

MINUTES

**Regular Meeting – Aurora City Council
Monday, July 11, 2016**

CALL TO ORDER – REGULAR MEETING

Mayor Hogan convened the regular meeting of City Council at 4:30 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:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

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

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

1. **RECONVENE REGULAR MEETING OF JULY 11, 2016 AND CALL TO ORDER**

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

2. **ROLL CALL**

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

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

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 27, 2016**

Motion by LeGare, second by Bergan, to approve the minutes of June 27, 2016 as amended.

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

Abstained: None

6. **CEREMONY**

No ceremonies.

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

- ♦ *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.*

None

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented. Mayor Hogan discussed City Council meeting procedures.

9. **CONSENT CALENDAR - 9a-t**

General Business

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Thoutt Bros. Concrete Contractors, Inc., Denver, Colorado in the amount of \$436,289.00 for the 2016 Northwest Aurora Alley Improvements Project, Project Number 16019. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Council Member Bergan asked staff to clarify the funding source for the paving and drainage improvement.

Cindy Colip, Transportation Project Delivery Manager, Public Works, did so, noting it would be funded through the Community Block Development Grant and a partnership with Aurora Water to mitigate alley flooding.

Council Member Mounier requested a written description of the alleys involved and a timeline of the anticipated completion. Ms. Colip agreed to do so.

Motion by Mounier, second by Bergan, to approve item 9a with a waiver of reconsideration.

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

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to B & M Construction, Inc., Colorado Springs, Colorado in the amount of \$529,055.66 for the Colfax Art District Lighting Phase 1 Project, Project Number 14065. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Peterson, second by Mounier, to approve item 9b with a waiver of reconsideration.

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

- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Republic Services, Commerce City, Colorado in the not-to-exceed amount of \$185,750.00 for refuse collection services required through June 30, 2017, B-4156. STAFF SOURCE: Chris Carnahan, Deputy Director, Public Works Operations, Public Works

Council Member Cleland asked staff to speak to the comparative bid amounts when the contract was not to exceed \$185k.

Chris Carnahan, Deputy Director, Public Works Operations, Public Works, did so, explaining the change was made after the original bid and did not impact the comparative bids, noting the change related to the additional quantities that were required to service the entire City.

Council Member Cleland stated she would not support the item because the work that Waste Management has done in the City was amazing and was done for free and she noted it was not right for Republic to get the bid.

Council Member LeGare disagreed, stating his understanding that it had been a long time since Waste Management provided any free dumpster days.

Council Member Cleland disagreed.

Motion by Cleland, second by Richardson, to deny item 9c.

Council Member Bergan asked if the motion was to deny the contract. Mayor Hogan answered affirmatively.

Council Member LeGare pointed out this was a private-sector competitive sealed bid and Republic provided the lowest bid. He stated he would not support the item because it was not right that Waste Management should get a backdoor deal just because they had done wonderful work for the City in the past.

Council Member Cleland clarified that was why she asked about the \$185k because in her mind it was the same.

Voting Aye: Berzins, Cleland, Richardson

Voting Nay: Mayor Hogan, Bergan, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

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

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

Voting Nay: Berzins, Cleland, Richardson

- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to MEI Precision Elevator, Lakewood, Colorado in the not-to-exceed amount of \$88,084.00 for elevator maintenance services required through June 30, 2017, B-4162. STAFF SOURCE: Chris Carnahan, Deputy Director Public Works Operations, Public Works
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Liberty Waste Management, Englewood, Colorado for portable toilet rental services in the not-to-exceed amount of \$90,000.00 as required through June 30, 2017. B-4153 STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space
- f. Consideration to AWARD A SOLE SOURCE CONTRACT to Environmental Systems Research Inc. (ESRI), Redlands, California in the amount of \$59,777.90 for annual maintenance of the City's geographical mapping software system through July 12, 2017. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to MinnTex Technologies, LLC, Eagan, Minnesota in the total amount of \$66,265.00 for consulting services to provide program and project management services for building the fiber backbone for the I-225 Light Rail. STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- h. Consideration to AMEND AN OPENLY SOLICITED CONTRACT to Hatch Mott MacDonald, LLC, Lakewood, Colorado in the amount of \$268,178.00 for providing final design, bid phase and construction phase engineering support services for the Tollgate & Sand

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Creek Interceptor Diversion Structure Rehabilitation Project, RFP R-1642. STAFF SOURCE: Steven Fiori, Project Delivery Services Manager, Aurora Water

- i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Secure On-Site Services, LLC, Parker, Colorado in the amount of \$192,545.90 for removal of residual material from the Griswold Water Purification Facility Lagoon No. 1, Invitation for Bid B-4171. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water
- j. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ed Bozarth Chevrolet, Aurora, Colorado in the not-to-exceed amount of \$175,000.00 for the purchase of Chevrolet OEM vehicle parts and repair services as needed through June 30, 2017. (B-4176) STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, Internal Services
- k. Consideration to RECEIVE A PARCEL OF LAND through donation located in Arapahoe County directly adjacent to, and on the west side of Buckley Air Force Base, for the purposes of open space and trail corridor and buffer the base from development. STAFF SOURCE: Joani Cravens, Manager Real Property Services, Public Works
- l. Consideration to APPROVE A LEASE AGREEMENT between the City of Aurora and Commnet Four Corners LLC for installation of a cell tower and related facilities in City's Spinney Mountain Reservoir property in Park County, CO. STAFF SOURCE: Bobby Oligo, Manager of Water Treatment, Aurora Water

Motion by Peterson, second by Mounier, to approve items 9d – 9l, with a waiver of reconsideration on 9f.

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

Final Ordinances

- ◆ m. **2016-20**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning a parcel of land at the Southeast corner of Alameda Avenue and Sable Boulevard, City of Aurora, County of Arapahoe, State of Colorado, from CCZD (City Center Zone District) to TOD (Transit-Oriented Development) and amending the zoning map accordingly. (Metro Center Rezone) STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services
- ◆ n. **2016-21**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 2361 N. Dayton Street, City of Aurora, County of Adams, State of Colorado, from M-I (Light Industrial) to SIR (Sustainable Infill and Redevelopment District) and amending the zoning map accordingly (2361 N. Dayton Street) STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services
- ◆ o. **2016-22**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, Rezoning 3.1 acres more or less from B-1 (Retail Business District) to TOD - Core (Transit-Oriented Development, Core Sub-District) to comply with the Iliff Station Area Plan. (Southeast Crossing) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Services
- ◆ p. **2016-24**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 2 of the City Code of the City of Aurora,

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Colorado, establishing the Aurora Immigrant and Refugee Commission. STAFF SOURCE: Roberto Venegas, Assistant City Manager, General Management

- ◆ q. **2016-25**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapters 22 and 126 of the City Code of the City of Aurora, Colorado, relating to contractor testing and licensing in the City of Aurora. STAFF SOURCE: Scott Berg, Chief Building Official, Public Works
- ◆ r. **2016-26**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the issuance and sale by the City of Aurora, Colorado, acting by and through its utility enterprise, of first lien water refunding revenue bonds, series 2016, in an aggregate principal amount not to exceed \$550,000,000 for the purpose of refinancing, in whole or in part, the cost of additions and improvements to the water system operated by the utility enterprise, pledging certain funds and revenues of the enterprise to the payment of such bonds, and providing other details in connection therewith. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance
- ◆ s. **2016-27**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the Cornerstar General Development Plan to add a new use area 6 for residential at the Southwest Corner of East Briarwood Circle and East Davies Drive and to modify the permitted number of residential units, City of Aurora, County of Arapahoe, State of Colorado. (The Residences at Cornerstar - Cornerstar GDP Amendment) (Case Number 2006-2005-05) **(Approved at the June 8, 2016 Planning Commission Meeting.) (5 to 0 with Traynor absent)** STAFF SOURCE: Devin Yoder, Planner I, Planning & Development Services
- ◆ t. **2016-28**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning a parcel of land at the Southwest corner of Hampden Avenue and Hampden Circle, City of Aurora, County of Arapahoe, State of Colorado, from Administrative Office District (AOD) to Medium Density Multi-Family Residential District (R-2) and amending the zoning map accordingly. (Whitestone Rezone) (Case Number 2016-203-00) **(Approved at the May 25, 2016 Planning Commission Meeting.) (6 to 0)** STAFF SOURCE: Devin Yoder, Planner I, Planning & Development Services

Motion by Peterson, second by Mounier, to approve items 9m – 9t.

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

10. **RESOLUTIONS**

- ◆ a. **R2016-49**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the submission of an application to Great Outdoors Colorado for a grant in the amount of \$2,000,000 for the Triple Creek Trail connections project. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Tracy Young, Planning, Design & Construction Manager, Parks, Recreation & Open Space

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

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- ◆ b. **R2016-50**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for an Environmental Covenant between the City and the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environmental regarding a portion of Signature Park. STAFF SOURCE: Curtis Bish, Parks, Recreation & Open Space Principal Planner, Parks, Recreation & Open Space

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

Council Member Mounier asked what was envisioned for the portion of Signature Park being addressed in the resolution over the next ten years.

Curtis Bish, Parks, Recreation & Open Space Principal Planner, Parks, Recreation & Open Space, stated there was a 2006 Master Park Plan that identified passive recreation, prairie restoration, and no active uses with a trail going through.

Council Member Mounier asked what the plan was for the rest of the park. Mr. Bish stated it was a grandiose plan that had not been implemented thus far due to budget issues. Council Member Mounier asked Mr. Bish if he would meet with her to discuss the item at a later date. Mr. Bish agreed to do so.

Council Member LeGare asked Mr. Bish to speak to the approximate total acreage of Signature Park. Mr. Bish estimated the park to be 150+ acres and noted only $\frac{3}{4}$ of an acre would be undeveloped park land.

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

- ◆ c. **R2016-51**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to remove the work of art called The Glove Bench from the City's Collection. STAFF SOURCE: Roberta Bloom, Public Art Coordinator, Library & Cultural Services

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

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

- ◆ d. **R2016-52**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, acting by and through its Utility Enterprise approving the 2016 Water Policies. STAFF SOURCE: Marshall Brown, Director, Aurora Water

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

Council Member Berzins stated Council was not voting to raise water rates but rather to approve water polices for 2016.

Marshall Brown, Director, Aurora Water, concurred, noting the item related to the approval of sound policies by which the utility would be governed and was not to adjust rates or fees.

Council Member Cleland expressed appreciation to Mr. Brown for his efforts in this regard.

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

- ◆ e. **R2016-53**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, amending the City's Debt Policy. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance

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

Mayor Hogan stated City Council approval of the item did not put the City into further debt.

Mike Shannon, Debt and Financing Administrator, Finance, concurred.

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

- ◆ f. **R2016-54**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Agreement between the City of Aurora and Arapahoe County, Colorado, for the funding of project design work for the Quincy Avenue / Gun Club Road intersection reconstruction project. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

Council Member Roth stated this project was a great example of regional cooperation.

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

- ◆ g. **R2016-55**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for a single plan for exclusion of certain territory located in the City of Aurora, Colorado from the South Metro Fire Rescue Authority and declaring the intent to provide service to such territory upon the effective date of the exclusion order. STAFF SOURCE: Mike Garcia, Fire Chief

Motion by Cleland, second by Roth, to approve item 10g.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2016-29**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, to rezone 1.20 acres more or less at the Northwest corner of Dayton Street and 23rd Avenue from M-1 (Light Industrial District) to SIR (Sustainable Infill and Redevelopment District) (2301-2323 Dayton Street Rezone) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Service

Mayor Hogan opened the public hearing on the item.

Sarah Wieder, Planner I, Planning & Development Service, gave a summary of the item, noting it related to the rezone of 1.20 acres from M-1 to SIR zoning to allow for future mixed-use development on the site.

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Council Member Mounier asked if the north side of the site was the American Legion building or the American Legion parking lot. Ms. Wieder stated it was the American Legion building going south on the property.

Mayor Hogan closed the public hearing on the item.

Motion by Mounier, second by Lawson, to approve item 11a.

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

- ◆ b. **2016-30**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the proposed Cobblewood General Improvement District (No. 1-2016) at the regular municipal election of November 8, 2016, a question authorizing the organization of the district, the issuance of district bonds to provide street improvements, and the levy of property taxes to fund debt service on such bonds. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

Mayor Hogan opened the public hearing on the item.

Kevin Wegener, Deputy Director Public Works Engineering, Public Works, provided a summary of the item, noting it related to the submission of a vote for the creation of a general improvement district to rehabilitate the street and rededicate it to the City.

Council Member Bergan stated the item was attempted in 1984 and failed.

Mr. Wegener concurred.

Council Member Bergan asked if the improvement was required for the street to be conveyed to the City. Mr. Wegener answered affirmatively.

Mayor Hogan closed the public hearing on the item.

Council Member Berzins commended the Cobblewood neighborhood for their efforts in this regard, noting she would support the item.

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

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

Voting Nay: Peterson

- ◆ c. **2016-31**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the Stapleton-Aurora General Development Plan to allow a waiver in planning area 2, generally located North of 25th Avenue from Westerly Creek to Peoria Street, City of Aurora, County of Adams, State of Colorado (Stapleton - Aurora GOP Amendment Waiver). STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

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Stephen Rodriguez, Planning Supervisor, Planning and Development Services, provided a brief summary of the item, noting it related to a waiver in the masonry requirement for the residential development.

Council Member Bergan asked why approval of this waiver would not set precedent for the City. Mr. Rodriguez stated it would be due to the uniqueness of the product, noting the intent was to create a seamless transition between Stapleton and Aurora. Council Member Bergan stated the project was unique because it was located in the Stapleton development.

Mr. Rodriguez concurred, noting it was also due to the product being alley-loaded which was not prominent in the City.

Council Member LeGare asked the masonry standard in Denver/Stapleton. Mr. Rodriguez stated the Denver/Stapleton design books did not focus on masonry. Council Member LeGare asked if there were homes in Denver/Stapleton without masonry. Mr. Rodriguez answered affirmatively.

Council Member Cleland asked Mr. Rodriguez if he was aware of the masonry requirements in Denver. Mr. Rodriguez answered no. Council Member Cleland asked if there was a TIF on the property. Mr. Rodriguez answered no, noting there was urban renewal money that was being contemplated for tax increment financing. Council Member Cleland stated there was money coming off of this property for enhancements in the area.

Andrea Amonick, Development Services/AURA Manager, stated there were two tax increment financing areas in the project that would use tax increment financing to fund the public park located to the north and west of the property.

Council Member Cleland stated urban renewal authority money would be used to build and maintain the park.

Ms. Amonick clarified the park would be built by the developer and maintained by Stapleton/Aurora.

Council Member Cleland asked if the funding would come from the TIF. Ms. Amonick answered affirmatively, noting the TIF would contribute.

Council Member Berzins asked the anticipated price of the homes. Ms. Amonick stated the average price was anticipated to be \$350k per home.

Council Member Mounier discussed the mixed use of masonry on 26th Avenue which was located in Stapleton/Denver, noting a reduction to eight percent masonry versus the required fifteen percent masonry would not make the project a slum area in 20 years. She stated it would be a wonderful addition to Ward I.

Council Member Lawson asked if any other developers could come in with other types of housing. Mr. Rodriguez clarified the average of alley-loaded homes was eight percent but all of the units were alley-loaded.

Mayor Hogan discussed an email he received by a lobbying group opposed to the project who raised the concern that this waiver would open the door to developers using vinyl siding on the home construction.

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Mr. Rodriguez stated he would be surprised to find that product in this regard. He suggested the applicant could better answer that question.

Council Member Peterson asked staff to provide pictures of the product. Mr. Rodriguez did so.

Mayor Hogan asked the applicant if there was any intent in the project to use vinyl siding in building the homes.

Trevor Greco, representing the applicant, answered no.

Council Member Cleland noted \$350k for a home nowadays was middle of the road.

Mr. Greco stated it was the applicant's intent to bring diverse options to the buyer.

Mayor Hogan closed the public hearing on the item.

Motion by LeGare, second by Mounier, to approve item 11c.

Council Member Bergan stated the homes were consistent with the Stapleton design standards.

Mr. Rodriguez concurred.

Council Member Pierce discussed the City's history of masonry requirements which has been compromised and lowered more and more overtime, noting he would not support the item for that reason.

Council Member Cleland concurred with Council Member LeGare's comments.

Council Member LeGare stated this project included only two blocks within Stapleton/Denver and two remaining blocks that come into Aurora. He supported the item because there were no strict masonry guidelines in Stapleton and the developer would build the same type of product.

Council Member Peterson disagreed with Council Member LeGare's comments, noting the developer was getting two TIFs already and then requested a reduction in standards. She stated doing so was taking advantage of Aurora.

Council Member Bergan stated she would support the masonry waiver because it was only two blocks within Stapleton/Aurora and it met the Stapleton design criteria.

Council Member Mounier reminded City Council that the project included a 25 acre park and pointed out the homes would have an Aurora Conservation score of 20 which was higher than the average minimum in Aurora of eight.

Voting Aye: Mayor Hogan, Bergan, LeGare, Mounier, Richardson, Roth

Voting Nay: Berzins, Cleland, Lawson, Peterson, Pierce

- ◆ d. **2016-32**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 20.41 acres north of Colfax Avenue and East of the light rail alignment and Tollgate Creek, City of Aurora, County of
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Adams, State of Colorado, from M-H (Mobile Home District) and R-A (Residential Agricultural) to TOD (Transit -Oriented Development) district and amending the zoning map accordingly (Potomac Village Rezone) 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 the rezoning of approximately 20 acres from H-H and R-A to TOD zoning.

Council Member Pierce asked if City staff was involved in scheduling, coordinating or attending the neighborhood meeting in this regard. Mr. Rodriguez answered no, noting staff was instructed by the applicant to not be involved.

Council Member LeGare asked when the comprehensive plan allowing high density zoning was put in place for this site. Mr. Rodriguez stated in 2009.

Council Member Mounier clarified the rezone went from 17th Street to 23rd Street.

Mr. Rodriguez concurred.

Council Member Peterson stated staff did a very poor job handling the Morris Heights residents who attended the Planning Commission meeting because they were not helped and were left without ever having their issues and concerns addressed. She asked staff if there was a photograph of what was proposed for after the rezone, noting a traffic problem currently existed where people were driving through the neighborhood. She suggested the new project be blocked off somehow from the Morris Heights neighborhood and asked staff to speak to how that would happen. Mr. Rodriguez noted he had conversations with several Morris Heights residents after the Planning Commission meeting. He stated the issues raised by Council Member Peterson would be reviewed at the time of the site plan review. Council Member Peterson discussed the existing traffic problem in Morris Heights.

Council Member Bergan asked if the applicant owned the lots in the development. Mr. Rodriguez confirmed the applicant was the majority owner. Council Member Bergan asked if the applicant had the right to petition for a rezoning. Mr. Rodriguez answered affirmatively. Council Member Bergan asked what the anticipated construction time frame was. Mr. Rodriguez stated the applicant could better verify the timeline.

Council Member Lawson expressed concerns with the impact of the rezone on people's lives and with the fact that their voices were not being heard. She asked if any preliminary studies were done in this case.

Mindy Parnes, Planning Manager, confirmed staff remained at the Planning Commission meeting until everyone spoke and then stayed afterwards to speak to the Morris Heights residents. She noted a study was done in 2009 that established the area as TOD and she further explained the planning process.

Council Member Lawson pointed out the City has grown a lot in seven years since that study was completed.

Council Member Pierce stated the applicant has not submitted a site plan.

Ms. Parnes concurred.

Council Member Pierce stated in that case there was nothing to review until that time.

Ms. Parnes concurred.

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Council Member Pierce asked Ms. Parnes to discuss the process once a site plan was submitted. Ms. Parnes did so, noting staff would go above and beyond in this case to make sure there were neighborhood meetings during the review process.

Council Member Cleland asked how long the residents have known this would be rezoned to TOD.

Andrea Amonick, Development Services/AURA Manager, noted there was generally a public process for the comprehensive plan. She stated there would not be another study for all of the City until the new comprehensive plan was completed so staff relied on the existing comprehensive plan.

Council Member Lawson stated residents should be made aware of changes that would affect their lives.

Mayor Hogan noted this was not the first time where a proposed rezoning, site plan and project approval process caused residents to be displaced in this area and asked staff to speak to the outcomes of those previous occurrences. Ms. Parnes noted that each one was a different case. Andrea Amonick further explained that when the area south of Colfax was rezoned some of the properties were purchased for redevelopment consistent with Fitzsimons Area Boundary redevelopment. In several cases, the developer offered relocation assistance, financing and counseling services assistance. Mayor Hogan asked if there have been any discussions between the developer and residents regarding assistance. Ms. Amonick answered no. Mayor Hogan asked if the site was located in an urban renewal area. Ms. Amonick answered no. Mayor Hogan asked if it was reasonable to assume the project developer would seek some type of incentive from the City for the urban renewal area to be extended. Ms. Amonick stated it was not unreasonable to presume so. Mayor Hogan noted it would not be unreasonable for City Council to tell the developer to make that an urban renewal area.

Council Member Richardson asked staff to determine whether or not the item could be tabled at this time, noting doing so would allow the applicant to be made aware of the residents' position. He asked staff to speak to the earlier comment that the applicant asked staff not to facilitate meetings with the residents. Mr. Rodriguez did so, noting he was made aware that a meeting was planned by the applicant. He stated he coordinated with Neighborhood Services accordingly and was instructed by the applicant's representative that the applicant did not want City assistance to put on the meeting. Council Member Richardson stated he did not want to see the item back before Council until there was a site plan, noting he would not support it until that time.

Mike Hyman, City Attorney, stated technically the motion to table could be made on the main motion.

Mayor Hogan asked for a main motion.

Motion by Cleland, second by Roth, to approve item 11d.

Motion by Richardson, second by Cleland, to table item 11d.

Council Member LeGare stated he could not support tabling the item in the middle of the public hearing, noting doing so was not appropriate because it did not solve anything and only delayed the process. He stated he may support it after the public hearing.

Mayor Hogan clarified the intent of Council Member Richardson's motion was to table the item because it was not yet ready for City Council to vote on due to the many unanswered

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questions and the lack of sufficient information for those most impacted to understand the impact.

Council Member Cleland stated the applicant as the property owner also had rights. She expressed her hope that an agreement could be reached.

Council Member Pierce asked Council Member Richardson if he would like to add a date certain to the motion. Council Member Richardson stated his choice to table without a date certain was purposeful.

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

Voting Nay: LeGare, Mounier, Roth

Mayor Hogan recessed the meeting and called the meeting back to order after a five minute break.

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2016-33**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City of Aurora, Colorado, at the special municipal election of November 8, 2016, a proposed amendment to Article III of the City Charter concerning the probationary period for newly appointed officers within the police department. STAFF SOURCE: Nancy Rodgers, Senior Assistant City Attorney, City Attorney

ORIGINAL MOTION

Motion by Peterson, second by Pierce, to introduce item 12a.

AMENDMENT I

Motion by Bergan, second by LeGare, to amend the text of the ordinance and ballot question to provide a probationary period for all newly appointed officers within the police department to be 18 months from the date of hire.

Council Member Richardson discussed the importance of racial diversity in the police department, noting the lack of diversity was disturbing. He stated anything that helped attract minorities to the department was good and anything that did not was not. He noted he would not support the item and expressed concerns that this change would fall under the column of limiting diversity in the department.

Nick Metz, Chief, Aurora Police, stated when the charter was initiated back in the 1960s, the academy time was significantly shorter which lessened the time when an officer would have solo time where they could be evaluated.

Council Member Richardson stated there could be two sides to that argument in terms of identifying someone who was not suitable for law enforcement. He noted changing the charter related to everyone including future chiefs.

Chief Metz stated doing so also took the subjectivity out of the chief's hands.

Council Member LeGare stated he was not in support of the motion prior to the amendment but would support it with the 18 month date.

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Motion by LeGare, second by Richardson, to table the item until the August 15, 2016 City Council special study session.

Mike Hyman, City Attorney, stated tabling the item would prevent it from going on the ballot this year, noting the motion to lay it on the table should not include a specified date. He suggested the motion should be to postpone to a certain date.

Council Member Bergan asked if the amendment would put in on the November ballot rather than the spring. Mr. Hyman discussed the process moving forward.

VOTE ON AMENDMENT I

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

Voting Nay: Berzins, Richardson

Motion by LeGare, second by Richardson, to table the amended ordinance.

Voting Aye: Mayor Hogan, Lawson, LeGare, Mounier, Pierce, Richardson

Voting Nay: Bergan, Berzins, Cleland, Peterson, Roth

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

None

15. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Lawson announced the At-Large Town Hall meeting was scheduled for Thursday, July 21, 2016 at the MLK Library where Division Chief Vanessa Wilson, Aurora Police, would be present.

Council Member Mounier stated her hope that Aurora Police officers would remain safe.

Council Member Berzins commended the Aurora Police Department on their efforts in apprehending a suspect recently in her neighborhood and announced the joint Wards I and III community picnic scheduled for Saturday, July 23, 2016 at Bicentennial Park from 11:00 a.m. to 2:00 p.m.

Council Member Pierce stated there were 231 net new business licenses in the second quarter.

Council Member Cleland announced the birth of her fifth grandchild and stated her respect for Chief Metz and Aurora police officers for their efforts in keeping Aurora safe. She confirmed that Waste Management did provide free services in the City in 2015 and 2016.

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Council Member Roth reminded everyone of the Ward V Town Hall meeting scheduled for Tuesday, July 19, 2016 at Shalom Cares where representatives from Aurora Public Schools and the Civil Service Commission would be present.

Council Member Bergan expressed appreciation to the Aurora Police Department for keeping Aurora safe and invited all those interested in attending to the Ward VI meeting scheduled for Thursday, July 28, 2016 at the Eagle Bend Clubhouse at 6:00 p.m. where there would be discussions on the budget and development in Ward VI. She announced she is officially in remission.

Council Member Richardson commended Council Member Bergan on her efforts in yet again simplifying a complex provision by simply changing a few words.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 10:05 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk