, 2018 meeting to allow for a new version.

Motion by Gruber, second by Johnston, to defer item 10d to the August 27, 2018 City Council meeting with instructions to staff to bifurcate the question.

Council Member Richardson asked Mr. Hyman the vote requirement to waive reconsideration. Mr. Hyman stated a majority of Council.

Mayor Pro Tem Berzins pointed out splitting the question created a risk that one item would pass and the other would not.

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

Voting Nay: Berzins

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

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

Mayor LeGare opened the public hearing on the item.

Daniel "Dan" Osoba, Planner, Planning & Development Services, provided a brief summary of the item, noting it was related to the rezone request of 7.3 acres at the northeast corner of Jewell Avenue and South Abilene Street from Low Density Residential District (R-1) to Business and Commercial District (B-4) and amend the associated zoning map.

Scott McLean, Development Advisors, representing the applicant, gave a presentation on the item.

Susan and Shawn Zimmerman, Aurora, Colorado, spoke in opposition to the item.

Mary Oatts, Aurora, Colorado, spoke in favor of the item.

- ◆ ***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 Richardson asked Mr. McLean if there was a plan in place to restrict access during the week. Mr. McLean answered no, noting the church planned for their offices to be in the Gander Mountain building across the street, which would be occupied Monday through Friday and they would police the site. Council Member Richardson asked if the office staff was allowed to park in the large parking lot. Mr. McLean answered affirmatively. Council Member Richardson asked if the applicant would voluntarily propose a device that would restrict access to the lot during services. Mr. McLean agreed that was a reasonable request and suggested the applicant would be amenable to doing so.

Mayor Pro Tem Berzins stated her understanding that the Xcel building would be located on the west side of the building.

Mr. McLean stated the applicant planned to add parking to the undeveloped land areas to the south and east of the substation.

Mayor Pro Tem Berzins asked if fencing between the lot and the condos was proposed. Mr. McLean stated code required a certain amount of landscaping or natural fencing to be added between the lot and the adjacent neighborhood. Mayor Pro Tem Berzins asked what was proposed for the north side. Mr. McLean stated his understanding that would be used for detention. Mayor Pro Tem Berzins referenced Council Member Richardson's comments, noting a fence would be the most logical way to restrict access to the parking lot. Mr. McLean suggested the applicant could install metal bollards with a chain link across it. Mayor Pro Tem Berzins pointed out that was not what the neighbors would like to see, noting their preference would be for a fence to be installed to separate them from the parking lot.

Mr. McLean stated there was considerable distance from the buildings to the parking lot.

Council Member Johnston referenced the 25 foot landscape buffer requirement and asked if the applicant was willing to increase that landscaping buffer. Mr. Osoba confirmed there was a 25 foot landscape buffer requirement, noting the requirement included trees and high shrubs for screening purposes between the two uses. Council Member Johnston asked Mr. McLean to speak to whether or not the applicant would be amenable to a natural landscape buffer with trees and large shrubs between the townhomes and the parking lot.

Mr. McLean did so and reiterated City code required them to do so.

Council Member Johnston asked if there was a height requirement for the buffer. Mr. Osoba stated there might be and agreed to review that information and provide it to Council Member Johnston at a later date. Council Member Johnston asked the caliper of trees that went in at a similar location. Mr. Osoba stated those trees were approximately 7 feet tall and 2.5 inch caliper. Council Member Johnston asked Mr. McLean if the applicant was amenable to doing the same.

Becky Hogan, Colorado Community Church, Aurora, Colorado, pointed out this item related to the rezone and the applicant was willing to work with the applicant regarding the site plan, at the appropriate time, particularly as it related to the height and caliper of tree.

Council Member Richardson asked if the site plan would be brought to City Council for review. Mr. Osoba stated only if it were called up, otherwise it would go to the Planning & Zoning Commission for approval. Council Member Richardson echoed Mayor Pro Tem Berzins' comments related to installing a fence between the neighbors and the parking lot.

Mayor LeGare closed the public hearing on the item.

Motion by Richardson, second by Berzins, to approve item 11a.

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

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2018-72**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Bravada Neher Metropolitan District Nos. 1-5, and authorizing the execution of an Intergovernmental Agreement between the City and Districts. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it was related to the approval of an Intergovernmental Agreement (IGA) for the formation of new metro districts.

Bryan Lindstrom, Aurora, Colorado, spoke in opposition to the item.

Council Member Gruber asked if the tax would be used across the City to fund other development. Ms. Irvin stated there was not any current funding available for the infrastructure to serve these developments. Council Member Gruber asked if new development paid its own way. Ms. Irvin answered affirmatively. Council Member Gruber asked if there was any other way to fund the development than establishing a metro district. Mr. Irvin answered no. Council Member Gruber asked if others in the City paid for the development or only those living in the development. Ms. Irvin stated only those living within the boundaries of the metro district paid taxes for that infrastructure.

Council Member Hiltz expressed appreciation to Ms. Irvin for her patience in answering Council questions. She stated she was not a fan of metro districts and how they were done but understood why they were necessary. She expressed her understanding that the only way to turn down a metro district without getting sued was to change the model service plan.

Michael Hyman, City Attorney, discussed the model service plan and the protection it offered to the rest of the City from the burden borne by those who have chosen to live in these districts.

Council Member Hiltz asked if the City Council could change that. Mr. Hyman answered affirmatively.

Mayor LeGare asked if it was standard procedure for homebuyers purchasing a home in a metro district to be provided with title work that included these obligations. Ms. Irvin answered affirmatively. Mayor LeGare stated the information was fully disclosed.

Ms. Irvin concurred.

Council Member Gruber asked the maximum mill levy amount that could be applied to a house built in the district to pay the debt. Ms. Irvin stated the maximum was 50 mills with the addition of the Gallagher increase if required. Council Member Gruber asked when the debt must be resolved. Ms. Irvin stated within 40 years for residential.

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

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

- ◆ b. **R2018-73**

- ◆ *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.*

PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for Watkins Road Holdings Metropolitan District Nos. 1-20, and authorizing the execution of an Intergovernmental Agreement between the City and the Districts. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it was related to the approval of an Intergovernmental Agreement (IGA) for the formation of new metro districts.

Bryan Lindstrom and Juan Marcano, Aurora, Colorado, spoke in opposition to the item.

Mayor LeGare closed the public hearing on the item.

Motion by Berzins, second by Gruber, to approve item 12b.

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

- ◆ c. **R2018-74**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for ATEC Metropolitan District Nos. 1-2, and authorizing the execution of the Intergovernmental Agreement between the City of Aurora and ATEC Metropolitan Districts Nos. 1-2. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it was related to the approval of an Intergovernmental Agreement (IGA) for the formation of new metro districts.

Bryan Lindstrom, Aurora, Colorado, spoke in opposition to the item.

Council Member Gruber asked if there was any risk of the City losing money as a result of a metro district. Ms. Irvin answered no.

Mayor LeGare closed the public hearing on the item.

Motion by Watson, second by Berzins, to approve item 12c.

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

- ◆ d. **R2018-75**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Walnut Peacemaker Metropolitan District Nos. 1-5, and authorizing the execution of an Intergovernmental Agreement between the City and the Districts. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor LeGare opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it was related to the approval of an Intergovernmental Agreement (IGA) for the formation of new metro districts.

- ◆ *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.*

Bryan Lindstrom, Aurora, Colorado, spoke in opposition to the item.

Mayor LeGare closed the public hearing on the item.

Motion by Gruber, second by Berzins, to approve item 12d.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member and reappoint two (2) members to the Citizens Advisory Committee on Housing and Community Development. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Berzins, second by Gruber, to reappoint Lynn Bittel and Vince Chowdhury and appoint Jason Schneider to the Citizens Advisory Committee on Housing and Community Development.

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

Council Member Murillo pointed out there was currently only one Ward I resident sitting on the board and encouraged more equity in commission membership moving forward.

- b. Consideration to appoint one (1) member to the Public Defenders Commission. STAFF SOURCE: Michael Lawson, Interim City Clerk, General Management

Motion by Murillo, second by Hiltz, to appoint Harry Budisidharta to the Public Defenders Commission.

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

15. **REPORTS**

- a. Report by the Mayor

Mayor LeGare announced the appointment of Jonathan Scott to the Citizens Advisory Budget Committee and discussed the honorable mention award presented by the US Department of State to the City of Aurora for the actions of the Aurora Sister Cities program of going above and beyond in working with the immigrant and international communities.

- b. Reports by the Council

Council Member Watson announced the reappointment of Brian Arnold and Melvin Bush to the Citizens' Advisory Budget Committee and the appointment of Nosh Tarachand to the Business Advisory Board.

Council Member Johnston discussed the success of the recent 7/20 memorial unveiling event and encouraged everyone to visit.

- ◆ ***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 Gruber raised the discussion of police and fire pensions. He stated the duty of the City Council was to the citizens of Aurora and pointed out the problem with transferring to a different retirement system was that it put the City at substantial risk. He discussed the risks involved and encouraged everyone interested to review the arbitrator decision. He expressed his understanding of the risks Aurora police officers faced and stated his support of taking another look at the retirement systems on their behalf. He discussed the success of the recent Dragon Boat Race Festival.

Mayor Pro Tem Berzins announced the Ward III meeting was scheduled for Wednesday, August 8, 2018 at the Aurora Chamber offices at 6:00 p.m. where the guest speaker would be an Aurora Housing Authority representative.

Council Member Richardson pointed out that a metro district saved the Heather Ridge community a developer by preserving the amenities, environment, and other pleasant aspects of the community.

Council Member Hiltz congratulated Council Member Lawson on the board and commission appointment of a Citizens Academy graduate. She announced the At-Large Council meeting was scheduled for Tuesday, September 18, 2018 at 6:00 p.m. She expressed appreciation to all those who attended the meeting and to Mayor LeGare for allowing everyone to speak. She raised the topic of the Fire & Police Pension Association (FPPA) transition and also recommended everyone read the factfinder's report. She suggested moving forward that the City seek out non-partisan information rather than citing someone that was anti-union, anti-public safety retirement plans and anti-defined benefit plans.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, Aurora 21, 2018 at the Moorhead Recreation Center at 6:00 p.m., discussed the success of the Sister Cities International Conference and also expressed appreciation to Mayor LeGare for allowing all of the residents to speak on issues they felt were important. She stated her hope that the City would find a way to support those who spoke and expressed her belief that housing was a human right and that people should have access to a dignified existence. She stated her appreciation for all those who attended the meeting, voiced their opinion and exercised their right to do so.

Council Member Hiltz asked for a round of applause to welcome Council Member Watson.

Mayor LeGare welcomed Council Member Watson.

Council Member Watson expressed appreciation to the City Council for voting for him to become a member. He stated his intention to work with all of the Ward Council Members to support them in their efforts.

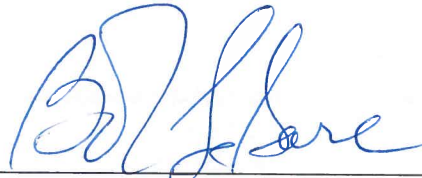
16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 11:44 p.m.

- ◆ *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.*



BOB LEGARE, MAYOR

ATTEST:



Michael Lawson, Interim City Clerk

- ◆ ***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.***