

MINUTES

**Regular Meeting – Aurora City Council
Monday, June 4, 2018**

CALL TO ORDER – REGULAR MEETING

Mayor Pro Tem Berzins convened the regular meeting of City Council at 4:14 p.m.

ROLL CALL

PRESIDING:	Berzins
COUNCIL MEMBERS PRESENT:	Bergan, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Attorney Hyman, Deputy City Manager Wolfe
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF JUNE 4, 2018 AND CALL TO ORDER**

Mayor Pro Tem Berzins reconvened the regular meeting of City Council at 7:30 p.m.

2. **ROLL CALL** Linda Blackston, City Clerk

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

COUNCIL MEMBERS ABSENT: None

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 MAY 21, 2018**

Motion by Roth, second LeGare, to approve the minutes of the meeting of May 21, 2018, as presented.

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

Abstaining: Bergan

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>
Noor Shaikh	Immigrant & Refugee Commission
John Dingess	Metro Wastewater Reclamation District Board
Steve Sundberg	Parks & Recreation Board

- b. Presentation Proclamation and Colorado State Flag by Colorado State Legislature in recognition of Mayor Stephen D. Hogan -

Mayor Pro Tem Berzins invited Mayor Hogan’s family and State Representative Dafna Michaelson Jenet, District 30, to come forward. Representative Jenet presented the Colorado State flag that flew over the State of Colorado Capital on May 13, 2018 to Mrs. Becky Hogan and the Hogan family. Senator Rhonda Fields, District 29, and State Representative Mike Weissman, District 36, read the tribute to Mayor Hogan.

- c. Presentation of Mayor Stephen D. Hogan City Council Nameplate – Mayor Pro Tem Berzins

Mayor Pro Tem Berzins noted following past tradition when the Mayor or Council Member vacated their council seat, the City Council nameplate, which has sat on the dais during their term, was retired. She presented Mayor Hogan’s nameplate to his family on behalf of the City of Aurora.

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

None

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-e**

General Business

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CE Power Systems, Denver, Colorado in the amount of \$164,240.00 for the AMC-Modify Lighting Fixtures in Water-Wise Garden Project, Project Number 5639A. STAFF SOURCE: Lynne Center, Facility Project Delivery Manager, Public Works
- b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with Liberty Waste Management, Englewood, Colorado for portable toilet rental services in the not-to-exceed amount of \$125,000.00 as required through June 30, 2019. STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry

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- c. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with MEI Precision Elevator, Lakewood, Colorado in the not-to-exceed amount of \$88,500.00 for elevator maintenance services on an as-required basis through June 30, 2019. STAFF SOURCE: Chris Carnahan, Deputy Director of Public Works Operations
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Fire Inspection Services, LLC, Wheat Ridge, Colorado in the amount not-to-exceed \$60,000.00, B-4380. STAFF SOURCE: Chris Carnahan, Deputy Director of Public Works Operations

Motion by Bergan, second by Roth, to approve items 9a – 9d.

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

Final Ordinances

- ◆ e. **2018-19**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 134-358, by adding Subsection (C) of the City Code pertaining to parking prohibition for motor homes and camper trailers. STAFF SOURCE: Deputy Police Chief Paul O'Keefe, Police

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

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

10. **RESOLUTIONS**

- ◆ a. **R2018-47**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Lease Agreement between the City of Aurora and Ability Connection Colorado. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

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

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

- ◆ b. **R2018-48**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between Denver Regional Council of Governments (DRCOG) and the City of Aurora for Transportation Services. STAFF SOURCE: Byron Fanning, Manager of Recreation Services, Parks, Recreation & Open Space

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

Council Member Roth stated the transportation system was a great one but the first and last mile needed to be worked on. He noted this was one of the specific items that came through the DRCOG process to allocate a specific amount of money for senior transportation.

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

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◆ c. **R2018-49**

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 question regarding the continued issuance of photo red light tickets. STAFF SOURCE: Vanessa Wilson, Division Chief Police Chief, Police

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

Council Member Johnston noted she has received questions related to the current cost of the program and where it was allocated.

Nancy Rodgers, Assistant City Attorney, noted an additional handout related to the Nexus funding was included in the Council backup material.

Nancy Freed, Deputy City Manager, called out those figures, noting the revenue was \$3.14M, the program cost was \$2M, \$1.5M was allocated for surcharge programs and \$1.1M was allocated for Nexus.

Council Member LeGare stated photo red light tickets were issued to those who ran through a red light in Aurora only after the footage was reviewed by a police officer.

Lt. Jad Lanigan, Aurora Police, concurred. He explained a photo red light summons would not be authorized if a police officer on the street would not issue the same summons for either a failure to stop at a red light when turning right or for running through the red light.

Council Member Roth stated the benefit of the doubt during the review process was given to the driver and 50 percent of the photos taken were never issued based on that review.

Lt. Lanigan concurred, noting a citation was not issued every time the flash went off.

Council Member Richardson stated his opinion that if the item went to the ballot then those drivers who stopped for red lights would be charged with generating the \$1.5M to fund the programs. He stated it was a good program but he would not support the item.

Council Member Lawson asked if an explanation of the programs the photo red light camera program supported would be extended to the citizens.

Mike Hyman, City Attorney, answered no.

Council Member Johnston suggested City Council use whatever platforms they have available to ensure citizens were clear on what they were voting on.

Council Member Bergan asked if it would be permissible to post that information on the City website. Mr. Hyman discussed what was permissible under the law in that regard. Council Member Bergan stated her understanding it was permissible as long as it was factual.

Mr. Hyman concurred.

Council Member LeGare noted there were rules against the City spending money once an item was placed on the ballot and asked staff for the approximate timeframe for that to go into effect. Mr. Hyman stated that date was at the time the decision was made for the item to be placed on the ballot. Council Member LeGare asked if City Council could ask staff for information about an item after that time. Mr. Hyman answered affirmatively, noting council members could always request information from staff.

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

Voting Nay: Richardson

- ◆ d. **R2018-50**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the expenditure of funds in the amount not to exceed \$1,619,500 plus associated closing costs, to acquire certain real property located in Lake County for the box creek reservoir project. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

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

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

- ◆ e. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement Between Arapahoe County and the City of Aurora Regarding Funding Related to Stephen D. Hogan Parkway (6th Avenue Parkway Extension) (***Due to this item being dual listed, the backup is included in item 2f of the Study Session Packet.***) (***This item also appears on the June 4, 2018 Regular meeting***) STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Gruber, second by Johnston, to approve item 10e.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2018-21**
PUBLIC HEARING and INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 4.8 acres more or less at the Southwest corner of 14th Avenue and Potomac Street from High Density Multi-Family Residential District (R-4) to Fitzsimons Boundary Area District Subarea 4 (FBAD 4) and amending the zoning map accordingly. (Fitz on 14th Rezone) STAFF SOURCE: Sarah Wieder, Planner, Planning & Development Services

Mayor Pro Tem Berzins opened the public hearing on the item.

Sarah Wieder, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezoning request of 4.8 acres from High Density Multi-Family Residential District (R-4) to Fitzsimons Boundary Area District Subarea 4 (FBAD 4) and amending the zoning map accordingly.

Council Member Hiltz asked the number of current residents that would be displaced and the price of the existing apartments, noting her concern that this area provided affordable housing and people would be displaced. Ms. Wieder stated there were currently 176 units.

Jeff Vogel, representing the applicant, stated the project would be developed in phases with multiple buildings as it moved forward, noting their plan was to transition with the existing 250 residents. He stated the average rental price was currently \$500 - \$600 a month.

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Council Member Hiltz asked what the proposed rental prices would be. Mr. Vogel stated that has not yet been determined because the project was currently in the concept stage. Council Member Hiltz asked if the applicant's product would be in the same price range. Mr. Vogel answered no, and discussed the applicant's intent for the project to have diversity in options from studios to three bedrooms. Council Member Hiltz asked if the applicant was prepared to help offset the moving costs of those existing renters who would be displaced. Mr. Vogel answered affirmatively, noting the applicant intended to market to the existing renters because they were already there.

Council Member Murillo asked staff to speak to the City's authority as it related to the rezone. Ms. Wieder stated the Fitzsimons zoning was the same as any other in the City so the process was the same. Council Member Murillo expressed her interest in the price point of the project and asked Mr. Vogel to speak to the project phasing as it related to affordable housing. Mr. Vogel did so, noting there was a large demand for market rate rental and home ownership for a wide variety of product in the area. He discussed the concept plan that would be built separately in phases. He pointed out those details would be defined in the master site plan phase of the project. Council Member Murillo asked if there were any guarantees that affordable housing would be available. Mr. Vogel answered no. Council Member Murillo asked Mr. Vogel if he considered Aurora's construction defect laws to be a prohibitive factor in the development of condominiums. Mr. Vogel answered no. Council Member Murillo asked if there was a plan in place for the possible displacement of those currently residing in the complex. Mr. Vogel answered no and reiterated the applicant's plan to market to the existing residents.

Council Member Lawson expressed concerns related to the displacement issue and asked if a reach-out plan to the current residents was in place. Mr. Vogel answered affirmatively.

Council Member Bergan asked if this was a condominium project. Mr. Vogel answered affirmatively. Council Member Bergan noted the shortage of that product in the Aurora market.

Mr. Vogel concurred, noting there was also a high demand for condominiums.

Jason Legg, Aurora, Colorado, expressed concerns related to the quasi-judicial nature of the decision and any potential formation of a special district and the subsequent processes that limited citizen input as it related to this rezoning, affordable housing and displacement of citizens.

Mr. Hyman stated the item related to the rezoning of property to the Fitzsimmons Boundary project and any considered master plan and site plan for any new building would go through the typical planning process.

Council Member Murillo stated this was a quasi-judicial hearing as any related hearings would be moving forward.

Mr. Hyman concurred.

Council Member Murillo stated City Council was strictly using the City criteria for the rezoning requirement.

Mr. Hyman concurred.

Council Member Murillo stated issues related to affordable housing or displacement equity would not be relevant because of the nature of the public hearing.

Mr. Hyman agreed those issues could come up through the hearing process or through legislature in terms of creating criteria for affordable housing.

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Council Member Murillo stated that was not considered at this time.

Mr. Hyman concurred.

Council Member Murillo stated those issues should then be addressed at this time.

Mr. Hyman suggested those issues should be discussed in the context of adopting legislation.

Mayor Pro Tem Berzins closed the public hearing on the item.

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

Council Member LeGare stated his support of the item, noting the applicant discussed the potential of building 16 – 17 story condominiums in Aurora. He stated doing so would be unprecedented in the City of Aurora and would put Aurora on a 'new map' for the potential of high-rise residential. He discussed displacement as a serious concern as rents went up in the Metro area.

Council Member Gruber concurred. He noted it set precedent for other TOD district areas in the City and it could be used as an example to other developers of how the City would like as much use of metro transit as possible.

Council Member Bergan concurred. She stated her support of the item, noting this condominium product was an exciting addition to the City, particularly in the Fitzsimons area where there was a need for more housing. She agreed negative impacts such as displacement should be considered but pointed out promoting this product in TOD sites was a very positive move for the City.

Council Member Hiltz stated her opposition to the item. She stated it would put Aurora on the map of being a place that displaced people from their homes in order to promote a bigger developer building high-rises. She stated she supported high-rise products but suggested there were other places for those in Aurora. She stated her biggest objections to the rezone were there were no guarantees that those being displaced would have a place to go and an affordable housing plan was not in place. She pointed out the Affordable Housing Task Force was not yet up and running and there was not a plan to market to the existing residents. She stated the applicant's intent to market to the existing residents was not viable because they would be marketed to them at the market rate and those living there would not be able to afford market rate housing.

Council Member Murillo concurred. She stated the priority here was development for development's sake and she did not think it was worth the cost. She pointed out Aurora was not supporting those living on the lower income bracket for affordable housing. She stated she understood the need for density in TOD but noted there was also a need for those who might not be able to afford those condominiums to live near public transit.

Council Member Bergan asked if the current complex contained four three-story buildings. Ms. Wieder answered affirmatively. Council Member Bergan asked if under the current zoning the applicant could tear down those buildings and build luxury six-story buildings. Ms. Wieder answered affirmatively.

Council Member Murillo pointed out that was assuming doing so was financially viable.

Council Member Bergan stated her point was the applicant owned the property and could do with it what he chose.

Council Member Johnston echoed Council Members Hiltz and Murillo's comments, noting she was excited about the idea of condominiums but noted the applicant did not address displacement and affordability. She discussed the importance of addressing those issues.

Council Member Lawson stated her support for high-rise product in the City but noted she could not support the displacement of 250 people therefore she would not support the item. She agreed it was a good project that needed to be put somewhere else.

Council Member Bergan pointed out the location for the project was ideal because it was close to the Anschutz campus where housing was needed for those employees who currently traveled long distances to go to work.

Council Member Johnston pointed out the need for working families that worked on the campus to have affordable housing.

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

Voting Nay: Hiltz, Johnston, Lawson, Murillo

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

Sarah Wieder, Planner, Planning & Development Services, provided a brief presentation on items 12a and 12b.

Council Member Murillo noted item 12a related to the adoption of the code change and item 12b related to the adoption of the zoning map and asked if one could happen without the other.

Dan Money, Assistant City Attorney, explained item 12a was a legislative act and item 12b was a quasi-judicial hearing and decision.

Council Member Murillo asked if there would be a problem if City Council passed one and not the other. Mr. Money explained that would create a problem because item 12a had the ability to rezone the City and item 12b was the actual rezone so nothing would get accomplished if only item 12a were approved.

Council Member LeGare asked if a council member wanted to make an amendment to the zoning code, it would be to item 12b. Mr. Money answered no. Council Member LeGare pointed out public comment would not be heard if an amendment were to be proposed. He asked if both items could be heard together.

Mike Hyman, City Attorney, stated the two items were related so comment could be invited and considered for either or both items.

Nadine Caldwell, Karen Schwieder, Mark Thompson, Paul Sanchez, Nina Abernathy, and Beverly Fischer, spoke in opposition to the item.

Alison Coombs, Mark Shaker and Andrea Chiriboga-Flor, spoke in support of the item.

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

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AMENDMENT I

Motion by LeGare, second by Gruber, to amend item 12a to eliminate the conditional use in zone district OAR-1 for accessory dwelling units. (ADUs)

Council Member Bergan asked if the amendment would allow ADUs in all other zones in the City. Council Member LeGare answered affirmatively, noting it would be eliminated from zone district A only which was OAR-1. Council Member Bergan stated all others were conditional use.

Council Member LeGare concurred.

Council Member Hiltz noted concerns related to trash, prostitution, safety and crime were raised in that regard and asked for clarification regarding why the accessory units would be restricted in only one zone. Council Member LeGare stated the amendment did not have to do with the citizen comments, noting the intent behind the motion was that there was nearly 200 years of collective living in the area and they were not ready to be transformed into what the City proposed.

Council Member Bergan asked if the R-1 zone was low density. Ms. Wieder answered affirmatively. Council Member Bergan stated her point was that the amendment would maintain the context of low density without the additional ADUs.

Council Member Murillo asked staff to speak to the number of people who could live in an ADU.

Mindy Parnes, Planning Supervisor, did so, noting the restriction was on the size of the ADU which was a maximum of 650 square feet and they must be owner-occupied.

Mayor Pro Tem Berzins stated only 30 percent of the structures were owner-occupied.

Ms. Parnes clarified it was 29 percent.

Council Member Johnston stated she would not support the amendment. She pointed out those who were not ready to be transformed should not apply for an ADU. She noted crime was connected to poverty and while there were discussions about the need for affordable housing, opportunities to address the issue were shutdown. She reiterated this did have an approval process and it supported property owner rights.

Council Member Bergan asked if ADUs could be used for Airbnb. Ms. Parnes answered affirmatively, noting it could primarily in the main building.

Council Member Murillo stated her struggle with understanding how the City Council could vote to displace 250 families from their homes in order to put in a condo that was a better deal for the developers but they did not want a couple of ADUs because they were too transformative. She discussed the success of ADUs and disagreed they were disruptive. She stated she would not support the amendment.

Mayor Pro Tem Berzins stated she would abstain from the vote on items 12a, 12b and the amendment due to a family interest and personal conflict.

VOTE ON AMENDMENT

Voting Aye: Bergan, Gruber, LeGare, Roth

Voting Nay: Hiltz, Johnston, Lawson, Murillo, Richardson

Abstain: Berzins

Council Member Murillo pointed out the ADU issue was a specific part of the Original Aurora rezone update and discussed the rezone and lack of affordable housing in Aurora. She suggested the item should not move forward because of the lack of notification and inclusion in the community.

Council Member LeGare spoke in favor of the rezoning, noting the outreach has been extensive over a number of years. He stated not moving issues forward because of the number of citizens who were not aware would cause everything in the City to stop. He pointed out the number of citizens who did keep up with what City Council was doing.

Council Member Murillo stated the point she was making was about including people and the lack of robustness in the notification process.

Council Member Bergan agreed considerable outreach was done in this matter and staff spent many hours over several years to accomplish it. She stated her confusion that some council members supported ADUs and postponing it prevented people from having the dwellings. She voted in favor of the amendment but, considering the outreach and number of staff hours, she could not see a good reason to not vote to support it. She reiterated they were under conditional uses which meant they would be approved by the Planning Commission. She asked if City Council needed a legal reason to oppose the item if it were approved by the Planning Commission.

Mr. Hyman clarified item 12b was moot if item 12a failed.

Council Member Johnston pointed out a couple of years of process did not equate with the outreach to the community as mentioned by Council Member Murillo. She asked if the intent was to postpone or cancel the vote.

Council Member Murillo suggested the item be tabled until there was more robust community outreach and to include more options for affordable housing.

Motion by Gruber, second by Murillo, to table item 12a.

Council Member Bergan asked how long the item would be tabled. Mr. Hyman stated indefinitely.

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

Voting Nay: Bergan, LeGare, Richardson, Roth

Abstain: 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 LeGare, second by Gruber, to table item 12b.

Voting Aye: Bergan, Gruber, Hiltz, Johnston, Lawson, LeGare, Murillo, Roth

Voting Nay: Richardson

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Abstain: Berzins

13. **ORDINANCES FOR FINAL**

- ◆ a. **2018-20**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 106-163 of the City Code of the City of Aurora, Colorado, regarding membership requirements for the Oil and Gas Advisory Committee. **Ordinance 2018-20, Introduced 5-4 (Gruber, Lawson, LeGare, Roth voting no) at the May 21, 2018 Council meeting.** SOURCE: George Adams, Director of Planning, Planning & Development Services

Motion by Hiltz, second by Johnston, to introduce item 13a.

Mike Hyman, City Attorney, discussed the charter section which required a majority of the council membership to approve an ordinance, noting it could be introduced but not approved without a vote of approval by six members.

Council Member LeGare stated those who did not want to change the make-up of the Oil and Gas Advisory Committee should vote no.

Mr. Hyman concurred.

Council Member Hiltz pointed out approval of the item did not violate the equal protection clause of the US Constitution because council members could not work for the City.

Mr. Hyman concurred.

Council Member Bergan stated she would not support the item as it was an advisory committee and she supported equal representation between constituents, landowners and the oil and gas community.

Alison Coombs, Sonia Skakich-Scrima, Pat Dunn, Randee Webb and Margaret Sobey spoke in support of the item.

Council Member Hiltz discussed her frustration with City Council's inconsistent decisions regarding developers and the oil and gas industry this evening. She asked City Council to consider their rationale, consistency and who they represented when making decisions.

Council Member Bergan stated her offense at Council Member Hiltz's remarks. She pointed out she was elected by the voters and that was who she represented in the most fair and best manner possible. She restated her opinion that the new make-up of the Oil and Gas Committee was not balanced and pointed out citizens could attend committee meetings and could also reach out to City Council with questions or concerns.

Council Member Richardson explained his vote on the condominium project, noting the developer should not be penalized when he followed all of the current rules, procedures and process. He stated affordable housing was an important issue that the task force would address and discussed options of placing affordable housing devices on the development community that should be considered.

Council Member Gruber concurred with Council Member Richardson's comments. He also commented on Council Member Hiltz's remarks.

Council Member Lawson expressed her offense at Council Member Hiltz's comments.

Council Member Murillo suggested the conversation return to the issue at hand.

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Mayor Pro Tem Berzins concurred.

Motion by Murillo, second by Bergan, to close debate.

Mike Hyman, City Attorney, stated the motion was to close debate and it required a 2/3 vote.

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

Voting Nay: Hiltz, Johnston, LeGare, Murillo, Richardson

Council Member Johnston provided examples of guidelines imposed on other boards and commissions, noting a minority report could not be provided when everyone had the same perspective. She discussed the need for transparency and expressed her appreciation to those citizens who spoke in support of the item.

Mayor Pro Tem Berzins agreed more citizens should sit on the committee. She stated she voted in favor of the item previously so that she would have time to speak with the City Attorney and to review the restrictions placed on other committees. She stated she would not vote to support the motion at this time but would be in favor of it if a certain number of citizens were proposed to be added to the committee.

Council Member Johnston stated the reason she did not support that was because doing so presented the same problem of private citizens with financial interest in oil and gas sitting on an oil and gas board. She pointed out the issue was about having someone of the board that was not an industry representative to balance out the membership.

Council Member Berzins stated that was assuming the citizens would be tied to oil and gas.

Council Member Johnston stated that assumption was based on the proposed appointees. She stated her ask was for four out of the five community members to not have oil and gas interests so that there could be a different perspective even though they would still be in the minority.

Voting Aye: Hiltz, Johnston, Murillo, Richardson,

Voting Nay: Berzins, Bergan, Gruber Lawson, LeGare, Roth

14. **PLANNING MATTERS**

- a. PUBLIC HEARING and City Council Review of the March 28, 2018, Administrative Decision to approve, with conditions, the East Aurora Annexation Framework Development Plan. **(Called up by motion (Johnston) unanimously at the April 23, 2018 meeting)** - STAFF SOURCE: Nathan Owens, Senior Planner, Planning & Development Services

Mayor Pro Tem Berzins opened the public hearing on the item.

Nathan Owens, Senior Planner, Planning & Development Services, provided a brief summary of the item, noting it related to the administrative approval of an annexation framework development plan. (FDP)

Michael Sheldon, Sheldon & Associates, LLP, representing the applicant, stated the applicant agreed to the amended language related to affordable housing brought forward by Council Member Johnston should the City Council vote to add it.

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Council Member Bergan stated she could not support the item because the backup material did not include details on the changes proposed to the FDP subarea and she could not vote to approve something she could not see.

Mr. Sheldon clarified there were no changes in the proposed FDP subarea plans at this time, noting the subarea FDP would be brought forward for approval once the landowner was ready to proceed. He pointed out the project would be governed by the overall FDP that was administratively approved by staff.

Council Member Bergan noted it could have major changes at that point.

Mr. Sheldon explained the subarea FDP would deal with engineering but the overarching approvals related to density and infrastructure were worked out with and approved by City staff.

Council Member Gruber referenced the addition of the affordability sections to each of the sub FDPs and asked who would pay for the difference between the actual cost of the property and the cost that the property would be sold for. Mr. Sheldon stated it would be absorbed by the development itself. Council Member Gruber stated his understanding that in order to sell houses below the market, the house price of those sold above the market would have to be increased to meet the affordability requirement.

Mr. Sheldon agreed that was one way to subsidize it, noting it may also be absorbed by the landowner.

Council Member Johnston stated her intent behind calling up the item was to address affordable housing.

AMENDMENT I

Motion by Johnston, second by Richardson, to amend item 14a by adding the language, 'each sub area FDP will include an affordable housing component requiring that the development provide a minimum of five percent of the for-sale housing products built by appropriately priced purchase by households earning up to 120 percent of area median income (AMI) at the development. Prior to approval of the first sub area FDP an implementation program will be established to ensure the units are permanently affordable and for monitoring the delivery of the affordable units.'

Council Member Bergan discussed the importance of process with regards to amendments and items put before the City Council.

Council Member LeGare stated he would not support the item because adding the affordable housing amendment set the precedent that development approval would be contingent on a developer agreeing to include affordable housing. He suggested the way to handle affordable housing in Aurora would be for City Council to decide on a policy that could be applied to every future development and developer.

Council Member Hiltz clarified she was unaware of the amendment and was not a part of its inception. She apologized to those on City Council who felt personally attacked by her previous comments, noting her intention was to make a general statement to clarify comments made by citizen testimony.

Council Member Johnston agreed it was difficult to receive amendments at a late hour but noted she needed the time to meet with Mr. Sheldon and the applicant. She agreed with Council Member LeGare's comments related to Council establishing an affordable housing policy, noting however, that would take time and the amendment she proposed took baby steps in that direction.

Council Member Richardson stated his support of the item because the applicant agreed to it.

Mayor Pro Tem Berzins asked Council Member Johnston to clarify the statement of 'permanently affordable.' Council Member Johnston did so, noting she did not want someone to buy low and then sell high thereby eliminating the affordable housing. She stated this was not unique, noting many cities have that requirement. Mayor Pro Tem Berzins asked who policed that requirement. Council Member Johnston stated that was a part of the implementation program.

Stephen Konegni, Golden Gun Club, noted the gun club was adjacent to the property and he did not have any concerns related to the item.

Margaret Sobey, Murphy Creek HOA, restated the impact statement she provided at the time of the annexation approval.

Council Member Johnson stated she shared Ms. Sobey's concerns and confirmed those issues would be monitored. She reiterated a reduction in commercial must be brought before City Council for review and approval.

Ms. Sobey stated her opinion that the metro district, which was made up of residents rather than the landowners, would absorb the affordable housing costs and questioned how those living in the affordable housing would be sheltered from paying the increasing metro district fees.

Jason Legg discussed the problematic complications that arise during Council debates and suggested ways to mitigate them.

Mayor Pro Tem Berzins closed the public hearing on the item.

Council Member Gruber stated he would not support the item because too many details were unknown. He suggested the issue be addressed by the Affordable Housing Task Force and not on an individual basis.

VOTE ON AMENDMENT I

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

Voting Aye: Berzins, Hiltz, Johnston, Murillo, Richardson

Voting Nay: Bergan, Gruber, Lawson, LeGare, Roth

ORIGINAL MOTION

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

Council Member Johnston stated her support of the item because it was her hope that the developer would work with the City to provide affordable housing.

Council Member Gruber discussed the importance of understanding the fiscal impact development has on the City.

Council Member Hiltz discussed Council's plan to review developer impact fees and the amount of money the City absorbed for police and fire when a project was developed.

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Gruber, Hiltz, Johnston, LeGare, Murillo, Richardson, Roth

Voting Nay: Bergan, Lawson

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

- a. Consideration to appoint three (3) members to a three-year term on the Cultural Affairs Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Roth, to appoint Auset Maryam Ali, Sethe Tucker and Doinne Williams to the Cultural Affairs Commission.

Council Member Bergan asked if there was a residency requirement.

Mike Hyman, City Attorney, answered no.

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

- b. Consideration to reappoint three (3) members to the Aurora Commission for Seniors. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to appoint Juanita Audre, Ivy Hontz and Donita Rafferty to the Aurora Commission for Seniors.

Council Member Hiltz discussed the Aurora Commission for Seniors presentation, noting a lot of thought and effort went into the nominees.

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

- c. Consideration to appoint one (1) member to the Art in Public Places Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to appoint Robert Niedringhaus to the Arts in Public Places Commission.

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

17. **REPORTS**

- ◆ *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 Johnston discussed the success of the recent Ward II Town Hall meeting, noting the meetings would resume in September. She discussed her efforts in organizing a town hall meeting to address ranked choice voting and encouraged everyone to attend once a date was set.

Council Member Bergan expressed appreciation to the Aurora Police Department for their Leaders Day, noting it was a worthwhile event. She discussed her attendance at the recent ICSC Conference in Las Vegas and announced Aurora Places would present the draft Comprehensive Plan on Tuesday, June 5, 2018 at the Tallyn's Reach Library from 6:00 p.m. to 7:30 p.m.

Council Member Hiltz stated she would be hosting the Ward III meeting scheduled for Wednesday, June 13, 2018 at the Aurora Hills Golf Course Tin Cup restaurant at 6:00 p.m., where the budget would be discussed. She announced the At-Large Town Hall meeting was scheduled for Thursday, June 28, 2018 at the Center for Active Adults at 6:00 p.m. where Aurora Police would be present to discuss their crisis response team.

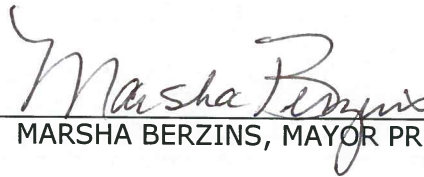
Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, June 19, 2018 at the MLK Library where the budget would be discussed.

18. **PUBLIC INVITED TO BE HEARD**

Hashim Coates, Aurora, Colorado, expressed his appreciation to Council Member Hiltz for speaking up and pointed out City Council campaign contributions could be found online at the City's website.

17. **ADJOURNMENT**

Mayor Pro Tem Berzins adjourned the regular meeting of City Council at 11:18 p.m.



MARSHA BERZINS, MAYOR PRO TEM

ATTEST:



City Clerk