

## **MINUTES**

### **Regular Meeting – Aurora City Council Monday, November 13, 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, City Attorney Hyman, 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 Roth, second by Bergan, 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 NOVEMBER 13, 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 Dr. Joelle Sue, Glory to Glory Christian Center**

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 30, 2017**

Motion by Mounier, second by Roth, to approve the minutes of October 30, 2017 as presented.

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

Abstained: 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>       |
|------------------|----------------------------------|
| Amy Cheslin      | Art In Public Places             |
| Mario Reza       | Aurora Commission for Seniors    |
| Ariana Rodriguez | Aurora Youth Commission          |
| Lynn Bittel      | Board of Adjustments and Appeals |
| Jake Jeronimus   | Historic Preservation Commission |
| Debbie Stafford  | Judicial performance Commission  |
| Eric Mulder      | Veterans Affairs Commission      |

- b. Proclamation declaring November 12 – 20, 2017 as Hunger and Homelessness Awareness Week – Mayor Hogan

Mayor Hogan invited Shelley McKittrick, Homelessness Program Director, City of Aurora; Stephanie Kok, Aurora Day Resource Center; Gayle Jetchik, Executive Director, Havana Business District; Debbie Stafford, Aurora Mental Health Center and Aurora Community of Faith; Brian Arnold, Executive Director, Aurora Warms the Night; Tanya Sanshier, Program Manager, Comitis; Vanessa Quintana, Homelessness Program, City of Aurora; and Nancy Sonnenfeld, Metro Community Provider Network, to come forward. He read the proclamation declaring November 12 – 20, 2017 as Hunger and Homelessness Awareness Week. Each recipient expressed appreciation for the proclamation.

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

Nicholas Dixon, Gateway Boys Basketball Coach, Aurora, Colorado, and members of the Gateway Boys basketball team, discussed the upcoming basketball game between Gateway High School and the Aurora Police Department scheduled for Wednesday, November 15, 2017 at 6:00 p.m.

Hashim Coates, Aurora, Colorado, discussed a comment made at the last City Council meeting related to affordable housing in the City of Aurora that he found concerning. He further discussed the need for affordable housing in the City, noting the irony of the previous homelessness proclamation.

Council Member Cleland discussed affordable and low income housing units in the City of Aurora and the efforts being made in that regard.

Margaret Sobey, President, Murphy Creek Golf Course Neighborhood Group (MCGC), Aurora, Colorado, expressed appreciation to City Council for deferring their vote on the Murphy Creek item at the last City Council meeting.

8. **ADOPTION OF THE AGENDA**

City of Aurora received a letter from the applicant to withdraw item 12a, Murphy Creek Service Plan Amendment, from the November 13 Agenda. Otherwise, the agenda will be heard as presented.

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

**General Business**

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Artcraft Sign Company (Sachs-Lawlor), Denver, Colorado in the amount of \$188,060.41 for the West Tollgate Creek Wayfinding and Trail Amenities Project, Project Number 5608A. STAFF SOURCE: Tracy Young, PROS Planning, Design & Construction/Parks Planning and Design/Design Services

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

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

- b. Consideration to AWARD CHANGE ORDER #3 TO AN OPENLY SOLICITED CONTRACT with Accela Inc., San Ramon, California in the amount of \$123,354.00 to provide a Workflow Management Software System for the Development, Permit, Licensing and Maintenance Divisions. (R1780) STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

Council Member Pierce noted this was the third change order for this contract and asked staff if any more were expected.

Aleta Jeffress, Chief Information Officer, Information Technology, stated none were anticipated.

Motion by Pierce, second by Roth, to approve item 9b.

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

Voting Nay: Berzins, Richardson

**Final Ordinances**

- ♦ c. **2017-57**  
Consideration for ADOPTION 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
- ♦ d. **2017-58**  
Consideration for ADOPTION 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 Rezone) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services
- ♦ e. **2017-59**  
Consideration for ADOPTION 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 District (B-1) and

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amending the zoning map accordingly. (East Creek B-1 Rezone) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning and Development Services

- ◆ f. **2017-60**  
Consideration for ADOPTION 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

Motion by Roth, second by Mounier, to approve items 9c – 9f.

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

10. **RESOLUTIONS**

- ◆ a. **R2017-85**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Fitzsimons Business Improvement District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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

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

Voting Nay: Peterson

- ◆ b. **R2017-86**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Citadel on Colfax Business Improvement District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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

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

Voting Nay: Peterson

- ◆ c. **R2017-87**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Parkside at City Centre Business Improvement District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by Berzins, second by Mounier, to approve item 10c.

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

Voting Nay: Peterson

- ◆ d. **R2017-88**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for Porteos Business

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Improvement District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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

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

Voting Nay: Peterson

- ♦ e. **R2017-89**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Painted Prairie Business Improvement District No.1. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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

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

Voting Nay: Peterson

- ♦ f. **R2017-90**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Painted Prairie Business Improvement District No.2. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Motion by LeGare, second by Lawson, to approve item 10f.

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

Voting Nay: Peterson

- ♦ g. **R2017-91**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2018 Operating Plan and Budget for the Havana Business Improvement District. STAFF SOURCE: Melissa Rogers, Project Manager, Planning & Development Services

Motion by Richardson, second by Berzins, to approve item 10g.

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

Voting Nay: Peterson

- ♦ h. **R2017-92**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, acting by and through its Utility Enterprise, and the Urban Drainage and Flood Control District, regarding funding of Major Drainageway Planning for Granby and Sable Ditch. STAFF SOURCE: Marshall Brown, Director, Aurora Water

Motion by Peterson, second by Cleland, to approve item 10h.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2017-81**  
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 36.68 acres more or less in the Northeastern Quadrant of 38th Avenue and Tower Road from Highway Service District (B-3) and Industrial Office District (M-0) To Light Industrial District (M-1) and amending the zoning map accordingly (United Properties Rezone). STAFF SOURCE: Deborah Bickmire, Planner I, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Deborah Bickmire, Planner I, Planning and Development Services, provided a brief summary of the item, noting it related to a request to rezone 36.68 acres at the corner of 38th Avenue and Tower Road from Highway Service District (B-3) and Industrial Office District (M-0) to Light Industrial District (M-1).

Jan Davis; Alicia Rhymer; Kevin Kelley; Matt Oermann and Megan Turner, Aurora, Colorado, stated their support of the item.

Mayor Hogan closed the public hearing on the item.

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

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ♦ a. **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

*ITEM REMOVED FROM AGENDA*

- b. Public Hearing and Consideration to APPEAL the Planning commission's decision to deny a sign waiver request for Confluent Center 70 located at 15100 East 40th Avenue in Aurora, Colorado. STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning and Development Services

Mayor Hogan opened the public hearing on the item.

Stephen Rodriguez, Planning Supervisor, Planning and Development Services, provided a brief summary of the item, noting it related to an appeal of the Planning Commission's decision to deny a sign waiver request for the Confluent Center. He noted staff did not support the sign waiver request.

Council Member LeGare asked if staff disputed the visibility issues presented by the applicant. Mr. Rodriguez answered affirmatively.

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Council Member Peterson stated it would provide a hardship for the applicant to not gain the waiver, noting the project was set far enough back and there were many signs along I-70 to allow it.

H. McNeish, Confluent Development, representing the applicant, gave a presentation on the item.

Mayor Hogan closed the public hearing on the item.

Motion by Peterson, second by LeGare, to approve item 11b.

Council Member LeGare stated he would support the waiver because the project was viable and quiet to the neighbors across the street and he agreed there was a visibility hardship to the applicant in this instance.

Council Member Cleland concurred, noting it was similar to the situation at the hospital on Parker Road and E-470. She pointed out it was very uncomfortable for her that she did not find out about the item until a late hour.

Council Member Berzins concurred, noting one size did not fit all and that was why the City had waiver requests.

Mayor Hogan clarified the motion was to approve the waiver and approve the action approval for the sign.

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

Voting Nay: Richardson

13. **ANNEXATIONS**

- ♦ a. **2017-61**  
Consideration for ADOPTION 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. SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management
- ♦ b. **2017-62**  
Consideration for ADOPTION 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
- ♦ c. **2017-63**  
Consideration for ADOPTION 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

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- ♦ d. **2017-64**  
Consideration for ADOPTION 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
- ♦ e. **2017-65**  
Consideration for ADOPTION 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
- ♦ f. **2017-66**  
Consideration for ADOPTION 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
- ♦ g. **2017-67**  
Consideration for ADOPTION 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
- ♦ h. **2017-68**  
Consideration for ADOPTION 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
- ♦ i. **2017-69**  
Consideration for ADOPTION 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 Quarter 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

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- ♦ j. **2017-70**  
Consideration for ADOPTION 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

Hashim Coates, Aurora, Colorado, expressed concerns regarding the hasty push forward for all of these annexations particularly because they were not related to affordable housing. He asked anyone on City Council who would benefit financially from any of the annexations to recuse themselves on ethical grounds.

Alison Coombs, Aurora, Colorado, expressed appreciation to those members of City Council who pointed out these annexations were being carried out without regard to the annexation study paid for by the City. She echoed Mr. Coates' comments related to Council Members who benefitted from the annexations to recuse themselves from the vote.

Duane Senn, President, Laredo Highline Association, Aurora, Colorado, expressed appreciation for the items he and City Council agreed upon at the last Council meeting and expressed concerns regarding the financial impacts of annexations into the City as they related to existing structural deficiencies.

Council Member LeGare clarified the City Council did not approve the use of marijuana funds for transportation maintenance, noting they approved the use of marijuana funds for transportation capital projects.

Council Member Cleland addressed the speakers' comments related to financial gain and recusal from voting, noting the City charter and City Council rules did not allow Council Members to vote if they had financial gain.

Council Member Richardson discussed affordable housing as it related to low to moderate incomes that required assistance from resources such as the Aurora Housing Authority and developers' attempts to respond to the need for more affordable single-family homes. He stated his hope that these projects could be the breakout for affordable condominium units that were impacted by the construction defect law situation. He asked if a Framework Development Plan (FDP) was planned for these items.

Vinessa Irvin, Manager of Development Assistance, General Management, answered affirmatively.

Council Member Richardson asked if the FDP would be approved through the administrative approval process.

Jack Bajorek, Senior Assistant Attorney, answered affirmatively, noting it would be subject to call-up by City Council.

Council Member Richardson requested staff work with the applicant to determine creative means by which to close the gap between residential revenue versus cost. He stated he planned to call up the FDP in this regard.

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Motion by LeGare, second by Roth, to approve items 13a – 13j.

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

Voting Nay: Lawson, Mounier, Peterson

- ♦ k. **2017-71**  
Consideration for ADOPTION 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 Services
- ♦ l. **2017-72**  
Consideration for ADOPTION 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: Nathan Owens, Planner, Planning & Development Services  
Motion by Roth, second by Cleland, to approve item 14a.
- ♦ m. **2017-73**  
Consideration for ADOPTION 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: Nathan Owens, Planner, Planning & Development Services
- ♦ n. **2017-74**  
Consideration for ADOPTION 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: Nathan Owens, Planner, Planning & Development Services  
Motion by Roth, second by Cleland, to approve item 14a.
- ♦ o. **2017-75**  
Consideration for ADOPTION 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: Nathan Owens, Planner, Planning & Development Services

Motion by Roth, second by LeGare, to approve items 13k – 13o.

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

Voting Nay: Lawson, Mounier, Peterson

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- ◆ p. **2017-76**  
Consideration for ADOPTION 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
- ◆ q. **2017-77**  
Consideration for ADOPTION 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
- ◆ r. **2017-78**  
Consideration for ADOPTION 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
- ◆ s. **2017-79**  
Consideration for ADOPTION 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
- ◆ t. **2017-80**  
Consideration for ADOPTION 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
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Motion by LeGare, second by Pierce, to approve items 13p – 13t.

Mayor Hogan stated the agreements related to vesting and while they were each unique to the various annexed properties, the concept of vesting or using triggers was not unusual to the City and were usually required before vesting was considered.

Vinessa Irvin, Manager of Development Assistance, General Management, concurred.

Mayor Hogan asked if, while it was related to an annexation, it was any different than standard operating procedure in the City. Ms. Irvin answered no.

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

Voting Nay: Lawson, Mounier, Peterson

- u. Consideration of an Annexation Agreement between the City of Aurora and Brevada/Neher 160, LLC for certain lands located in the southwest quarter of Section 14, Township 4 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado. (Bravada/Neher) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Council Member LeGare discussed his initial concerns with the item which related to water service and a potential request from a developer that water be provided by the City far from the nearest water line. He referenced page 338 of the backup material related to the two provisions that spoke to water service. He noted those provisions stated if the developer were to ask for water service prior to when the City had water or sewer service nearby, then the applicant would be required to pay the upfront costs with the right to be reimbursed when subsequent development and annexations came in. He asked staff if that was correct.

Jack Bajorek, Senior Assistant Attorney, answered affirmatively, noting the City was under no obligation to provide water until it was economically feasible based on the City's Master Plan.

Mayor Hogan referenced page 360, item 3.10, of the back of material related to the drilling of water wells, noting it was not something that could be done administratively but was done by direct request.

Mr. Bajorek concurred, noting the ground water was being deeded to the City as a part of the agreements.

Council Member LeGare asked if the agreements contained a provision that stated any new policies adopted by the City also applied to these properties. Mr. Bajorek answered affirmatively, noting it did not give the property owners any additional rights from anyone else in the City.

Motion by Pierce, second by Berzins, to approve item 13u.

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

Voting Nay: Lawson, Mounier, Peterson

- v. Consideration of an Annexation Agreement between the City of Aurora and Cottonwood Creek Investors, LLC for certain lands located in Section 23 and the north half of Section 26, Township 4 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado. (Cottonwood Creek) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Roth, to approve item 13v.

Mayor Hogan stated the language, aside from the legal land descriptions, in the items were all the same.

Vinessa Irvin, Manager of Development Assistance, General Management, concurred.

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

Voting Nay: Lawson, Mounier, Peterson

- w. Consideration of an Annexation Agreement between the City of Aurora and Watkins Road Associates, LLLP 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 6th Principal Meridian, County of Arapahoe, State of Colorado. (Watkins Road) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by Roth, second by Pierce, to approve item 13w.

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

Voting Nay: Lawson, Mounier, Peterson

- x. Consideration of an Annexation Agreement between the City of Aurora and Watkins Road II Associates, LLLP 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 6th Principal Meridian, County of Arapahoe, State of Colorado. (Watkins Road II) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Pierce, to approve item 13x.

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

Voting Nay: Lawson, Mounier, Peterson

- y. Consideration of an Annexation Agreement between the City of Aurora and Walnut Peacemaker, LLC for certain lands located in the southeast quarter of Section 18, Township 4 South, Range 64 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado. (Walnut Peacemaker) STAFF SOURCE: Vinessa Irvin, Manager of Development Assistance, General Management

Motion by LeGare, second by Roth, to approve item 13y.

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

Voting Nay: Lawson, Mounier, Peterson

14. **RECONSIDERATIONS AND CALL-UPS**

None

- ♦ *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.*

15. **GENERAL BUSINESS**

- a. Consideration to remove one (1) member and to appoint five (5) members to the Immigrant and Refugee Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to remove Leila Tessema and to appoint Chukwufumnanya Camara; Christian Jimenez; Sabe Kemer; Julie Ressalam; and Maria Schoeffler, to the Immigrant and Refugee Commission.

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

- b. Consideration to appoint one (1) member to the Human Relations Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Roth, to appoint Juanita Rios-Johnston to the Human Relations Commission.

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

- c. Consideration to appoint one (1) member to the Open Space Advisory Board. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Pierce, second by LeGare, to appoint Jeremy Nuss to the Open Space Advisory Board.

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

- d. Consideration to appoint two (2) members to the Homestake Steering Committee STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Roth, second by LeGare, to appoint Alexandra Davis and Angela Goodman to Homestake Steering Committee.

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

- e. Consideration to appoint two (2) members to the Joint Water Authority. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by LeGare, second by Roth, to appoint Alexandra Davis and Angela Goodman to the Joint Water Authority.

Council Member Cleland noted Joe Stibrich and Jerry Knapp were retiring from the City and commented on Mr. Knapp's efforts working with entities outside of the City related to water on the City's behalf, and stated he would be missed.

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

17. **REPORTS**

a. Report by the Mayor

Mayor Hogan announced an emergency siren test would take place in the City of Aurora on Tuesday, November 14, 2017 at 11:30 a.m. He discussed his recent visit to Washington DC, where he was invited to become Chairman of the National Civic League board. He stated the second At-Large seat vacancy from the recent vote continued to be counted by Arapahoe County and would be until the close of business on Wednesday, November 15, 2017. He noted the new Council would be introduced on Monday, December 4, 2017 and congratulated those elected.

b. Reports by the Council

Council Member Mounier announced the Ward I Town Hall meeting was scheduled for Tuesday, November 21, 2017 at the Martin Luther King library at 6:00 p.m. where Lt. Jad Lanigan would be in attendance to speak about auto theft. She noted Lt. Lanigan would also be speaking about auto theft at the *Mornings with Marsha and Mounier* meeting scheduled for Thursday, November 16, 2017 at the Aurora Hills Golf Course Tin Cup restaurant at 8:30 a.m.

Council Member Berzins stated Lt. Lanigan did a very good job presenting at a recent Ward III meeting, noting the Aurora Police department was fortunate to have him. She expressed appreciation to the Ward III voters, noting she was honored, humbled and grateful to have another chance to serve them.

Council Member Pierce announced the third quarter business license activity report where there was 294 new businesses that came into Aurora as well as a report on the recent Household Chemical Round-Up.

Council Member Cleland stated several Council Members visited the Colorado Freedom Memorial on Veterans Day, noting Remembrance Poppies were distributed. She noted the Poppies were artificial flowers given out to commemorate those who have died at war.

Council Member LeGare welcomed the four new Council Members and congratulated everyone that ran and those who won. He recognized the effort in running for office and encouraged those who did not win to run again.

Council Member Peterson stated she held her final Ward II Town Hall meeting at Moorhead Recreation Center located in Ward I, noting the Ward II residents were very impressed with the center. She noted the new Ward II representative, Nicole Johnston, was in attendance and was welcomed with a cake and celebration.

Council Member Roth discussed several Council Members would be attending the upcoming National League of Cities Conference in Charlotte, North Carolina, noting the City of Aurora was very well represented and respected throughout many different arenas on a large regional and national scale.

Council Member Richardson discussed the recent loss of John Treinen, noting he was a tireless advocate of many within the City and he would be very missed.



17. **PUBLIC INVITED TO BE HEARD**

Lynn Bittel, Vice-Chairman, Citizens Advisory Committee for Housing & Community Development, expressed appreciation to City Council for their decision to give back the pay for two Code Enforcement Officers in the budget.

Tony Englehart, Aurora, Colorado, discussed an egregious event that occurred at his apartment recently and the need to establish an independent civilian oversight board to oversee the City of Aurora Police Department. He pointed out this was needed to keep everyone safe.

Mayor Hogan asked Mr. Englehart to add his email address to his speaker slip. Mr. Englehart agreed to do so.

Mayor Pro Tem Lawson stated she put in a Council request on behalf of Mr. Englehart and forwarded an email to Mr. Englehart but received no response. She asked Mr. Englehart if he would like her to re-forward the email. Mr. Englehart answered affirmatively.

Council Member Peterson asked what happened to Chief Oates' independent citizens' review board. Mayor Hogan stated it was not a true independent review board. Council Member Peterson remembered 30 people went through training for that review board. Mayor Hogan agreed that was so but noted it was not an independent review board because it was under the control of the Chief of Police.

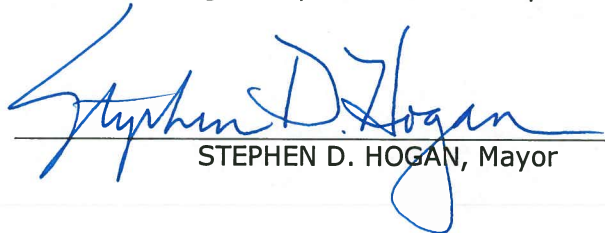
Council Member Cleland stated the Independent Review Board (IRB) has been active, noting she has requested an IRB presentation at the next Public Safety committee meeting. She stated the new City Council might be receiving new names for the IRB.

Mr. Ashburn stated he sat on the IRB with 23 others.

Mayor Hogan reiterated there was an active board but it was not truly independent.

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 9:47 p.m.

  
STEPHEN D. HOGAN, Mayor

ATTEST:

  
LINDA S. BLACKSTON, City Clerk

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