

MINUTES

Regular Meeting – Aurora City Council Monday, January 8, 2018

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 6:00 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

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

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

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

2. ROLL CALL Linda S. Blackston, City Clerk

3. INVOCATION Pastor Anitha Jones, For His Glory Christian Fellowship

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 18, 2017

Motion by Roth, second by Bergan, to approve the minutes of December 18, 2017 as presented.

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

Abstain: None

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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. Mayor Hogan and City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Hashim Coates	Citizens Advisory Budget Committee
Ashley DeLaup	Citizens Advisory Budget Committee
Brian Matise	Citizens Advisory Budget Committee
George Peck	Citizens Advisory Budget Committee
Craig Upston	Citizens Advisory Budget Committee
Michael Westerberg	Citizens Advisory Budget Committee

- b. Dr. Martin Luther King Jr. Commemoration Proclamation-Mayor Hogan

Mayor Hogan recognized former council member Renie Peterson present in the audience. He then invited Shyretta Hudnall, Statewide Special Events Chair for the MLK Colorado Holiday Commission; Barbara Shannon-Banister, Chief, Community Relations Division; Omar Montgomery, President, NAACP Aurora; Dr. Greg McDonald, Aurora Community of Faith, Heritage Christian Center; Hashim Coates, Human Relations Commission (HRC); Pastor Reid Hettich, Aurora Community of Faith; Pastor Almer Combs, Christ's Church; Dr. Malcolm Newton, President, The Urban Tikkun Centre, Denver Institute of Urban Studies; Maria Rena, Worldwide Christian Chaplains; Alejandra Viegas, Worldwide Christian Chaplains; Carla Garcia-Pastore, Worldwide Christian Chaplains; Pastor Carlos Calandrelli, Mosaic Hispanic Church, President, Worldwide Christian Chaplains; Felipe Mandan, Worldwide Christian Chaplains; Kevin Hougan, President, Aurora Chamber of Commerce; Chartashia Miller, Secretary, NAACP Aurora; Krista Snow, HRC; Dr. Tibebe Alemayehu, Interaction Christian Outreach Commission; Nancy Jackson, Arapahoe County Commissioner; and Charlene Wisner-Howard, HRC, to come forward. He read the proclamation commemorating Dr. Martin Luther King Jr. Each guest expressed appreciation for the proclamation.

- c. City of Aurora Mentor Awareness Month Proclamation-Mayor Hogan

Mayor Hogan invited Mary Lewis, America's Promise; Dave Ryan, CEO, Big Brothers Big Sisters of Colorado (BBBSC); Omar Montgomery, BBBSC; Isaiah, BBBSC; Mark Mail, BBBSC; Desiree Ott, BBBSC; Alana Sheffield, Friends for Youth; Robert Mayper, Mentor Program Coordinator, Aurora Youth Options; Destinee Barnett, Mentor Specialist, Aurora Youth Options; and Courtney Hjort, Mentor Specialist, Aurora Youth Options, to come forward. He read the proclamation declaring January 2018 as City of Aurora Mentor Awareness Month. Each guest expressed appreciation for the proclamation.

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

Andy Spielman, representing Aurora Highlands LLC and Colorado Oil & Gas Conservation Commission, (COGCC) discussed oil and gas wells and mineral development in residential areas as it related to an existing and underutilized authority of the Colorado Oil and Gas Conservation called the Comprehensive Drilling Plan. (CDP)

Council Member Richardson asked Mr. Spielman if he planned to speak on agenda item 12b. Mr. Spielman answered no. Council Member Richardson pointed out there has been considerable litigation by other cities in this regard and asked if Mr. Spielman contended the CDP was a way to avoid that adversarial litigation scenario. Mr. Spielman answered

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affirmatively. Council Member Richardson pointed out City staff recommended a Memorandum of Understanding (MOU) related to every drill site and asked if the CDP was compatible with established MOUs. Mr. Spielman agreed that was the very nature and principle of the MOU. Council Member Richardson stated his intent to ask if there was an MOU for agenda item 12b.

Council Member Johnston expressed appreciation to Mr. Spielman for his service on COGCC and asked if Matt Lepore, Director, COGCC, planned to visit a City Council study session to discuss the CDP and how the City could do more with their oil and gas regulations. Mr. Spielman agreed that was a good idea.

Emzy Veazy (MZBZ) III, discussed small business capital formation and education bifurcation in public school education in the City as it related to Rapid Reading.

Mona Lisa McKnight, Aurora, Colorado, discussed homelessness in Aurora and the Denver Metro Area.

William Windler, Aurora landowner, discussed his interest in the Northeast Area Transportation Study and the need to address the mineral extraction issues and related transportation needs in the area.

Tony Englehart, Aurora, Colorado, discussed the packet he provided City Council that revealed inconsistencies in Aurora Police Department statements, how the police department profiled and stigmatized veterans and the subsequent need to establish an independent review board.

Jason Legg, Aurora, Colorado, discussed election and campaign finance, laws and reforms in the City of Aurora.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-i**

General Business

- a. Consideration to approve the FIRST AMENDMENT TO OPTION TO LEASE AND SITE LEASE AGREEMENT with Sprint Spectrum Realty Company, LLC for the cell tower and facilities located at Smoky Hill and Buckley Roads. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works
- b. Consideration to AWARD WORK PACKAGE No. 2 of the Fire Station 16 Project to Mark Young Construction, Inc., Longmont, Colorado in the amount of \$6,290,335.00, R-5597A. **STAFF REQUESTS A WAIVER OF RECONSIDERATION** STAFF SOURCE: Elly Watson, Business Services Manager, Public Works
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of \$132,320.40 to allow for additional final design and construction phase engineering services for the Channel Aggradation Study and Remediation Plan Phase 1 Project, R-1725. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Stanek Constructors, Inc., Golden, Colorado in the amount of \$990,000.00 for the construction of Griswold WPF Raw Water Structure – Phase 1, Project No. 5619A. **STAFF REQUESTS A**

WAIVER OF RECONSIDERATION STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water

- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Valve LLC, Golden, Colorado in the amount of \$94,216.00 for the purchase of seven (7) 42" butterfly valves for installation at the Griswold WPF Raw Water Structure Project. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water
- f. Consideration to AWARD A SINGLE SOURCE CONTRACT to J3 Engineering Consultants, Centennial, Colorado in the amount of \$166,795.00 for professional design services of the Toll Gate Creek and East Tollgate Creek Major Drainage Plan. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water
- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Aslan Construction, Inc., Berthoud, Colorado in the amount of \$167,595.00 for the construction of the Griswold Water Purification Facility (WPF) Clear Well Hatches Repair and Replacement, Project No. 5625A. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water
- h. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Clean Harbors Environmental Services Inc., Henderson, CO in the amount not to exceed \$50,000.00 for Abandoned Waste Emergency Response Services as required through December 31, 2018. (R-1882) STAFF SOURCE: Hancock, Karen - Planning Supervisor - Planning & Development Service

Motion by Roth, second by Berzins, to approve items 9a – 9h with waivers of reconsideration on 9b and 9d.

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

Final Ordinances

- ◆ i. **2017-84**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 2-31(d) of the City Code of the City of Aurora, Colorado, relating to the selection of the Mayor Pro Tem. STAFF SOURCE: Michael J. Hyman, City Attorney (*As amended at the December 18, 2017 Council Meeting*)

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

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

Voting Nay: Bergan, Gruber

10. **RESOLUTIONS**

- ◆ a. **R2018-01**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement Between the City of Aurora and Fitzsimons Village Metropolitan District No. 1 for the Parking Management Plan for District Streets. STAFF SOURCE: Christopher Conley, Interim Parking Manager, Public Works

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

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Council Member Gruber asked if the pay stations were up and operating.

Christopher Conley, Interim Parking Manager, Public Works, answered no, noting they have been purchased and would be installed once the item was approved.

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

- ◆ b. **R2018-02**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Amendment #3 to Agreement for Services (Between Arapahoe County and the City of Aurora). STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space

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

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

- ◆ c. **R2018-03**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for expenditure of funds in excess of \$500,000 to acquire certain real property located in the SW 1/4 of Section 2, T4S, R66W of the 6th PM, County of Arapahoe for the purpose of constructing the 6th Avenue Parkway Extension Project. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

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

Council Member LeGare pointed out the discrepancies in language related to partnership, noting he would like to speak with staff to learn more in that regard.

Hector Reynoso, Manager, Real Property Services, Public Works, agreed to do so.

Mayor Hogan expressed appreciation to staff for their efforts in this regard.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**
(11a and 12a may be heard together but voted on separately)

- ◆ a. **2018-01**
Public Hearing and INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 1.2 acres more or less in the area of South Peoria Court and South Peoria Street from Highway Service Zone District (B-3) and Light Industrial Zone District (M-1) to Business and Commercial Zone District (B-4) and amending the zoning map accordingly. (Ready to Work B-4 Rezone) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services (*Planning Commission recommended approval on a vote 6 to 1 with Jackiewicz voting against at the December 13, 2017 Planning Commission meeting*)

Mayor Hogan opened the public hearing on items 11a and 12a, noting the items would be heard together but would be voted on separately.

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Brandon Cammarata, Senior Planner, Planning & Development Services, provided a presentation of the item, noting it related to the ready-to-work proposal rezoning and conditional use request.

Council Member Bergan pointed out the City Council approved the definition of and zoning for congregate living but the backup material stated the consulting company would propose a zoning designation.

Mindy Parnes, Planning Supervisor, Planning, stated the classification would be changed and the appropriate district for it to convert to according to the conversation map of B-4 under the new zoning classifications would be determined.

Council Member Bergan asked if there would always be conditional uses moving forward. Ms. Parnes answered affirmatively.

Council Member Richardson stated his opinion that the study was deeply flawed. He noted there were only a handful of differences in allowable uses between B-3 and B-4 zoning.

Ms. Parnes concurred.

Isabel McDevitt, Executive Director, Bridge House, Founder, Ready-to-Work (RTW) program, provided a brief presentation on the item.

Council Member LeGare stated his support of the zoning and referenced the 15 pages of rules and regulations required of the residents. He asked what would happen to those residents who washed out of the program with non-mental health concerns. Ms. McDevitt stated the RTW staff would work with the individuals and the community of Aurora service providers in that regard. Council Member LeGare referenced the backup material related to lapses and relapse where it was noted staff would call the non-emergency police number if a resident was intoxicated and asked the purpose of calling the police given the heavy police workload. Ms. McDevitt confirmed it was a safety issue, noting the intent was for RTW to work collaboratively with the Aurora Police Department in terms of communication thresholds. Council Member LeGare discussed the workload of the police department and asked if the purpose of the police call was for the police to take the person into custody thereby releasing the program from liability or was it possible for RTW to work with other programs so that the person could be delivered directly to the detox center. Ms. McDevitt agreed the latter was definitely a possibility, noting these procedures were in place but were not the norm.

Council Member Lawson expressed appreciation for the presentation and asked who would use the Bridge House and if the residents would be Aurora citizens only. Ms. McDevitt stated the residents would be those experiencing homelessness in Aurora and noted the facility would serve both men and women over the age of 18 years.

The following Aurora residents spoke in support of the item:

Ryan Clapp; Juan Marcano; Michael Himawa; Julie Weinheimer; Aly Dewills-Marcano; Alex Ho; Duane Senn; Nancy Jackson, Arapahoe County Commissioner; Rande Webb; Kronda Seibert; Arnie Schultz and Kristin Mallory.

Council Member Richardson noted the immense support expressed by the speakers. He read a note related to the context of the use stating *"This approval is intended to authorize the operation of a facility that mirrors the job opportunity training program that has been described in both the written materials and the testimony at the January 8, 2018 City Council meeting."* He explained this note responded to the constituents that asked if the program could morph into some other program. He asked Ms. McDevitt if she agreed to the note.

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Ms. McDevitt answered affirmatively and expressed her appreciation to the speakers who spoke in support of the item.

Mayor Hogan closed the public hearing on the items.

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

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

a. PUBLIC HEARING to consider a conditional use request for a congregate living facility at the Southwest Corner of S Peoria Ct and S Peoria St (3176 S Peoria Ct). (DA-1299-02) (Case Number 1999-6013-05) STAFF SOURCE: Brandon Cammarata, Senior Planner (Planning & Development Services (*Planning Commission approved the conditional use request on a vote of 6 to 1, with Jackiewicz voting against at the December 13, 2017 Planning Commission meeting; Council voted to call-up the conditional use request at the December 18, 2017 Council meeting*).

Motion by LeGare, second by Richardson, to approve item 12a.

Mayor Hogan asked Council Member Richardson if he would like to make an amendment related to the previously agreed to note or if he was satisfied with Ms. McDevitt's response in that regard. Council Member Richardson stated he was satisfied with Ms. McDevitt's response, noting he would ask the City Attorney to place the note on the conditional use approval documents.

Mayor Hogan discussed the history of the items and stated his support of the item.

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

b. PUBLIC HEARING to review the decision of the Planning Director to approve the Oil and Gas Permit for the first phase of a multi-well oil and gas facility located at 3200 N Monaghan Road. (Case Number 2017-6040-00). STAFF SOURCE: Brenden Paradies, Planner, Planning & Development Services (*Council voted to call-up the decision of the Planning Director at the December 18, 2017 Council meeting*)

Mayor Hogan opened the public hearing on the item.

Brenden Paradies, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to the review of the Planning Director's decision regarding the first phase of an oil and gas facility.

Council Member Richardson asked if there was a Memorandum of Understanding (MOU) for the drill site.

Christine McKenney, Sr. Assistant City Attorney, stated the item was approved administratively by the Planning Director pursuant to the code provisions. She stated an agreement for road maintenance was completed in this regard.

Council Member Richardson recalled a City Council discussion related to the issue of local control and the need for MOUs in that regard. He stated he would not vote for another drilling site in the City of Aurora unless there was an MOU or Comprehensive Drilling Plan. (CDP) attached. He stated he was not opposed to oil and gas development but noted

concerns related to the City being engulfed by multiple oil and gas extraction facilities. He stated he would not vote in support of the item because the MOU request was not honored.

Council Member Bergan recalled the City Council agreed to move this item along because the applicant had been paying permit fees for a year and to require the MOU moving forward.

Maxwell Blair, ConocoPhillips, agreed the MOU could be effective and stated his opinion that the combination of a strong oil and gas ordinance in the City and years of development put that in place.

Council Member Johnston asked if the agricultural activity would continue to take place during the extraction process. Mr. Blair stated he could not state for certain but he believed so considering the high value the property owner placed on agricultural use of the land.

John Francis Dougherty, P.E., Aurora, Colorado, discussed applicable law, noting state law prevailed in this instance therefore, City Council must approve it. He expressed concerns related to the sale of water to these wells, noting the state did not require the City to sell their water. He requested the item be deferred until the water department concluded their agreement and suggested the applicant be required to plant a visual barrier around their property in exchange for water.

Randee Webb, Aurora, Colorado, expressed concerns related to the amount of water Aurora would be required to sell in this regard and that ConocoPhillips has hooked up hoses to City fire hydrants.

Mr. Blair stated a number of projects were planned and executed in the City that typically used water outside of the City. He pointed out there was an agreement in place that required the water be supplied by the City of Aurora and the Prairie Waters Pipeline System that was raw, renewable water, noting it would be taken by the applicant before it got to the treatment plant. He stated to his knowledge, the connected hydrants were outside the City of Aurora. He pointed out a provision was in place that stated landscaping might be added in the future but noted it was not required currently in City ordinance. He added there was no permanent water supply to support landscaping. He stated the water used was of a temporary nature.

Council Member LeGare asked if there were any concerns related to negative impact on existing residents in the area. Mr. Paradies answered no.

Council Member Richardson asked if the City has sold water to this applicant for this drilling site.

Marshall Brown, Director, Aurora Water, stated Council approved a lease agreement with the applicant in August 2017 which included the drill site and a volumetric limitation of up to 1500 acre-feet in any one year for all sites inclusive.

Council Member Richardson asked if the 1500 per acre-feet was an aggregate amount. Mr. Brown answered affirmatively, noting it included all activities totalized. Council Member Richardson asked when the agreement expired. Mr. Brown stated in 2022 and noted it was extendable for an additional five years based on the availability of water. Council Member Richardson asked what portion of the aggregate amount has been tapped so far. Mr. Brown noted the aggregate amount was for any given year so the amount currently was zero since this year just started. Council Member Richardson asked how much water was used last year. Mr. Brown stated none of the water was used.

Council Member Hiltz pointed out the backup material stated there was not any neighborhood feedback because the closest house was 8500 feet away and asked staff if it was incumbent on the City to notify the closest abutting neighbor. Mr. Paradies stated the

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abutting property noticing requirement per code was ½ mile from the site of any development in the City.

Council Member Roth asked staff if it was correct that oil and gas facilities in any zoning application were a use by right as long as the applicant complied with the oil and gas code regulations in the City. Mr. Paradies answered affirmatively. Council Member Roth stated his assumption that if the item was approved administratively, then the applicant complied with all requirements.

Mr. Paradies concurred.

Council Member LeGare stated his understanding that the applicant had procured their own outside water source as stated by Mr. Blair but the City did not want that because the water provider drilled large wells into the ground for ground water. He asked if there was a long term benefit to the City and the City's water system to have the applicant agree to use Aurora water. Mr. Brown answered affirmatively.

Council Member Johnston noted there was a drought provision in the agreement and asked if there was a provision in place with Water Management that allowed the City to discontinue water provision if necessary without a drought prior to requesting residents conserve water. Mr. Brown stated the agreement allowed restrictions on the applicant to be implemented in the same way any restrictions that would be put on similar customers in the City.

Mayor Hogan closed the public hearing on the item.

Council Member Richardson stated the applicant should not rely on the administrative approval, noting his frustration that the decision to include MOUs was made over a year ago. He would not support the item because he wanted to send a message that these issues needed to be addressed with an MOU or a Comprehensive Drilling Plan. (CDP)

Motion by LeGare, second by Roth, to approve item 12b.

Council Member LeGare stated he did not recall the MOU being a mandate and if it was then it was up to City staff and not the applicant to make that happen. He stated his support of the item, noting an MOU could be requested moving forward.

Council Member Johnston stated she has worked with City staff for years and they worked with what they were given by Council. She noted the City was generally operator-friendly and City Council should start to look at making Aurora more resident and future homeowner-friendly. She stated she did not believe there was an MOU mandate, noting her opinion that this was an opportunity to start the discussion regarding the City's reduction of its dependence on fossil fuels. She asked City Council to keep an open mind and to perhaps pursue a discussion with Matt Lepore, Director, Colorado Gas & Oil Conservation Commission (CGOCC) at study session as suggested earlier. She stated the City Council should look to the future as opposed to being reactive, noting she would not support the item because she wanted to send a message that things should be done differently in terms of providing staff with more direction.

Council Member Gruber stated his opinion that the world was very far away from having renewable energy to meet all the population requirements for many years. He stated he was in favor of renewable energy but also recognized the need for fossil fuels to support American lifestyles and its economy. He stated his support of utilizing existing domestic fuel rather than using military personnel to protect it coming from other places outside of the United States.

Council Member Roth stated City Council's role in this instance was to determine if City staff accurately applied the code to this decision. He pointed out the applicant had a right to

expect their application was handled fairly, noting they followed the existing rules. He discussed water usage as it related to fracking and stated his support of the item.

Council Member Bergan stated she would vote in support of the item because she believed the applicant met all of the City's regulations and requirements in this regard.

Mayor Hogan discussed the oil and gas processes in the City.

Voting Aye: Mayor Hogan, Bergan, Berzins, Gruber, Lawson, LeGare, Roth

Voting Nay: Hiltz, Johnston, Murillo, Richardson

- c. PUBLIC HEARING to consider the appeal of the sign waiver denial for a 35 square foot electronic message board sign for The Shoppes at Fitzsimons at the southeast corner of E. Colfax Avenue and Potomac Street in the Fitzsimons Boundary Area District (FBAD). (Case Number 2005-6030-05) STAFF SOURCE: Rodriguez, Stephen E - Planning Supervisor - Planning & Development Service (*The Planning Commission voted to deny the sign waiver request by a vote of 6 to 1, with Commissioner Harding voting in favor of the request, at the November 8, 2017 Planning Commission meeting*)

Mayor Hogan opened the public hearing on the item.

Stephen Rodriguez, Planning Supervisor, Planning & Development Service, provided a brief overview of the item, noting it related to an applicant's appeal of the Planning Commission's denial of a sign waiver. He noted staff recommended against the sign waiver request.

Council Member LeGare stated the applicant was attempting to better display the tenants in the center and contended the five story building and light rail bridge blocked the view. He asked how a blade or silkscreen sign would effectively advertise those tenants. Mr. Rodriguez discussed the vision for the area as a pedestrian oriented, mixed use area, noting those signs were not auto oriented signs but would be highly visible to pedestrians. Council Member LeGare asked if 12 silkscreen signs could be installed. Mr. Rodriguez confirmed many more silkscreen signs could be added. Council Member LeGare discussed the City's agreement and financial incentives with the Forum Fitzsimons project which was a giant high density project, noting these type of signs might be needed by them as well. He asked when the boundary signage area was put in place. Mr. Rodriguez stated it was amended in the recent past to eliminate some of the letter size and square footage issues along with other modifications.

Council Member Lawson asked the impact of the illuminated signs on the adjacent apartments. Mr. Rodriguez stated the sign would not shine directly onto the apartments but would capture the eastbound traffic on Colfax approaching the shops.

Steve Gittelman, representing the applicant, provided a summary of the item.

Council Member Bergan asked if the display was adjustable.

Jim Malm, Aurora, Colorado, representing the applicant, answered affirmatively, noting the signs were fully programmable. He discussed the hardship realized by the applicant through the loss of visibility due to the size of the Forum development.

Mayor Hogan closed the public hearing on the item.

Motion by LeGare, second by Richardson, to approve item 12c.

Council Member LeGare stated his support of the item, noting he agreed the applicant would realize a hardship in this instance. He discussed the ground floor retail in the City, noting many of these businesses would be invisible because only the front few stores would be seen. He stated this was a hardship waiver and each similar instance should be addressed on a case-by-case basis especially considering the City was incentivizing and pushing ground floor retail.

Council Member Roth agreed there was a unique sign code in the City of Aurora and many things that were allowed in other places were not allowed in the City. He stated his opinion that staff did their job and followed the current sign code in this regard, however, he concurred with Council Member LeGare that this was a hardship case. He stated he would consider the item for that reason and because of the need for retail.

Council Member Gruber stated he was torn on the issue because a standard was in place and that standard was enforced by staff and the Planning Commission. He understood Council Member LeGare's argument regarding hardship to the applicant and stated his support of the item. He expressed concerns related to setting precedent in this regard and suggested signage in that area be reviewed. He stated he viewed the area as one of the more economically viable areas for any type of business in the City.

Council Member Hiltz noted the importance of engaging in the process because she came into the meeting with one view and has been swayed by testimony to another. She stated her support of the item due to the hardship, noting she did have concerns related to the setting of precedent.

Mayor Pro Tem Berzins stated her opinion that the applicant has lost visibility of the corner through no fault of their own. She stated she would support the item.

Council Member Murillo stated her view that this item was between process and practicality, noting her respect for both. She agreed there was a very good argument for both sides and noted the importance of considering a revisit of the sign code process prior to making exceptions to it. She stated she would not support the item and expressed concerns that such an expensive sign would unfairly impede potential smaller businesses from coming into the area.

Council Member Johnston concurred, and expressed concerns related to granting waivers. She discussed her interest in reviewing the City's sign code and stated she would not support the waiver.

Council Member Bergan agreed it was important to review what the City Council wanted the City to look like and to review the process. She stated she would support the item because it was a hardship. She stated the retail in the building was invisible, noting the businesses would be able to be rotated through the signage which would hopefully draw attention to those businesses.

Council Member Gruber stated how and when signs should be dimmed at night would be discussed during the sign review.

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

Voting Nay: Johnston, Murillo

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to reappoint one (1) member to the General Employees' Retirement Plan. STAFF SOURCE: Blackston, Linda - City Clerk - General Management

Motion by Roth, second by Bergan, to reappoint Dave McConico to the General Employees' Retirement Plan.

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

- b. Consideration to appoint four (4) people to the Planning and Zoning Commission. STAFF SOURCE: Blackston, Linda - City Clerk - General Management

Motion by LeGare, second by Roth, to reappoint Dexter Harding, Dennis Lyon, Robert Bengen and Dan Staley to the Planning and Zoning Commission.

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

Voting Nay: Hiltz

- c. Consideration to appoint eleven (11) people to the Independent Review Board (IRB). STAFF SOURCE: Franklin, Shari - Human Resource Analyst - Internal Services

Motion by Richardson, second by Bergan, to appoint the top 11 vote getters to the Independent Review Board (IRB).

Council Member LeGare asked that those names be read into the record. Council Member Bergan did so, listing Jim Weeks, Yasmeen Watson-Yardley, Lindsay Shaw, Ty Crocker, Russell Wagner, Lourdes Caldron, Lisa Philips, Joseph Shnurr, John Dougherty, Joshua Mohlman, and Jerry Rainbolt

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

20. **REPORTS**

- a. Report by the Mayor

No report.

- b. Reports by the Council

Council Member Roth announced the appointment of Curtis Gardner on the Citizens Advisory Budget Commission (CABC) and mentioned the DRCOG sponsored Winter Bike-to-Work Day was scheduled for Friday, February 9, 2018. He noted further information could be found at www.winterbiketoworkday.org.

Mayor Pro Tem Berzins announced the Ward III Town Hall meetings were scheduled on the second Wednesday of every month starting in February. She noted the February meeting would be held at the Center for Active Adults at 6:00 p.m. and beginning in March, the remaining meetings would be held at the Aurora Chamber of Commerce office. She stated the morning meetings would begin in March and she would send out an email blast and postcards with more information.

- ◆ *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 Bergan stated the Ward VI Town Hall meeting was scheduled for Wednesday, January 24, 2018 at the Heritage Eagle Bend Clubhouse where Tim Gonerka, Retail Specialist, would provide a presentation on current retail in the City.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Tuesday, February 20, 2018 at the MLK Library at 7:30 p.m. She stated the space was difficult to procure so the place and times remained the same for now. She expressed her hope to hold future meetings throughout the City.

16. **PUBLIC INVITED TO BE HEARD**

Juan Marcano, Aurora, Colorado, expressed appreciation to City Council for the Bridge House approval and addressed Council Member Gruber's comments related to climate change, noting the United States Armed Forces recognized climate change as a national security threat and pointed out the importance of moving the conversation away from 1980s rhetoric and towards battery storage, nuclear fusion, other forms of renewable and sustainable energy at home. He stated the City of Aurora needed to fight back against state overreach and regulatory capture.

Council Member Gruber expressed appreciation to Mr. Marcano for his comments on national security and challenged the accuracy of those facts.

17. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 11:15 p.m.



STEPHEN D. HOGAN, Mayor

ATTEST:


