MINUTES

Regular Meeting – Aurora City Council
Monday, October 30, 2017

CALL TO ORDER – REGULAR MEETING

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

ROLL CALL

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	Interim City Manager Batchelor, Senior Asst City Attorney Bajorek, City Clerk Blackston
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 Pierce, to recess for executive session.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Abstaining: None

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

1. **RECONVENE REGULAR MEETING OF OCTOBER 30, 2017 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 Kendal Hommes, Eastern Hills Community Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 16, 2017**

   Motion by Bergan, second by Roth, to approve the minutes of October 16, 2017 as amended.

   Voting Aye: Mayor Hogan, Bergan, Cleland, Berzins, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

   Abstained: None

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6. **CEREMONY**

a. Aurora Water Awards – Mayor Hogan

Mayor Hogan invited Marshall Brown, Director, Aurora Water; Greg Baker, Manager, Public Relations & Conservation, Aurora Water; Alexandra Davis, Deputy Director, Water Resources, Aurora Water; Jo Ann Giddings, Deputy Director, Financial Services, Aurora Water; Dan Mikesell, Deputy Director, Aurora Water; Kelley Neumann, Deputy Director, Planning & Engineering, Aurora Water and Elizabeth Carter, Principal Engineer, Aurora Water, to come forward. Mayor Hogan and Mr. Brown recognized Aurora Water with various awards and honors.

b. Proclamation declaring November 2017 Veterans Recognition Month – Mayor Hogan

Mayor Hogan invited Eric Mulder; Robert O'Reilly; Dwight Dyer; Echols Gregory; Warren Smith; Larry Kurtz; and Lynn Donaldson, to come forward. He read the proclamation declaring November 2017 as Veterans Recognition Month. Each recipient expressed appreciation for the proclamation.

Mayor Hogan recognized Boy Scout Troop #718 and US Representative Mike Coffman, Colorado's 6th Congressional District.

Congressman Coffman recognized Council Members Cleland, Peterson and Pierce for their service to the City of Aurora.

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

Nicole Johnston, Aurora, Colorado, community advocate and candidate for Aurora City Council, discussed the large number of agenda items being heard at this meeting which was scheduled one week prior to elections, noting it put citizens in a more defensive position to receive such a large packet with such a short review time.

Jason Legg, Aurora, Colorado, discussed the lack of participation of elections held in odd years.

Alison Coombs, Aurora, Colorado, spoke on behalf of Aly Clayton, who could not attend the meeting, and discussed how poorly City Council treated the citizen speakers who attended and spoke at the meetings.

Jason Dixon, Gateway Boys Basketball Coach, Aurora, Colorado, discussed the upcoming basketball game between Gateway and the Aurora Police Department which was scheduled for Wednesday, November 15, 2017 at 6:00 p.m.

Mayor Hogan directed Coach Dixon to speak with Kim Stuart, Director of Communications in this regard.

Hashim Coates, Aurora, Colorado, discussed the unusually large City Council packet that was provided one business day prior to the meeting, noting it gave the appearance that something was being hidden within the 1100 page packet prior to the election.

Council Member Bergan stated City Council did not necessarily put together the agenda, noting that was done in coordination with the mayor and staff and they did not always know what was in it. She confirmed City Council read the packets prior to the meeting.

Robert Fugate, Aurora, Colorado, shared a video and expressed concerns related to an area in his neighborhood where homelessness was an issue.

Mayor Hogan pointed out City Council previously viewed the video and City staff moved in to clean the area, noting what was shown was on private property. He pointed out it was not advisable under the law for Code Enforcement officers to trespass on private property. He stated this was one of the unfortunate side effects of living in a large City and he assured everyone that the City acted when it received notification of such conditions. He noted the City of Aurora was one of the few jurisdictions that had staff assigned specifically to homelessness in the City.

Dale Nichols, Aurora, Colorado, requested City Council consider remedying the inadequacy of Aurora's campaign ordinances.

Council Member Cleland remarked on the comments made by the public that related to the 1100 page agenda, noting part of the job the Council was elected to do was to read the packet and ask any questions that arose. She addressed those running for City Council and pointed out that was part of the job because some meetings have ended at 3:00 a.m. She pointed out staff put together the contracts and agendas and it was the job of the Council to set the policies and not the agenda.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-m**

General Business

a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Accela Inc., San Ramon, California in the total amount of $72,144.00 to provide Legislative Management Software Modules for the City Clerk's Office. STAFF SOURCE: Aleta Jeffress, Director, Information Technology

Council Member Richardson stated he disagreed that this was a single source contract and would vote in opposition to the item.

Motion by Roth, second by Mounier, to approve item 9a.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Richardson

b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Hamilton Construction Co., Springfield, Oregon in the amount of $3,614,235.10 for the Tollgate Creek Trail Extension Phase 1 Project, Project Number 5519A. ***(STAFF REQUESTS A WAIVER OF RECONSIDERATION)*** STAFF SOURCE: Tracy Young, Manager, Planning, Design, Construction, Parks, Recreation & Open Space

Motion by Cleland, second by Roth, to approve item 9b with a waiver of reconsideration.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

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c. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Carollo Engineers, Inc., Broomfield, Colorado in the amount of $374,521.00 to provide professional services for a Non-Potable Water Strategic Plan Study, RFP R-1852. STAFF SOURCE: Marshall Brown, Director, Aurora Water

Council Member Bergan asked why the City of Aurora was adopting California regulations for potable reuse water in this regard.

Marshall Brown, Director, Aurora Water, stated the contract did not adopt regulations, noting Colorado did not have regulations on potable reuse so they were using California's regulations as a guideline until Colorado's regulations were in place.

Council Member Bergan referenced the Blue Planet model for evaluating the alternatives and asked if any additional charges would be realized in that regard. Mr. Brown stated costs were not imbedded in the contract, and noted an additional licensing fee would be realized if the City required additional planning. He pointed out that, however, was not anticipated. Council Member Bergan pointed out the engineering company was charging the City labor hours for City staff to compile data for the engineering company.

Mr. Brown explained staff would provide information to Carollo Engineering and Carollo would then sort and consolidate the data, noting hours were built into the contract for that purpose as well as for staff to gain further institutional knowledge.

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

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

d. Consideration to AMEND A SINGLE SOURCE CONTRACT with Carollo Engineers, Inc. Broomfield, Colorado in the amount of $113,460.00 to add inspection services for the 2nd Creek Interceptor Segment 1E and Related Infrastructure Design Project. STAFF SOURCE: Marshall Brown, Director, Aurora Water

e. Consideration to AMEND A SINGLE SOURCE CONTRACT with Stantec Consulting, Inc., Fort Collins, Colorado in the amount of $288,298.00 to add construction phase engineering services for the Second Creek Regional Lift Station Project. ***(STAFF REQUESTS A WAIVER OF RECONSIDERATION)*** STAFF SOURCE: Marshall Brown, Director, Aurora Water

Motion by Cleland, second by Roth, to approve items 9d and 9e with a waiver of reconsideration on 9e.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

f. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Garney Companies, Inc., Littleton, Colorado in the amount of $6,964,714.00 for the award of the Pump and Lift Stations Improvements Work Package No. 4 Project, Project Number 5448A. STAFF SOURCE: Marshall Brown, Director, Aurora Water

Council Member Bergan asked staff to speak to how the $14M capacity expansion would have been originally considered when the subsequent regional study stated it would be obsolete in five years.

Marshall Brown, Director, Aurora Water, did so, noting putting small amounts of sewer flow into large pipes caused problems so localized lift stations were often considered as a

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solution. He noted therefore this award would not carry a $14M cost but rather the $6.9M for the temporary lift station.

Motion by Bergan, second by LeGare, to approve item 9d.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

Final Ordinances

♦ g. **2017-48**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, adopting an operating and capital improvements projects budget for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Greg Hays, Budget Officer, Finance

♦ h. **2017-49**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, establishing the tax levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Greg Hays, Budget Officer, Finance

♦ i. **2017-50**
Consideration to ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018 and ending December 31, 2018. STAFF SOURCE: Greg Hays, Budget Officer, Finance

Motion by Roth, second by Richardson, to approve item 9g - 9i.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ j. **2017-51**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Sections 138-221, 138-223, 138-326, 138-327, 138-396, 138-397, and 146-306 of the City Code of the City of Aurora, Colorado, relating to Water Service Class Definitions, Sewer Rates, Sewer Connection Fees, Sewer Development Fees, Storm Drainage Development Fees, and Storm Drainage Usage Fees. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

Council Member Mounier asked staff to speak to the rationale behind raising the rates and how it would impact affordable housing.

Marshall Brown, Director, Aurora Water, stated water rates were not proposed to be increased, noting there was a proposed increase for sewer and storm water rates that would affect the average customer by 1.9 percent. He pointed out rates were calculated to cover day-to-day operations and connection fees covered the cost of the infrastructure and water supply, noting the cost to the developer to connect were proposed to be increased because the costs have increased. He discussed how the new rating system was based on usage and was therefore more equitable and had a more positive impact on affordable housing.

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

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Voting Aye: Bergan, Cleland, Lawson, LeGare, Peterson, Pierce, Richardson, Roth

Voting Nay: Berzins, Mounier

♦ k. **2017-53**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating the public right-of-way between East Archer Drive and South Little River Circle and also East Ellsworth Place, City of Aurora, County of Arapahoe, State of Colorado, and reserving a utility easement therein. (Traditions Subdivision Street Vacation) STAFF SOURCE: Brenden Paradies, Planner, Planning & Development Services

Motion by Roth, second by Richardson, to approve item 9k.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ l. **2017-54**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 146-707 of the City Code of the City of Aurora, Colorado, relating to City Center District Development waiver requirements. STAFF SOURCE: Mindy Parnes, Manager of Planning, Planning & Development Services

Allison Coombs, Aurora, Colorado, asked for clarification on the item.

Mindy Parnes, Manager of Planning, Planning & Development Services, stated this was an amendment to the existing City Center Zone District, which was the only district that required waivers to go before both the Planning Commission and the City Council that required a 2/3 vote. She noted this amendment would require a full majority of six and would still go before both bodies.

Council Member Bergan asked if the zone district had changed considerably since it was adopted. Ms. Parnes answered affirmatively, noting much of it had changed to Transit Oriented Development (TOD) zoning and it was envisioned that the whole area would eventually be zoned TOD.

Council Member Pierce stated he would support the item because there was nowhere else in the City that required 2/3 of City Council to change anything related to planning. He pointed out this did not cut people out of the process to change it from 2/3 to a majority.

Motion by LeGare, second by Mounier, to approve item 9l.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ m. **2017-55**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending City Code Section 22-26 Subsection (2) Pertaining to the Building Code and Contractor's Appeals and Standards Board Member Qualifications. STAFF SOURCE: Scott Berg, Chief Building Official, Public Works

Motion by Roth, second by Richardson, to approve item 9m.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

10. **RESOLUTIONS**

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

♦ a. **R2017-80**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing Jason Batchelor as Interim City Manager and Greg Hays as a Director of the Aurora Capital Leasing Corporation. ***(STAFF REQUESTS A WAIVER OF RECONSIDERATION)*** STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by Peterson, to approve item 10a with a waiver of reconsideration.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ b. **R2017-81**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of an Economic Development Incentive Agreement between the City of Aurora, Colorado, and United Parcel Service, Inc., an Ohio corporation and BT-OH, LLC, a Delaware Limited Liability Company. STAFF SOURCE: Chad Argentar, Planning Supervisor, Planning & Development Services

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

Council Member Roth asked if most of the jobs were part-time positions.

Chad Argentar, Planning Supervisor, Planning & Development Services, answered no, noting the majority were full-time positions.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Richardson

♦ c. **R2017-82**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of an Economic Development Incentive Agreement between the City of Aurora, Colorado, and QCD Rocky Mountain, LLC, a limited liability company of the State of Delaware. STAFF SOURCE: Chad Argentar, Planning Supervisor, Planning & Development Services

Council Member Bergan stated provisions were in place in the agreement that required the company to repay a portion if the requirements were not met.

Andrea Amonick, Manager, Development Services/AURA, answered affirmatively.

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

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Richardson

♦ d. **R2017-83**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Submission of an Application to the Great Outdoors Colorado for a Planning Grant in the Amount of $75,000 for the Plains Conservation Center site in Aurora. ***(STAFF REQUESTS A WAIVER OF RECONSIDERATION)*** STAFF

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SOURCE: Pat Schuler, Manager, Open Space & Natural Resources, Parks, Recreation & Open Space

Motion by Peterson, second by LeGare, to approve item 10d with a waiver of reconsideration.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ e. **R2017-84**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution and delivery of the water connection fee incentive Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and Iliff Peak, LLC. STAFF SOURCE: Jennifer Orozco, Project Manager, Planning & Development Services

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

Council Member Roth stated this pertained to an ordinance put in place a while ago that set aside incentives for water taps for certain development and noted this was the second development to take advantage of it. He contended it was a really good incentive to promote certain types of development that were much needed in the City.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

11. <u>PUBLIC HEARING WITH RELATED ORDINANCE</u>

♦ a. **2017-57**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Arapahoe Crossings General Development Plan to allow for a fourth drive-through restaurant in the Arapahoe Crossings Shopping Center. (Arapahoe Crossings GDP Amendment). STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning and Development Services, provided a brief summary of the item, noting it related to permitting a fourth drive-restaurant for the Arapahoe Crossing shopping center.

Mayor Hogan closed the public hearing on the item.

Council Member Roth noted the shopping center has suffered somewhat from shops closing and he would vote in support of the item because it would help to revitalize the center.

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

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ b. **2017-58**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 32.7 acres more or less at the Northwest quadrant of the Intersection of Airport Boulevard and Alameda Parkway from Planned Community Zone District (PCZD) Industrial/Commercial to Medium Density Residential (R-2) and amending the zoning map accordingly. (East Creek R-2

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Rezone) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning and Development Services, provided a brief summary of the item, noting it related to the rezoning of 32.7 acres located at the intersection of Airport Boulevard and Alameda Parkway from Planned Community Zone District (PCZD) Industrial/Commercial to Medium Density Residential (R-2).

Council Member Mounier asked where Signature Park was located in relation to this property.

Council Member Pierce stated it was located directly east across Airport Boulevard.

Council Member Bergan pointed out more traffic was expected with residential zoning and asked if the potential traffic impact was accounted for in this instance.

Diana Rael, Norris Design, answered affirmatively.

Mayor Hogan closed the public hearing on the item.

Motion by Berzins, second by Mounier, to introduce item 11b.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ c. **2017-59**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 3.3 acres more or less in the Northwest quadrant of the Intersection of Airport Boulevard and Alameda Parkway from Planned Community Zone District (PCZD) Industrial/Commercial to Retail Business Detail (B-1) and amending the zoning map accordingly. (East Creek B-1 Rezone) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning and Development Services, provided a brief summary of the item, noting it related to the rezoning of 3.3 acres located at the intersection of Airport Boulevard and Alameda Parkway from Planned Community Zone District (PCZD) Industrial/Commercial to Retail Business Detail (B-1).

Mayor Hogan closed the public hearing on the item.

Motion by Berzins, second by Roth, to introduce item 11c.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

♦ d. **2017-60**

Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Toll Gate Villages General Development Plan to remove 36 acres of land from the plan to allow for rezoning this land to Business and Residential Zonings. (Toll Gate Villages GDP Amendment) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning and Development Services, provided a brief summary of the item, noting it related to amending the Toll Gate Villages General Development Plan (GDP) to remove 36 acres of land from the plan to allow for rezoning the land to Business and Residential Zonings.

Mayor Hogan closed the public hearing on the item.

Motion by Berzins, second by Cleland, to introduce item 11d.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

♦ a. **R2017-67**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amended and Restated Service Plan for the Aerotropolis Area Coordinating Metropolitan District and Authorizing the execution of an Intergovernmental Agreement between the City and the District. ***(Staff requests a Waiver of Reconsideration)*** STAFF SOURCE: Vinessa Irvin, Manager, Office of Development Assistance, General Management

Mayor Hogan opened the public hearing on the item.

Vinessa Irvin, Manager, Office of Development Assistance, General Management, provided a brief summary of the item, noting it related to a proposal for the metro district to act as the coordinating district for all of the existing metro districts that may be used for financing and development of the Aurora Highlands development project.

Council Member Bergan asked if one metro district would be issuing the debt. Ms. Irwin answered affirmatively, noting there was a provision in the plan that provided the ability to issue debt if the RTA did not. Council Member Bergan asked if there was a 60 year service term. Ms. Irvin answered affirmatively. Council Member Bergan asked if a development had ever had a 60 year term. Ms. Irvin answered no. Council Member Bergan asked if this was then highly unusual. Ms. Irvin agreed the model plan called for a 40 year term. Council Member Bergan asked why a 60 year term would be beneficial from a development perspective. Ms. Irvin suggested that was a question better asked of the metro district representatives.

Mary Ann McGeady, McGeady Becher PC, stated the application was for a total of 3000 acres of development and the longer term was a balance point between how much acreage was included and how many phases in terms of financing were implemented.

Council Member Bergan pointed out there were usually multiple metro districts in a development with multiple phases and a new one was started as each one was completed. She asked for further clarification on why there was a request for a 60 year service term when most asked for a 40 year term. She pointed out the 60 year term would put the burden on the homeowner for that length of time and it appeared to only benefit the developer. Ms. McGeady stated the application was for 3000+ acres of development and the options were to either create one district for the project or to slice it into phases and the goal with the service term request was to find a balance point between the regional mill levy support with the internal infrastructure support. Council Member Bergan reiterated the 60 year term benefitted the developer but had a negative impact on the homeowner.

Ms. McGeady stated the 40 year term usually went along with infrastructure development in smaller developments where someone should not have to pay for the road in front of their house for 40 years, noting this related to larger issues of building arterials, collectors and the support with the RTA.

Council Member Bergan stated the RTA should absorb some of the regional improvements and the metro district was responsible of interior infrastructure.

Ms. McGeady stated this metro district model was different because they proposed to support the regional improvements with five mills from the first year when they first imposed a mill levy until the regional improvement support was no longer needed which affected the overall capacity for repayment of debt.

Mayor Pro Tem Lawson asked if the 60 year model was conceptual or actual. Ms. McGeady stated the 40 year term was unique to Aurora and this proposal was an attempt to stick with the model as closely as possible and the 60 years was a compromise to attempt to not increase the transaction costs and interest rates. She stated that allowed the community to have less districts than more. Mayor Pro Tem Lawson asked if stakeholders were factored into the model. Ms. McGeady answered affirmatively, noting those who benefitted from the improvements were those who paid for them.

Council Member Pierce asked if a solution would be to reduce the size of the district to reduce the term to 40 years. Ms. McGeady stated the financing efficiency was reduced every time another district was created, noting it also fractured the community.

Council Member Richardson asked if the choice was whether all of the City's taxpayers should pay for the roads or if the district residents should pay for the roads. Ms. McGeady answered affirmatively.

Council Member Bergan pointed out the reasoning behind the higher term request being due to the size of the development did not make sense because the Southlands area was over ten square miles and was a phased in community with a 40 year term. Council Member Bergan asked the development timeframe and whether the board members would be the developers if there was only one major metro district. Ms. McGeady stated the developer wanted to start construction on some of the road improvements as soon as possible after the first of the year.

Sam Sharp, D.A. Davidson & Co, stated the estimated absorption time for all of the residential would be 15 – 20 years.

Council Member Bergan asked if the timeframe was the same for the commercial development.

Ms. McGeady stated the commercial was lagging a year or two behind the residential. She noted over time the residents would take over the district boards.

Council Member Bergan asked if the residents would have a say if the districts were to consolidate through the Aerotropolis. Ms. McGeady answered affirmatively. She discussed the best practices approach of having an external financial advisor, who was a person that was independent to the developer, on the board who gave advice when the bonds were structured. She pointed out that was included in the model.

Kathryn Windler Schlatter, Aurora, Colorado, discussed the deviations from the model service plan and the impact of the item on the Windler Homestead properties.

Allison Coombs, Aurora, Colorado, pointed out the improvements built through the metro districts would outlive their useful life by the time the debt service was paid off.

Duane Senn, President, Laredo Highline Neighborhood Association, Aurora, Colorado, spoke in opposition to the item due to the $8 billion debt limit.

Kristin Mallory, Aurora, Colorado, spoke in opposition to the debt service limit.

Jason Legg, Aurora Colorado, spoke in opposition to the item, noting there was a huge surplus of residential units that were not filled.

Mayor Hogan closed the public hearing on the item.

Council Member LeGare discussed the Windler Homestead and the concerns expressed in that regard. He stated there would be significant infrastructure and roadway construction over time which would open up the area and asked what the negative impact to the landowners in the area that were not in the district would be.

Jason Batchelor, Interim City Manager, agreed they would not pay the property taxes but noted there were concerns related to the precedent set by the 60 year term, noting it allowed the developer to spread the debt over time when other developers could not.

Council Member LeGare asked if this particular overall plan was a much larger plan with a much larger infrastructure commitment than the City has seen. Mr. Batchelor answered affirmatively.

ORIGINAL MOTION

Motion by Cleland, second by Roth, to approve item 12a with a waiver of reconsideration.

AMENDMENT

Motion by Cleland, second by Pierce, to amend item 12a by changing section 3 to read as follows: *The Council hereby conditionally approves the amended service plan for the district with such approval conditioning on the modification of the maximum debt mill limit imposed term of 50 years instead of 60 as submitted, and that the City, Adams County and the district enter into an agreement establishing the Aerotropolis Regional Transportation Authority as the term is defined in the proposed service plan. If such ARTA agreement is not entered into and executed within 180 days from this date, the approval of the service plan is conditioned on the modification of the maximum debt mill levy term of 40 years.*

Council Member LeGare expressed his understanding of the amendment, noting the term was approved with a 50 year debt limitation if the RTA was formed but if not, it was approved with a standard 40 year district.

Mayor Hogan clarified there was a window of 180 days to pull the RTA together but if not, it would revert back to the maximum debt mill levy of 40 years.

Council Member Cleland stated she would support the amendment because this was something that was being done differently and the City has not done anything like this in the past. She noted this would pay for two different interchanges and there was not anything that any other metro districts have had in terms of that kind of financing or debt. She stated it was a unique opportunity for the City of Aurora.

Council Member Bergan stated she would not support the item even though she thought the developer would be an asset to the City of Aurora. She cited transparency as her main point of opposition, noting there was not an RTA agreement in place and this put the cart before the horse. She noted she did not agree with the 50 year term or the $36 billion debt service.

Council Member Roth stated concerns were expressed related to the City's experience with this developer, noting they had an excellent reputation and they had many decades of experience with development across the country. He pointed out this development was totally different than anything seen in this district, noting it included major infrastructure improvements which was unprecedented. He discussed how the development was setting precedent.

Council Member Peterson stated she did not support metro districts and would not in this case.

Council Member LeGare stated he would support the amendment and the item because it was a unique opportunity for the City of Aurora. He noted a city that was not growing was dying.

VOTE ON AMENDMENT

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ b. **R2017-68**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amended and Restated Service Plan for the Green Valley Aurora Metropolitan District No. 1 (Formerly Known as Green Valley Ranch East Metropolitan District No. 5) and authorizing the execution of an Intergovernmental Agreement between the City and the District. ***(Staff requests a Waiver of Reconsideration)*** STAFF SOURCE: Vinessa Irvin, Manager, Office of Development Assistance, General Management

Mayor Hogan opened the public hearing on the item.

Vinessa Irvin, Manager, Office of Development Assistance, General Management, gave a brief summary of the item, noting it related to item 12a, the Aerotropolis proposal.

Alison Coombs, Aurora, Colorado, stated, in response to Council Member LeGare's comments regarding a city not growing, was a city dying, that there was a lot more space in the City for infill proposals with affordable housing. She spoke in opposition to the item because of the negative impact of the debt on the residents.

Mayor Hogan closed the public hearing on the item.

ORIGINAL MOTION

Motion by LeGare, second by Roth, to approve item 12b with a waiver of reconsideration.

♦ ***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.***

AMENDMENT

Motion by Cleland, second by Pierce, to amend item 12b by changing section 3 to read as follows: *The Council hereby conditionally approves the amended service plan for the district with such approval conditioning on the modification of the maximum debt mill limit imposed term of 50 years instead of 60 as submitted, and that the City, Adams County and the district enter into an agreement establishing the Aerotropolis Regional Transportation Authority as the term is defined in the proposed service plan. If such ARTA agreement is not entered into and executed within 180 days from this date, the approval of the service plan is conditioned on the modification of the maximum debt mill levy term of 40 years.*

VOTE ON AMENDMENT

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ c. **R2017-69**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amended and Restated Service Plan for the Aurora Highlands Metropolitan District Nos. 1, 2, and 3 (Formerly known as Green Valley Ranch East Metropolitan District Nos. 2, 3, and 4, Respectively) and authorizing the execution of an Intergovernmental Agreement between the City and the Districts. ***(Staff requests a Waiver of Reconsideration)*** STAFF SOURCE: Vinessa Irvin, Manager, Office of Development Assistance, General Management

Mayor Hogan opened the public hearing on the item.

Vinessa Irvin, Manager, Office of Development Assistance, General Management, gave a brief summary of the item, noting it related to three existing districts associated with item 12a, the Aerotropolis proposal.

Alison Coombs, Aurora, Colorado, stated there was an authorization for $12M in debt for this item and the next related to three metro districts.

Mayor Hogan closed the public hearing on the item.

ORIGINAL MOTION

Motion by LeGare, second by Roth, to approve item 12c with a waiver of reconsideration.

AMENDMENT

Motion by Cleland, second by Pierce, to amend item 12c by changing section 3 to read as follows: *The Council hereby conditionally approves the amended service plan for the district with such approval conditioning on the modification of the maximum debt mill limit imposed term of 50 years instead of 60 as submitted, and that the City, Adams County and the district enter into an agreement establishing the Aerotropolis Regional Transportation Authority as the term is defined in the proposed service plan. If such ARTA agreement is not* *entered into and executed within 180 days from this date, the approval of the service plan is conditioned on the modification of the maximum debt mill levy term of 40 years.*

VOTE ON AMENDMENT

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ d. **R2017-70**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the consolidated First Amended and Restated Service Plan for the Green Valley Ranch East Metropolitan District Nos. 6, 7 and 8 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts. ***(Staff requests a Waiver of Reconsideration)*** STAFF SOURCE: Vinessa Irvin, Manager, Office of Development Assistance, General Management

Vinessa Irvin, Manager, Office of Development Assistance, General Management, gave a brief summary of the item, noting it related to three existing districts associated with item 12a, the Aerotropolis.

Mayor Hogan closed the public hearing on the item.

ORIGINAL MOTION

Motion by LeGare, second by Pierce, to approve item 12d with a waiver of reconsideration.

AMENDMENT

Motion by Cleland, second by Pierce, to amend item 12d by changing section 3 to read as follows: *The Council hereby conditionally approves the amended service plan for the district with such approval conditioning on the modification of the maximum debt mill limit imposed term of 50 years instead of 60 as submitted, and that the City, Adams County and the district enter into an agreement establishing the Aerotropolis Regional Transportation Authority as the term is defined in the proposed service plan. If such ARTA agreement is not entered into and executed within 180 days from this date, the approval of the service plan is conditioned on the modification of the maximum debt mill levy term of 40 years.*

VOTE ON AMENDMENT

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

VOTE ON ORIGINAL MOTION

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ ***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.***

♦ e. **R2017-78**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the first amendment to the amended and restated consolidated service plan for Murphy Creek Metropolitan District No. 3 and authorizing the execution of the first amendment to the amended and restated Intergovernmental Agreement between the City of Aurora, Colorado and Murphy Creek Metropolitan District No. 3. STAFF SOURCE: Mark Geyer, Project Manager, General Management

Motion by Peterson, second by Richardson, to defer item 12e to the November 13, 2017 City Council meeting.

Council Member LeGare asked Council Member Peterson what would happen between now and the next meeting that had not happened thus far. Council Member Peterson stated her hope that a meeting to better discuss the metro district would take place. Council Member LeGare asked if the hope was for the Murphy Creek Metro district board to host the meeting. Council Member Peterson answered affirmatively.

Council Member Bergan stated she would support the delay so that the confusion surrounding this issue could be addressed.

Mayor Hogan opened the public hearing on the item.

Motion by Peterson, second by Richardson to continue the public hearing to the November 13, 2017 meeting.

Mayor Hogan asked metro district representative if the board would comply with a request to host a meeting with the residents prior to November 13, 2017.

Blair Dickhoner, White Bear Ankele Tanaka & Waldron, PC, stated his appreciation of the Council's efforts for continued community outreach and discussed the board's efforts made thus far, noting he was not sure it would be productive.

Council Member Peterson stated she found Mr. Dickhoner's response disheartening.

Council Member LeGare stated this was a very good plan and he did not think a meeting would change that for those who thought something better could be proposed.

Margaret Sobey, Aurora, Colorado, stated her opinion that another meeting would not help. She expressed concerns related to the refinancing because she did not feel that all avenues have been reviewed.

Quinnon Duke, Aurora, Colorado, spoke in opposition to the item, noting there appeared to be misrepresentation in this regard.

Doug Schriner, Aurora, Colorado, spoke in opposition to the item. He presented a petition signed by 140+ Murphy Creek residents.

Council Member LeGare asked Mr. Schriner if he thought his concerns could be resolved in the two week interim, noting a deferral would cost the taxpayers more money. Mr. Schriner stated the Murphy Creek residents would choose a different option if they were given one.

Mr. Dickhoner clarified other options for other underwriters were considered, noting all members of the board were appointed by the community.

Council Member Bergan asked if any concessions could be made.

Sam Sharp, D.A. Davidson & Co, stated the resident board, which did not have any developer input, elected to proceed with the refinancing based on their knowledge of the risks. He agreed there were some risks to the item and listed the various instances of community outreach in this regard.

Council Member Bergan stated she was aware of the public outreach and pointed out, as evidenced by the petition presented this evening, there were residents who were concerned with the risks. She asked if there was a possibility of change to the proposal. Mr. Sharp agreed the board might change their mind or they might choose to do nothing.

Council Member Richardson suggested a mediation service be obtained to sort out the issues between the neighbors and the board.

Margaret Rash, Aurora, Colorado, discussed the public outreach and agreed this plan was putting the cart before the horse.

Council Member LeGare stated he would not support the motion because after hearing testimony, he did not think these issues would be resolved in the two week interim and doing so would only cost the Murphy Creek residents more money. He stated he would be willing to change his vote to defeat the item and let the district come back next year if council decided to reject the deferral.

Council Member Bergan stated her support of the deferral, noting the importance of hearing from constituents who were speaking up prior to council taking an up or down vote.

Voting Aye: Bergan, Berzins, Cleland, Lawson, Mounier, Peterson, Pierce, Richardson, Roth

Voting Nay: LeGare

Mayor Hogan closed the public hearing on the item until November 13, 2017.

♦ f. **R2017-79**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amendment to the Amended and Restated Service Plan for the Adonea Metropolitan District and Authorizing the Execution of the Second Amendment to the Amended and Restated Intergovernmental Agreement between the City and the District. STAFF SOURCE: Jacob Cox, Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

Jacob Cox, Project Manager, General Management, provided a brief summary of the item, noting it related to the issuance of bonds to refinance existing debt on prior bonds to a lower interest rate.

Mayor Hogan closed the public hearing on the item.

Motion by LeGare, second by Bergan, to approve item 12f.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

MAYOR HOGAN CALLED FOR A 15-MINUTE RECESS.

♦ ***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.***

13. **ANNEXATIONS**

◆ a. **2017-61**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southwest quarter of Section 14, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Bravada / Neher) 161.684 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary of the item, noting it related to one of ten annexation parcels.

Council Member Bergan stated development paid its way on the capital side and asked Ms. Irvin if this development would pay its way to defray the cost of operations. Ms. Irvin stated a study was conducted that concluded that, based on the planned residential and proposed commercial, there would be ongoing negative fiscal impact of $200k per unit for a total $15M impact. Council Member Bergan asked who paid for the infrastructure to access the undeveloped land. Ms. Irvin stated that was the developer's responsibility. Council Member Bergan asked if the developers could possibly be reimbursed by future developers. Ms. Irvin answered affirmatively. Council Member Bergan asked if the developers paid connection fees which would pay for the water infrastructure and supply.

Marshall Brown, Director, Aurora Water, answered affirmatively, noting the developer would also pay sewer connection fees that would pay for storm water.

Council Member Bergan asked if there were any costs not considered or captured through the fees. Mr. Brown stated the fees covered the creation of the system and the water supply, noting the maintenance was calculated and covered in the water rates. Council Member Bergan asked if all Aurora residents would pay for the maintenance through their water rates. Mr. Brown stated the only rate increases would be those realized through the cost of living, noting however, the fees would increase as necessary and that would be borne by the developers as they connect to the system. Council Member Bergan asked the anticipated time frame of development.

Michael Sheldon, Michael A. Sheldon & Associates, LLP, representing the applicant, stated 10 – 20 years depending on the market conditions.

Duane Senn, President, Laredo Highline Neighborhood Association, Aurora, Colorado; Jason Legg, Aurora, Colorado; Margaret Sobey, Aurora, Colorado; and Juan Marcano, Aurora, Colorado, spoke in opposition to the item.

Council Member Richardson discussed the difficulties related to managing infill projects as opposed to sprawl.

Council Member Pierce stated any large development would have a negative impact on the City and pointed out Aurora Water was looking for water for the next 50 years and development would happen regardless. He contended Aurora would control the development standards for development located in Aurora.

◆ ***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 LeGare concurred, noting Prosper development residents would use City streets and infrastructure that go right through Aurora and the City would not receive any revenue in that regard. He stated allowing the annexations would give the City control over the quality and type of growth.

Council Member Bergan stated she was not generally opposed to annexations, however her concerns in this instance related to the large amount of existing undeveloped land in the City. She stated she would not support this item at this time because of the fiscal impacts on current terms of services such as road maintenance, water, fire and police. She stated there was a lot to consider prior to annexing land that was not yet developed and would not be for some time.

Mayor Pro Tem Lawson concurred, noting she would not support the item because of the regional infrastructure challenges. She stated she believed in smart growth but did not feel this should move forward just because it was unique.

Council Member Mounier stated she would not support the item or any annexation until she was sure there was enough of a water supply as well as funds to maintain roads.

Council Member Cleland discussed past flagpole annexations in the City which resulted in some really good product. She stated her belief that less water would be used ten years from now because of the continued efficiency of Aurora Water, and stated she would support the item.

Council Member Peterson stated she would not support the item, noting Aurora was 20 years short on road maintenance.

Mayor Hogan stated growth has never paid its way in the City of Aurora and it never would. He noted the City relied on the ability to do things, such as water use and development, and fire and police protection, smarter. He pointed out the affordable housing in Boulder was rent controlled and that was not desired in Aurora. He stated Aurora was in control of its own destiny with regards to growth and development and that was done by not allowing others to do it for Aurora. He stated annexation was not always the answer but noted annexation protected the City's boundaries.

Motion by LeGare, second by Cleland, to introduce item 13a.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ b. **2017-62**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the North half of Section 26 and the South half of Section 23, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Cottonwood Creek Annexation No. 1) 324.742 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13b.

Voting Aye: Berzins, Cleland, LeGare, Pierce, 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.***

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ c. **2017-63**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 23 and the Southwest Quarter of Section 24, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Cottonwood Creek Annexation No. 2) 77.375 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13c.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ d. **2017-64**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the East half of Section 23 and the West half of Section 24, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Cottonwood Creek Annexation No. 3) 182.824 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13d.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ e. **2017-65**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the West half of Section 25, the Northeast Quarter of Section 26, the Southwest Quarter of Section 24, and the Northwest Quarter of Section 36, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road Annexation No. 1) 167.188 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13e.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ f. **2017-66**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the South half of Section 24, Section 25 and the North half of Section 36, Township 4 South, Range 65 West of the Sixth Principal Meridian, and the Southwest Quarter of Section 19, the West half of Section 30 and the Northwest Quarter of Section 31, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins

Road Annexation No. 2) 491.485 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13f.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ g. **2017-67**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 24, Township 4 South, Range 65 West of the Sixth Principal Meridian and the Southwest Quarter of Section 19, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road II Annexation No. 1) 158.386 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13g.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ h. **2017-68**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in Section 30, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road II Annexation No. 2) 655.887 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13h.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ i. **2017-69**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in Section 19, Township 4 South, Range 64 West of the Sixth Principal Meridian and the Northeast Puarter of Section 24, Township 4 South Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road Annexation No. 3) 662.825 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13i.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ ***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.***

♦ j. **2017-70**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southwest Quarter of Section 17, the Southeast Quarter of Section 18, the Northeast Quarter of Section 19 and the Northwest Quarter of Section 20, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Walnut Peacemaker) 163.287 acres. STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13j.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ k. **2017-71**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located Northeast of the Intersection of Mississippi Avenue and Hayesmount Road, City of Aurora, County of Arapahoe, State of Colorado, to Northeast Plains Medium Density Residential (NEP-MRES), and amending the zoning map accordingly (Bravada Neher Initial Zoning) STAFF SOURCE: Nathan Owens, Planner, Planning & Development Service

Mayor Hogan opened the public hearing on the items.

Nate Owens, Planner, Planning & Development Service, gave a presentation on items 13k – 13o, which related to zoning.

Pat Rowe, Aurora, Colorado, spoke in opposition to the items, noting she did not want to be relocated from Arapahoe County to the City of Aurora because she would have to pay higher taxes and be governed by different laws.

Duane Senn, President, Laredo Highline Neighborhood Association, Aurora, Colorado, spoke in opposition to the items.

Mayor Hogan closed the public hearing on the items.

Motion by Roth, second by Pierce, to introduce item 13k.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ l. **2017-72**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located at the Intersection of Jewell Avenue and Hayesmount Road, City of Aurora, County of Arapahoe, State of Colorado, to Northeast Plains Medium Density Residential (NEP-MRES), and amending the zoning map accordingly (Cottonwood Creek Initial Zoning) STAFF SOURCE: Owens, Nathan - Planner - Planning & Development Service

Motion by Roth, second by Pierce, to introduce item 13l.

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

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ m. **2017-73**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located at the Intersection of Jewell Avenue and Watkins Road, City of Aurora, County of Arapahoe, State of Colorado, to Northeast Plains medium density residential (NEP-MRES), and amending the zoning map accordingly (Watkins Road Initial Zoning) STAFF SOURCE: Owens, Nathan - Planner - Planning & Development Service

Motion by Roth, second by Pierce, to introduce item 13m.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ n. **2017-74**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located at the Intersection of Jewell Avenue and Watkins Road, City of Aurora, County of Arapahoe, State of Colorado, to Northeast Plains medium density residential (NEP-MRES), and amending the zoning map accordingly (Watkins Road II Initial Zoning) STAFF SOURCE: Owens, Nathan - Planner - Planning & Development Service

Motion by Roth, second by Pierce, to introduce item 13n.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ o. **2017-75**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located northeast of the Intersection of Mississippi Avenue and Hayesmount Road, City of Aurora, County of Arapahoe, State of Colorado, to Northeast Plains medium density residential (NEP-MRES), and amending the zoning map accordingly (Walnut Peacemaker Initial Zoning) STAFF SOURCE: Owens, Nathan - Planner - Planning & Development Service

Motion by Roth, second by Pierce, to introduce item 13o.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ p. **2017-76**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Vested Rights Development Agreement between the City of Aurora Colorado, and Bravada/Neher 160, LLC containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in the Southwest Quarter of Section 14, Township 4

South, Range 65 West of the Sixth Principal meridian, County of Arapahoe, State of Colorado (Bravada/Neher 160, LLC) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Mayor Hogan opened the public hearing on the item.

Vinessa Irvin, Manager of Development Assistance, General Management, provided a brief summary on the items, noting they related to a request for vested property rights development agreements.

Duane Senn, President, Laredo Highline Neighborhood Association, spoke in opposition to the items.

Mayor Hogan closed the public hearing on the item.

Motion by LeGare, second by Cleland, to introduce item 13p.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ q. **2017-77**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Vested Rights Development Agreement between the City of Aurora Colorado, and Cottonwood Creek Investors, LLC containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in Section 23, the West half of Section 24, and the North half of Section 26, Township 4 South, Range 65 West of the Sixth Principal meridian, County of Arapahoe, State of Colorado (Cottonwood Creek Investors, LLC) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Cleland, to introduce item 13q.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ r. **2017-78**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Vested Rights Development Agreement between the City of Aurora Colorado, and Watkins Road Associates, LLLP containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in Section 19, Township 4 South, Range 64 West of the 6th Principal Meridian, and Sections 24, 25 and the North half of Section 36, Township 4 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road Associates, LLLP) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Pierce, to introduce item 13r.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ ***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.***

♦ s. **2017-79**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Vested Rights Development Agreement between the City of Aurora Colorado, and Watkins Road II Associates, LLLP containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in the Southeast Quarter of Section 24, Township 4 South, Range 65 West of the 6th Principal Meridian, and Section 30, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Watkins Road II Associates, LLLP) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Pierce, to introduce item 13s.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

♦ t. **2017-80**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving a Vested Rights Development Agreement between the City of Aurora Colorado, and Walnut Peacemaker, LLC containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in the Southwest Quarter of Section 17, the Southeast Quarter of Section 18, and the Northwest Quarter of Section 20, Township 4 South, Range 64 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Walnut Peacemaker, LLC) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Pierce, to introduce item 13t.

Voting Aye: Berzins, Cleland, LeGare, Pierce, Richardson, Roth

Voting Nay: Bergan, Lawson, Mounier, Peterson

For purposes of considering the following items 14a-f the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively.

14. ORDINANCES FOR FINAL

♦ a. **2017-45**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of Pier Point 7 General Improvement District 2-2009 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

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♦ b. **2017-42**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2007 (Cherry Creek Racquet Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Cleland, to approve item 14b.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Voting Nay: Peterson

♦ c. **2017-43**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2008 (Peoria Park) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Bergan, to approve item 14c.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson Roth

Voting Nay: Peterson

♦ d. **2017-44**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 3-2008 (Meadow Hills Country Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Pierce, to approve item 14d.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Voting Nay: Peterson

♦ e. **2017-46**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 2-2011 (Aurora Conference Center) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2018, and ending December 31, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Roth, second by Pierce, to approve item 14e.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Voting Nay: Peterson

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♦ f. **2017-47**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 1 2016 (Cobblewood General Improvement District) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1st, 2018, and ending December 31st, 2018. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

Motion by Berzins, second by Roth, to approve item 14f.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Voting Nay: Peterson

♦ g. **2017-52**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 130 Sections 160 and 161 of the City Code of the City of Aurora, Colorado, repealing the sales tax collection expense allowance. STAFF SOURCE: Greg Hays, Budget Officer, Finance

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

Voting Aye: Bergan, Cleland, Lawson, LeGare, Peterson, Pierce, Roth

Voting Nay: Berzins, Mounier, Richardson

♦ h. **2017-56**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending various provisions of Chapter 94, Article V, Division 3 of the City Code of the City of Aurora, Colorado, Relating to Gambling. STAFF SOURCE: Michael J. Hyman, City Attorney

Motion by Bergan, second by Richardson, to approve item 14h.

Voting Aye: Bergan, Berzins, Cleland, Lawson, Mounier, Pierce, Richardson, Roth

Voting Nay: LeGare, Peterson

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

a. Consideration to appoint (1) one person to the Aurora Commission for Seniors. STAFF SOURCE: STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to appoint Mario Reza to the Aurora Commission for Seniors.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

b. Consideration to reappoint (2) two members to the Cultural Affairs Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

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Motion by Roth, second by Mounier, to reappoint Amy Cheslin and Mary Mollicone to the Cultural Affairs Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

c. Consideration to appoint (2) two people to the Historic Preservation Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Bergan, second by Mounier, to appoint Julie Weinheimer and Jake Jeronimus to the Historic Preservation Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

d. Consideration to appoint (2) two people to the Aurora Youth Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Bergan, second by Pierce, to appoint Vinay Malik and Ariana Rodriguez to the Aurora Youth Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

e. Consideration to reappoint (2) two members to the Judicial Performance Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by Berzins, to reappoint Micah Marmaro and Debbie Stafford to the Judicial Performance Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

f. Consideration to reappoint (1) one member to the Board of Adjustments and Appeals. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Bergan, second by Pierce, to reappoint Lynn Bittel to the Board of Adjustments and Appeal.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

17. **REPORTS**

a. Report by the Mayor

Mayor Hogan stated Election Day was Tuesday, November 7, 2017 and encouraged everyone to turn in their ballot.

b. Reports by the council

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, November 29, 2017 at the Mission Viejo Library at 6:30 p.m.

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Council Member Mounier noted Veterans' Day was approaching and expressed appreciation to all of the veterans who served and are now serving. She discussed her experiences meeting people while walking neighborhoods recently during her campaign.

Mayor Pro Tem Lawson wished everyone a happy Halloween.

17. **PUBLIC INVITED TO BE HEARD**

Hashim Coates, Aurora, Colorado, stated the offense he took from the City Council with regards to their lack of polite critique, civility, encouragement and welcome to those who spoke at the meetings.

Juan Marcano, Aurora, Colorado, discussed his disappointment at the City Council's lack of respect for empirical evidence and at their decisions of bad public policy.

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 1:32 a.m.

Stephen D. Hogan

STEPHEN D. HOGAN, Mayor

ATTEST:

Linda S. Blackston

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