NOTE: The City Council has a responsibility to advise its citizens of its meetings and the topics it proposes to discuss. The following agenda shows the proposed format for tonight's set of meetings. The first meeting is held for the sole purpose of determining whether Council will adjourn into executive session, a non-public meeting, at which only permissible topics can be discussed. After this decision is made, Council will adjourn its regular Council meeting until 7:30 p.m. Council will consider the business listed on the agendas below at the times indicated. In the event that a City Council meeting is cancelled, items from this agenda may be postponed to the next City Council meeting or a future City Council meeting. You may contact the City Clerk's Office for further details or visit our website at www.auroragov.org.

AGENDA
City of Aurora, Colorado
MONDAY, MARCH 2, 2020

REGULAR MEETING OF THE AURORA CITY COUNCIL
(Open to the Public)
5th Floor Mt. Elbert Room
4:30 p.m.

CALL TO ORDER: Mayor, Mike Coffman
ROLL CALL: Stephen Ruger, City Clerk

ANNOUNCEMENT OF PROPOSED EXECUTIVE SESSION TOPICS: Stephen Ruger, City Clerk for Mayor, Mike Coffman

(Matters subject to consideration in Executive Session per Section 24-6-402(4) C.R.S.)

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION:

EXECUTIVE SESSION
(Closed to the Public)
5th Floor Mt. Elbert Room
4:30 p.m. – 5:00 p.m.

STUDY SESSION
(Open to the Public)
1st Floor Aurora Room
5:00 p.m. - 7:10 p.m.

REGULAR MEETING OF THE AURORA CITY COUNCIL
(Open to the Public)
Reconvene at 7:30 p.m. - Council Chambers

Full agendas available in the City Clerk’s Office or at www.auroragov.org.

CITY OF AURORA ACCESSIBILITY STATEMENT: The Aurora Municipal Center is wheelchair accessible with entry ramps and handicapped parking located on the west and east side of the building and on all levels of the parking garage. Ramp access from the parking garage is located on the Ground Floor and the 4th level of the garage. If you are a person with a disability requiring other assistance, you must make your request for such assistance known by NOON, on the FRIDAY PRECEDING the Monday meeting by contacting the City Clerk’s Office at 303-739-7094. If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521 by the FRIDAY PRECEDING the Monday meeting. (Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes en 303-739-7521 por el viernes anterior a la reunión del lunes.)
AGENDA

City Council Executive Session
(5th Floor Mt. Elbert Room - Closed to the Public)
Monday, March 2, 2020
4:30 p.m.

1. Legal Advice – Dave Lathers/Terri Velasquez 30 min.

Note: Matters subject to consideration in Executive Session may include the following:

a. Property Transactions, to wit: The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except for the purpose of concealing the fact that a member of the [City Council] has a personal interest in such purchase, acquisition, lease, transfer, or sale. C.R.S. §24-6-402(4)(a).

b. Legal Advice, to wit: Conferences with an attorney for the [City Council] for the purposes of receiving legal advice on specific legal questions. C.R.S. §24-6-402(4)(b).

c. Confidential Matters, to wit: Matters required to be kept confidential by a federal or state law, rule, or regulation. The specific statute or rule or regulation that is the basis for such confidentiality must be cited prior to the executive session. C.R.S. §24-6-402(4)(c).

d. Security Issues, to wit: Specialized details of security arrangements or investigations. C.R.S. §24-6-402(d).

e. Negotiations, to wit: Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. C.R.S. §24-6-402(e).

f. Personnel Matters (except if the employee who is the subject of the session has requested an open meeting, or, if the personnel matter involves more than one employee, all of the employees have requested an open meeting). C.R.S. §24-6-402(4)(f).

g. Confidential Documents, to wit: Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act. C.R.S. §24-6-402(4)(g).

***********************************************************************************************************

As the Mayor (or Mayor Pro Tem) of the City of Aurora, Colorado, and the Chair of this Regular Meeting of the Aurora City Council, I hereby certify that the discussion which took place in this executive session was limited to the topic or topics that are set forth hereinabove.

_____________________________   ________________________
Mike Coffman, Mayor                  Date

As the City Attorney (or Deputy City Attorney) of the City of Aurora I was in attendance at this executive session, and it is my opinion that those portions of the discussion which were not recorded, if any, constitute privileged attorney-client communications under applicable law.

_____________________________   ________________________
City Attorney                     Date

March 2, 2020 Council Meeting, Page 2
AGENDA
City Council Study Session
(1st Floor Aurora Room)
Monday, March 2, 2020
5:00 p.m.

1. ITEMS FROM THE MAYOR
   a. Executive Session Update
   b. Mayor’s Update
   c. Issue Update

2. CONSENT CALENDAR
   (The following items require formal action)
   a. Consideration to appointment of one member to the Aurora Fox Arts Center Board.
      Staff Source: Stephen Ruger, City Clerk

3. ITEMS FROM THE POLICY COMMITTEES
   (The following items require formal action)
   a. UC Health Hospital Based Violence Intervention Program – Public Safety, Courts and
      Civil Service Policy Committee (10/15)
      Staff Source: Jason Batchelor, Deputy City Manager
      Outside Speakers: Dr. Catherine Velopulos (University of Colorado School of
                       Medicine) and Laurie Lovedale (University of Colorado Hospital)
   b. 2020 State and Federal Priorities Update – Federal, State and Intergovernmental
      Relations Policy Committee (5/5)
      Staff Source: Lucas "Luke" Palmisano, Intergovernmental Rlts Mgr
   c. Revenue Diversification Options and Analyses – Management and Finance Policy
      Committee (5/15)
      Staff Source: Michael Lawson, Manager of Special Projects

4. ITEMS FROM THE CITY COUNCIL
   a. Pit Bull Ballot Question (5/25)
      Sponsor: Council Member Gruber
      Staff Source: Julie Heckman, Deputy City Attorney
   b. Deferred Action for Childhood Arrivals (DACA) Resolution (5/15)
      Sponsor: Council Member Hiltz
      Staff Source: Dan Brotzman, City Attorney
   c. Update Regarding the Police Community Task Force (No back-up)
      Presenter: Mayor Pro-Tem Johnston
   d. Colorado Municipal League (CML)/National League of Cities (NLC)-Council Member
      Lawson
   e. Legislative Update – Council Member Lawson
      • State Legislative Bill Review (5/5)
   f. Denver Regional Council of Governments (DRCOG) – Mayor Coffman
   g. Fitzsimons Redevelopment Authority (FRA) Update – Coffman/Berzins/Hiltz
h. E-470 Update – Council Member Bergan
i. Aurora Economic Development Council (AEDC) Update – Council Member Berzins
j. Accelerate Colorado – Council Member Berzins
k. Visit Aurora – Council Member Coombs
l. Aurora Sister Cities – Council Member Marcano

CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS

MISCELLANEOUS ITEMS

ITEMS REMOVED FROM THE AGENDA, IF ANY

POLICY COMMITTEE MINUTES
NOTE: Interested citizens wishing to address City Council should complete a SPEAKER SLIP and present it to the City Clerk stationed near the Council dais. Speaker Slips are located on the table by the Council Chambers entrance. Speakers on items not related to the agenda are allowed three minutes to speak. Council does not engage in discussion during this time.

1. **RECONVENE REGULAR MEETING OF MARCH 2, 2020 AND CALL TO ORDER**

2. **ROLL CALL**  
   Stephen Ruger, City Clerk

3. **INVOCATION**  
   Pastor Caleb McNaughton, Highpoint Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 10, 2020**

6. **CEREMONY**
   a. Aurora Animal Shelter Pet Profile
   b. Eagle Award Ceremony
   c. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

   **Name**          **Board or Commission**
   Garrett Walls          Business Advisory Board
   Tikneshia Beauford     Citizens Budget Advisory Committee
   Tom Coker              Citizens Water Advisory Committee
   Richard Easton         Citizens Water Advisory Committee
   William Gondrez       Citizens Water Advisory Committee
   David Patterson        Citizens Water Advisory Committee
   Elizabeth Roberts      Citizens Water Advisory Committee
   Barbara Shannon Banister Civil Service Commission
   Adolph McDonald        Civil Service Commission
   Pam Turner             Civil Service Commission
   Tanya Ilela           Human Relations Commission
   Reyaldo Mendoza       Human Relations Commission
   Lauren Piner          Human Relations Commission
   Stanley Dallas        Veterans Affairs Commission
   Gregory Echols        Veterans Affairs Commission
   Melissa Sayouthisad   Veterans Affairs Commission
   John Savage           Veterans Affairs Commission

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

8. **ADOPTION OF THE AGENDA**

   ♦  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.
9. **CONSENT CALENDAR**

**General Business**

a. Consideration to **AWARD A COMPETITIVELY BID CONTRACT** to JHL Constructors, Inc., Englewood, Colorado in the amount of $11,428,527.00 for the Griswold WPF Raw Water Structure Improvements – Phase 2 Project, Project No. 5744A.

**Presenter:** Elizabeth Carter, Principal Engineer, Aurora Water

b. Consideration to **AWARD A SINGLE SOURCE CONTRACT** to Going Green NRG CO., Fort Collins, Colorado in the amount of $98,723.75 to purchase LED flood lighting fixtures for the AMC City Hall Building.

**Presenter:** Lynne Center, Deputy Director PW Operations, Public Works

c. Consideration to **AWARD A SOLE SOURCE CONTRACT** to Pure Technologies, Columbia, Maryland, in the amount of $55,883.52 for the yearly monitoring, analytics and technical support of acoustic fiber optic (AFO) pipeline condition monitoring system installed along Aurora Waters' four miles of 54-inch pre-stressed concrete cylinder pipe (PCCP) in the Rampart Raw Water Delivery System.

**Presenter:** Stephen "Steve" Simon, Water Planning Svcs Mgr, Aurora Water

10. **RESOLUTIONS**

a. **R2020-14**

Consideration to **APPROVE A RESOLUTION** of the City Council of the City of Aurora, Colorado, supporting the Aurora Police Department's Policy of Non-Enforcement of Immigration Status.

**Presenter:** Nancy Rodgers, Deputy City Attorney, City Attorney

b. **R2020-15**

Consideration to **APPROVE A RESOLUTION** of the City Council of the City of Aurora, Colorado, urging the Colorado General Assembly to enact Legislation Placing Medical Clinics in private detention facilities under the responsibility of the Colorado Department of Public Health and Environment.

**Presenter:** Stephen Ruger, City Clerk, General Management

c. **R2020-16**

Consideration to **APPROVE A RESOLUTION** of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the Headwater Authority of the South Platte, for Storage in Spinney Mountain Reservoir.

**Presenter:** Alexandra Davis, Deputy Director/Water Resource, Aurora Water

d. **R2020-17**

Consideration to **APPROVE A RESOLUTION** of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the United States Fish and Wildlife Service (USFWS) and the City of Aurora, Colorado, by and through its Utility Enterprise regarding the Upper Colorado River Endangered Fish Recovery Program.

**Presenter:** Alexandra Davis, Deputy Director/Water Resource, Aurora Water

*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.*
11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- **R2020-18**
  Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring the existence of a blighted area within the city and designating the area as appropriate for urban renewal (Colorado Science and Technology Park Urban Renewal Area) *(A motion for reconsideration for this item was passed unanimously at the February 10, 2020, Council Meeting)*  
  **Presenter:** Chad Argentar, Project Manager, Planning & Development Services

12. **ORDINANCES FOR INTRODUCTION**

- **2020-07**
  Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, repealing Chapter 74 of the Aurora City Code and Amending Chapter 26 by enacting Article III Titled "Clean Indoor Air Act" and Amending Article VI of Chapter 94 by adding Section 94-392.  
  **Sponsor:** Council Member Lawson  
  **Presenter:** Trevor Vaughn, Manager of Tax and Licensing, Finance

- **2020-08**
  Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Article II of Chapter 86 of the City Code relating to the suspension, Civil Fines, and Revocation of a Business License.  
  **Presenter:** Trevor Vaughn, Manager of Tax and Licensing, Finance

- **2020-09**
  Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 26 by creating a "Non-Sugary Default Beverage Option on Children's Menus" under Article IX of the City Code.  
  **Sponsor:** Council Member Lawson  
  **Presenter:** Trevor Vaughn, Manager of Tax and Licensing  
  **Outside Speakers:** Naomi Amaha, American Heart Associations and Kathy Staats, Tri-County Health Department

13. **RECONSIDERATIONS AND CALL-UPS**

14. **GENERAL BUSINESS**

- **a.** Consideration to appoint one (1) member to the Planning & Zoning Commission for an unexpired term ending on December 31, 2020  
  **Staff Source:** Stephen Ruger, City Clerk, General Management

- **b.** Consideration to appoint one (1) member to the Planning & Zoning Commission for an unexpired term ending on December 31, 2021  
  **Staff Source:** Stephen Ruger, City Clerk, General Management

- **c.** Consideration to appoint one (1) member to the Planning & Zoning Commission for a new term ending on December 31, 2022  
  **Staff Source:** Stephen Ruger, City Clerk, General Management

- **d.** Consideration to appoint one (1) member to the Planning & Zoning Commission for a new term ending on December 31, 2022  
  **Staff Source:** Stephen Ruger, City Clerk, General Management

- **e.** Consideration to appoint three (3) and Reappoint (1) members to the Aurora Immigrant and Refugee Commission  
  **Staff Source:** Stephen Ruger, City Clerk, General Management

*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. **REPORTS**
   a. Report by the Mayor
   b. Reports by the Council

16. **PUBLIC INVITED TO BE HEARD**

17. **ADJOURNMENT**

*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.*
**City of Aurora**

**Council Agenda Commentary**

<table>
<thead>
<tr>
<th>Item Title:</th>
<th>Consideration to AWARD A COMPETITIVELY BID CONTRACT to JHL Constructors, Inc., Englewood, Colorado in the amount of $11,428,527.00 for the Griswold WPF Raw Water Structure Improvements – Phase 2 Project, Project No. 5744A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item Initiator:</td>
<td>Jones, Nathan - SR Procurement Agent - Finance</td>
</tr>
<tr>
<td>Staff Source:</td>
<td>Carter, Elizabeth - Principal Engineer - Aurora Water</td>
</tr>
<tr>
<td>City Manager/Deputy City Manager Signature:</td>
<td>James Twombly</td>
</tr>
<tr>
<td>Outside Speaker:</td>
<td></td>
</tr>
<tr>
<td>Council Goal:</td>
<td>2012: 3.4--Maintain a reliable water system</td>
</tr>
</tbody>
</table>

**ACTIONS(S) PROPOSED** *(Check all appropriate actions)*

- [ ] Approve Item as proposed at Study Session
- [ ] Approve Item with Waiver of Reconsideration
- [ ] Approve Item and Move Forward to Regular Meeting
- [x] Approve Item as proposed at Regular Meeting
- [ ] Information Only

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The award of the openly solicited contract to Carollo Engineers for providing engineering services for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project in the not-to-exceed amount of $647,821.00 was reported to City Council on the Weekly Report of May 15, 2017.

An amendment to an openly solicited contract with Carollo Engineers, Inc., Englewood, Colorado in the amount of $642,212.00 to add engineering services during construction and construction management services for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project was approved by City Council on March 5, 2018 Agenda Item 9j.

A COMPETITIVELY BID CONTRACT to Stanek Constructors, Inc., Golden, Colorado in the amount of $990,000.00 for the construction of Griswold WPF Raw Water Structure – Phase 1, Project No. 5619A was approved by City Council on January 8, 2018 Agenda Item 9d.

Amendment Number Two to an openly solicited contract with Carollo Engineers, Inc., Englewood, Colorado in the amount of $356,919.00 to add resident engineering services during construction and Programming and Electrical, Instrumentation and Control (EI&C) Coordination for Phase 2 for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project was approved by City Council on November 4, 2019 Agenda Item 9a.
ITEM SUMMARY  (Brief description of item, discussion, key points, recommendations, etc.)

Background
The existing Griswold Water Purification Facility raw water structures have several limitations and required repairs. The bypass structure is undersized resulting in confined space entry, limited equipment access, poor lighting, and difficult valve isolation and maintenance. In addition, there is a large diameter ball valve on the Rampart line within the raw water mix facility which experiences cavitation. Lastly, there is limited operational flexibility with the existing valve configuration which limits raw water supply.

In May 2017, the City hired Carollo Engineers to prepare a design to modify the Bypass Vault and Raw Water Mix Facility. That effort resulted in the design of a single, larger structure with above-grade access to eliminate confined space entry and improve safety, access, and ease of operation and maintenance. The new structure encloses the 42-inch Rampart line, the 42-inch Kuiper/Quincy line, and the check valve currently located in the Bypass Vault. The project also replaces the Rampart ball valve with a sleeve valve in the Raw Water Mix Facility and upsizes the recycle pipeline.

During design, the project was broken into two phases due to schedule and budget constraints. The Phase 1 project was completed in April of 2018 and included the below grade piping and valves. This Phase 2 is the final phase of the raw water vault structure improvements and will allow for minimal impact to operations to complete the pipeline connections.

This Phase 2 award includes the structure, the 42” buried steel pipelines, valves, chemical feed improvements, electrical and instrumentation, as well as an asphalt road repairs, small diameter yard piping for chemical and sample lines, grading and site restoration and an above grade storage building. Phase 2 completes this project.

Bidder Pre-qualification
Five (5) pre-qualified general contractors were selected under Statement of Qualifications SOQ-19-5744A for bidding on the construction of the Griswold WPF Raw Water Structure Improvements – Phase 2 Project. The SOQ asked for detailed responses describing each firm’s qualifications. The responses were evaluated based on the following criteria:

- Experience of the firm with similar work
- Technical competence of project team
- Organization and completeness of SOQ

Only one of the five (5) pre-qualified firms submitted bids. The other bidders were contacted in order to understand the circumstances that resulted in a single bid. JR Filanc and Reynolds Construction did not submit a bid because the bid did not fit in with their current work load. RN Civil Construction determined they would not be able to complete the project during the scheduled limits defined by the contract. PCL did not attend the mandatory pre-bid meeting and therefore, was not permitted to submit a bid.

Bid Results
Bids were opened by Purchasing Services on January 29, 2020. The results of the bid opening were as follows:

JHL Constructors, Inc.          $11,428,527.00

The engineer’s estimate for this project was $10,900,000.00 to $12,000,000.00. City staff has reviewed and verified RN JHL’s bid for the project and considers their overall bid to be fair and reasonable. The bid acceptance period expires March 29, 2020.
Based on the above, staff recommends awarding a competitively bid contract to JHL Constructors, Inc., Englewood, Colorado in the amount of $11,428,527.00 for the Griswold WPF Raw Water Structure Improvements – Phase 2 Project, Project No. 5744A. In addition, a 5% contingency ($571,426.35) based on the total award amount cited above is requested. The contingency will be withheld from the contract with JHL Constructors and accessed only as needed and through a contract amendment.

QUESTIONS FOR COUNCIL
Does City Council approve the award to JHL Constructors, Inc., Englewood, Colorado in the amount of $11,428,527.00 for the Griswold WPF Raw Water Structure Improvements – Phase 2 Project, Project No. 5744A?

LEGAL COMMENTS
Contracts for the purchase of supplies, services, and construction shall be awarded to the lowest responsive bidder or most advantageous proposal as specified by project in the request for proposal for each project except as otherwise provided in this article (City Code § 2-671). Every award of a purchase order or contract worth $2,000,000.00 or more requires City Council approval (City Code § 2-672(5)). (Lathers)
Dan Brotzman

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☒ Yes ☐ No

Funding for this contract will be from the Capital Improvement Program, Water Fund, in the amount of $11,428,527.00 plus a 5% contingency ($571,426.35).

ORG USED: Griswold WtrPlnt Renov (52616)

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable ☐ Significant ☐ Nominal

Not Applicable.

EXHIBITS ATTACHED:
2. City Council Meeting Minutes March 5, 2018.pdf
5. Map Griswold WPF.pdf
AWARDS $50,000.00 - $2,000,000.00 subject to call-up and not based on lowest dollar basis (usually awards where qualifications rather than price dominate the process):

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>DESCRIPTION OF AWARD</th>
<th>AWARD AMOUNT</th>
<th>BID / RESULTS</th>
</tr>
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<tbody>
<tr>
<td>ARVADA PUMP CO.</td>
<td>Extend an openly solicited contract for annual pump inspection, parts and repair services as required through May 31, 2018, for water treatment and pumping facilities. This represents the first of two extension years for this contract. The contractor is holding their original pricing firm for this extension year. Since the Denver-Boulder-Greeley Consumer Price Index increased by 2.6% for the second half of 2016, the pricing is considered to be fair and reasonable.</td>
<td>NOT-TO-EXCEED $222,125.00</td>
<td>R-1762</td>
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<tr>
<td>ARVADA, CO</td>
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<tr>
<td>Dept: Water/Pumping &amp; Treatment</td>
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<tr>
<td>CAROLLO ENGINEERS</td>
<td>Award an openly solicited contract to Carollo Engineers for engineering services for the Griswold Water Purification Facility – Raw Water Vault Improvements Project. The engineering services were solicited under a formal competitive Request for Proposal (RFP) using a qualifications-based selection process where the top-ranked firm is selected for contract award. Due to the nature of the services, pricing is not a factor in the selection of the top-ranked firm. Price is negotiated with the top-ranked firm only. Carollo Engineers was selected as the top-ranked firm out of the five (5) firms that responded. All of the firms were evaluated based on the following criteria contained in the RFP: 1. Experience &amp; Competence of Project Team; 2. Project Descriptions &amp; References; 3. Project Sequence &amp; Methodology; and 4. Overall Impression of Proposal. As a result, a detailed scope of work, project schedule and price proposal in the not-to-exceed amount of $647,821.00 were negotiated with Carollo Engineers. The hourly rates proposed are comparable to Carollo’s approved MESA V hourly rates. Based on the above, the price proposal is considered to be fair and reasonable. This award is the result of an open solicitation where the City received at least 3 offers, and the price was negotiated with the top ranked firm on the basis of qualifications. 2-672-(a), (3), (a) (2)</td>
<td>$647,821.00</td>
<td>R-1842 Carollo Engineers, Inc. Dewberry Engineers Kennedy/Jenks Consultants Merrick &amp; Company Tetra Tech, Inc.</td>
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</table>
$200,000.00 for weed mowing and trash removal services (abatement services) as required through March 30, 2019. STAFF SOURCE: Malcolm Hankins, Director Neighborhood Services, Neighborhood Services

g. Consideration to AWARD A SINGLE SOURCE CONTRACT to Lynker Technologies, Boulder, Colorado in the amount of $136,000.00 for professional services of the Aurora Water-Raw Water Supply Model Improvements Project. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Conlin Associates, Leadville, CO in the total amount of $81,700.00 for professional services required in support of Water projects and activities in the Upper Arkansas Basin through September 2019. STAFF SOURCE: Rich Vidmar, Water Resources Supervisor, Aurora Water

i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Kantex Industries, Inc., Colorado Springs, Colorado in the amount not-to-exceed $308,000.00 for lead service line testing services. B-4279 STAFF SOURCE: Dan Mikesell, Deputy Director Water Operations/Engineering, Aurora Water

Motion by Roth, second by Bergan, to approve items 9e – 9i.

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

j. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Englewood, Colorado in the amount of $642,212.00 to add engineering services during construction and construction management services for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project. STAFF SOURCE: Steven Fiori, Project Delivery Service Manager, Aurora Water

Council Member Bergan asked if the total cost for engineering services was approximately $1.29M.

Steven Fiori, Project Delivery Service Manager, Aurora Water, answered affirmatively.

Council Member Bergan asked if the total construction cost was approximately $9.6M.

Mr. Fiori answered affirmatively.

Council Member Bergan asked if it were typical to have the engineering cost done separately from the entire construction bid. Mr. Fiori answered affirmatively, noting that was because the engineering bid happened first. Council Member Bergan stated that would be difficult to assess during the first phase.

Mr. Fiori concurred.

Motion by Bergan, second by Hiltz, to approve item 9j.

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

k. Consideration to AWARD A SOLE SOURCE CONTRACT to Motorola Inc., Westminster, CO in the amount of $110,829.76 to purchase 24 each portable radios for use by Aurora Police staff on the Public Safety Radio System. STAFF SOURCE: Aleta Jeffress, Chief Information Officer, Information Technology

l. Consideration to AWARD A SOLE SOURCE CONTRACT to West Safety Solutions Corp., Longmont, CO in the amount of $151,800.00 for annual maintenance and support for
January 8, 2018 City Council Minutes
Page 3

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

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

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

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

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

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

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

8. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

9. CONSENT CALENDAR - 9a-i

General Business

a. Consideration to approve the FIRST AMENDMENT TO OPTION TO LEASE AND SITE LEASE AGREEMENT with Sprint Spectrum Realty Company, LLC for the cell tower and facilities located at Smoky Hill and Buckley Roads. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

b. Consideration to AWARD WORK PACKAGE No. 2 of the Fire Station 16 Project to Mark Young Construction, Inc., Longmont, Colorado in the amount of $6,290,335.00, R-5597A. STAFF REQUESTS A WAIVER OF RECONSIDERATION STAFF SOURCE: Elly Watson, Business Services Manager, Public Works

c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of $132,320.40 to allow for additional final design and construction phase engineering services for the Channel Aggradation Study and Remediation Plan Phase 1 Project, R-1725. STAFF SOURCE: Sarah Young, Water Planning Services Manager, Aurora Water

d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Stanek Constructors, Inc., Golden, Colorado in the amount of $990,000.00 for the construction of Griswold WPF Raw Water Structure – Phase 1, Project No. 5619A. STAFF REQUESTS A
WAIVER OF RECONSIDERATION

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

e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Valve LLC, Golden, Colorado in the amount of $94,216.00 for the purchase of seven (7) 42” butterfly valves for installation at the Griswold WPF Raw Water Structure Project. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water

f. Consideration to AWARD A SINGLE SOURCE CONTRACT to J3 Engineering Consultants, Centennial, Colorado in the amount of $166,795.00 for professional design services of the Toll Gate Creek and East Tollgate Creek Major Drainage Plan. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water

g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Aslan Construction, Inc., Berthoud, Colorado in the amount of $167,595.00 for the construction of the Griswold Water Purification Facility (WPF) Clear Well Hatches Repair and Replacement, Project No. 5625A. STAFF SOURCE: Fiori, Steven - Project Delivery Svcs Mgr - Aurora Water

h. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Clean Harbors Environmental Services Inc., Henderson, CO in the amount not to exceed $50,000.00 for Abandoned Waste Emergency Response Services as required through December 31, 2018. (R-1882) STAFF SOURCE: Hancock, Karen - Planning Supervisor - Planning & Development Service

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

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

Final Ordinances

i. **2017-84**

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

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

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

Voting Nay: Bergan, Gruber

10. **RESOLUTIONS**

a. **R2018-01**

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

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

♦ 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.
Ani Ross discussed her friend and co-worker, Elijah McClain and stated he did not deserve to die the way he did. She stated she did not understand why those responsible were not being punished. She asked Council Member Johnston if she was the Ward council member for Ward I where Mr. McClain was killed.

Council Member Johnston answered no, noting it was Council Member Murillo.

Ms. Ross asked why the police officers involved in Mr. McClain’s death were not being punished.

Council Member Murillo stated that was what the City Council was trying to figure out. She stated she supported oversight and accountability in that regard.

Ms. Ross pointed out those responsible would be punished already if they were not police.

Council Member Murillo stated she understood Ms. Ross’ frustration.

Ms. Ross asked Council Member Richardson to look into installing a concrete bench and pad at the corner of Wheeling Way and Yale bus stop.

Council Member Richardson agreed to do so.

Edith Henke discussed the murder of her nephew in 1990 and the continued support the family received from the Portland, Oregon Police Department. She requested the City Council stand up for Elijah McClain.

Randee Webb listed her personal City Council ballot choices and expressed her hope that everyone would vote. She stated she would not vote for those on City Council up for re-election who supported Oil & Gas.

Aubrey Valencia discussed the Aurora Sentinel photograph of Elijah McClain in the ICU after his attack and the lack of racial equality progress since the Civil Rights Movement. She expressed her hopes and prayers for her daughter and other young people of color to be safe when in contact with police. She addressed Council Member Johnston and asked her to do more than ask for a police oversight board such as changing use of force laws in Colorado.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

After continued disruption by a group of audience members, Mayor LeGare moved the meeting into the Aurora Room to avoid Aurora Police having to forcibly remove or arrest approximately 20 members of the audience who were loudly protest chanting in Council Chambers.

9. **CONSENT CALENDAR - 9a-w**

**General Business**

a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Englewood, Colorado in the amount of $356,919.00 to add resident engineering services during construction and Programming and Electrical, Instrumentation and Control (EI&C) Coordination for Phase 2 for the Griswold Water Purification (WPF) Raw Water Vault Improvements Project.

**Presenter:** Elizabeth Carter, Principal Engineer, Aurora Water

*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.*
b. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Ferguson Enterprises, Aurora, CO in the total not to exceed amount of $100,000.00 to purchase plumbing supplies as required for the Facilities Management Division of Public Works through October 31, 2020. (B4274)
   **Presenter:** Lynne Center, Deputy Director PW Operations, Public Works

c. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Vievu, Seattle, WA in the amount of $286,899.00 to provide Body Worn Camera hardware and software services for the Aurora Police Department through October 31, 2020. (R1717)
   **Presenter:** Chief Nicholas "Nick" Metz, Police

   Council Member Johnston noted she called the item out because bodycams have been a recent topic of discussion. She stated she would support the item because she understood that not to would leave the City without bodycams. She asked staff to speak to the search for a new vendor in that regard.

   Paul O'Keefe, Interim Police Chief, did so, noting the item related to the last year of a five-year contract for bodycam services. He stated the City planned to move to a Request for Proposal (RFP) in 2020 for a new body-worn camera system, noting one of the concerns country-wide was the propensity for body cameras to dislodge during physical activity. He pointed out that concern would be a large part of what the City looked into in terms of manufacturer. He noted a solution was currently being sought in that regard.

   Council Member Hiltz concurred.

   **Motion by Hiltz, second by Johnston, to approve item 9c.**
   **Voting Aye:** Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

d. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Littleton, Colorado in the amount of $495,080.00 to provide engineer and programming services during construction the Griswold GWPF PLC Conversion and Upgrade Project.
   **Presenter:** Elizabeth Carter, Principal Engineer, Aurora Water

e. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Kennedy/Jenks Consultants, Inc., Lakewood, Colorado in the amount of $336,575.00 for providing construction phase services for the Smoky Hill Pump Station Improvements Project, R-1869.
   **Presenter:** Sarah Young, D/D Planning & Engineering, Aurora Water

f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CE Power Systems, Inc., Denver, Colorado in the amount of $79,480.00 for Tallyn's Reach Police Department #3 Portable Generator Connection, Project Number 5739A.
   **Presenter:** Katrina Rodriguez, Facilities Project Delivery Mgr, Public Works

g. Consideration to EXTEND A COMPETITIVELY BID CONTRACT for fire uniforms to Gall's, Denver, Colorado in the amount not-to-exceed $100,200.00, B-4401.
   **Presenter:** Mathew Wasserburger, Assistant Director of Fire Mgmt Svcs, Fire

h. 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 $105,000.00 as required through November 30, 2020.
   **Presenter:** John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space

*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.*
i. Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Treatment Equipment Inc., Golden, Colorado in the not-to-exceed amount of $82,000.00 for Evoqua Water Technologies equipment, parts, and certified technical services for the annual upkeep of chlorine, chlorine dioxide, and ammonia systems at the Griswold, Wemlinger, and Binney Water Purification Facilities as from December 1, 2019 through November 30, 2020.  
**Presenter:** Bobby Oligo, Manager of Water Treatment, Aurora Water

j. Consideration to Approve an Amended Contract for the City Manager.  
**Presenter:** Dianna Giordano, Director of Human Resources, Human Resources

k. Consideration Employment Agreement by and between the City of Aurora, Colorado and Daniel L. Brotzman  
**Presenter:** Dianna Giordano, Director of Human Resources, Human Resources

l. Consideration to AWARD A COMPETETIVELY BID CONTRACT to Colorado Barricade Company, Denver, Colorado in the amount of $159,999.00 for the 2019 Bike Lane Improvements - Signing and Striping Plans, Project Number 5747A.  
**Presenter:** Libby Nordeen, Engineering Technician Supervisor, Public Works

Motion by Berzins, second by Bergan, to approve items 9a, 9b and 9d – 9l.

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

**Final Ordinances**

♦ **2019-72**  
Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora, Colorado, relating to the General Employees’ Retirement Plan, and other related matters.  
**Presenter:** Nancy Wishmeyer, Controller, Finance

Mayor LeGare raised his hand at times to prompt the vote but did not vote.

Motion by Bergan, second by Murillo, to approve item 9m.

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

♦ **2019-73**  
Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, vacating a portion of the public right-of-way between East Smoky Hill Road and South Yellowstone Court, and a portion of a nearby roundabout, in the City of Aurora, County of Arapahoe, State of Colorado and reserving a public access easement therein (YELLOWSTONE WAY STREET VACATION)  
**Presenter:** Brandon Cammarata, Senior Planner, Planning & Development Services

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

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

*For purposes of considering the following items 9o-t, the City Council will be acting ex officio as the Board of Directors of the General Improvement*

♦ **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.**
Griswold WPF

Write a description for your map.
Consideration to AWARD A SINGLE SOURCE CONTRACT to Going Green NRG CO., Fort Collins, Colorado in the amount of $98,723.75 to purchase LED flood lighting fixtures for the AMC City Hall Building.

Item Initiator: Young, Angie - Associate Procurement Agent - Finance

Staff Source: Center, Lynne - Deputy Director PW Operations - Public Works

City Manager/Deputy City Manager Signature: James Twombly

Outside Speaker:

Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session  ☐ Approve Item with Waiver of Reconsideration

☐ Approve Item and Move Forward to Regular Meeting  ☐ Approve Item as proposed at Regular Meeting

☐ Information Only

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

There is no prior Council history for this requirement.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

The AMC City Hall Building currently has 56 exterior lights that illuminate the exterior of the building, each using 400-watt bulbs which has resulted in a greater electrical expense to operate these lights. Facilities has been directed by Management Staff to only operate them during the four weeks of the holiday season. Replacing these fixtures with new LED light fixtures will use less energy and allow the building to potentially be illuminated throughout the entire year. In addition, the use of wireless control for each light fixture will allow for individually changing the color scheme for each fixture. If light fixtures that do not have wireless capability are installed, large exposed electrical conduit around the 2nd floor ledge would be required which is not only cost prohibitive, it is not feasible, or aesthetically appropriate with the stone façade.

For these reasons, Facilities staff have selected the Pulsar Luxeos 09 Vivid Colour flood light and accessories, which has wireless capability, to replace the current lighting fixtures.

Staff contacted the manufacturer of the lighting, Pulsar, and have been informed that there is only one authorized source from which to purchase the Luxeos 09 flood lights in the Colorado region, Going Green NRG CO, located in Fort Collins, Colorado. Pricing received from Going Green NRG CO reflects a 5% discount for the items and is considered fair and reasonable.

Based on the above, staff recommends the award of a single source contract to Going Green NRG CO in the amount of $98,723.75 to purchase LED flood lighting fixtures for the AMC City Hall Building.
QUESTIONS FOR COUNCIL
Does City Council approve the award of a single source contract to Going Green NRG CO in the amount of $98,723.75 to purchase LED flood lighting fixtures for the AMC City Hall Building?

LEGAL COMMENTS
Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when only one specific source is known to exist for the required supplies or services (sole source), and the Purchasing Manager approves the use of negotiation prior to award (City Code § 2-674(10)). (Lathers)
Dan Brotzman

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☒ Yes ☐ No

Funding for this contract will be from org 49874 – Building Repair Recurring Projects

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable ☐ Significant ☐ Nominal

N/A

EXHIBITS ATTACHED:
## Item Title:
Consideration to AWARD A SOLE SOURCE CONTRACT to Pure Technologies, Columbia, Maryland, in the amount of $55,883.52 for the yearly monitoring, analytics and technical support of acoustic fiber optic (AFO) pipeline condition monitoring system installed along Aurora Waters’ four miles of 54-inch pre-stressed concrete cylinder pipe (PCCP) in the Rampart Raw Water Delivery System.

### Item Initiator:
Fillinger, Bryn - Mgr Of Purchasing & Contracts - Finance

### Staff Source:
Simon, Stephen "Steve" - Water Planning Svcs Mgr - Aurora Water

### City Manager/Deputy City Manager Signature:
James Twombly

### Outside Speaker:

### Council Goal:
2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

### ACTIONS(S) PROPOSED (Check all appropriate actions)
- [ ] Approve Item as proposed at Study Session
- [ ] Approve Item with Waiver of Reconsideration
- [x] Approve Item and Move Forward to Regular Meeting
- [ ] Approve Item as proposed at Regular Meeting
- [ ] Information Only

### HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)
The sole source award to Pure Technologies in the amount of $1,219,505.00 for a real-time pipeline condition monitoring system was approved by Council on December 10, 2018, Agenda Item #9f. The work included current-state inspection services and a real-time condition monitoring system for the remaining useful life of a highly critical four-mile reach of Aurora Water’s raw water delivery infrastructure.

### ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

#### Background
The Rampart Delivery System (RDS) is Aurora Water’s primary raw water delivery infrastructure. The RDS consists of two parallel pipelines, a 40” line installed in the late 1950’s and a 54” line installed in the late 1970’s. The pipeline traverses several jurisdictions southwest of Denver including Sterling Ranch, Highlands Ranch, Centennial, Greenwood Village the Denver Tech Center and land south of the Cherry Creek Reservoir.

Approximately four miles of the 54” waterline is a material called Pre-stressed Concrete Cylinder Pipe (PCCP). PCCP pipe consists of a steel cylinder, surrounded by wires in tension, and then surrounded by concrete mortar. The pipe degrades by the wires breaking and when too many wires break, the pipe will suddenly fail. Unfortunately, much of the PCCP waterline is within a tight easement through compact portions of the Denver Tech Center.
In 2019, Aurora Water installed an acoustic fiber optic (AFO) cable through the PCCP pipe segments in to continuously monitor in real time the degradation of the critical and high-risk pipe. Staff assesses the total quantity and frequency of the wire breaks to determine if, and when, repairs should be planned. Part of this process includes the development of failure curves that identifies how many wire breaks a pipe segment can sustain prior to various failure risk thresholds. During 2019 approximately 400-feet of PCCP pipe was repaired using this system.

See attached figure for location of the four-mile reach of 54-inch PCCP.

Aurora Water is seeking renewal of the annual monitoring and technical support of the AFO system installed within the 54-inch PCCP to track pipe degradation. The initial contract executed on December 10, 2018, included the first year of monitoring after the system was installed and activated in March 2019. The term of this monitoring expires on March 31, 2020. Approval of the staff recommendation will fund the monitoring and analytics from April 1, 2020 through March 31, 2021.

**Proposed Award**
The sole source award is necessary because Pure Technologies owns and operates the proprietary technology for AFO pipe monitoring systems. The award is a continuation of their monitoring services for their equipment that was installed in 2019. Pure is the industry standard for PCCP real-time monitoring systems and is commonly used by many large utilities throughout the country that operate critical PCCP infrastructure. Competing technologies currently do not have the resolution or proven historic usage to provide the necessary accuracy. Pure Technologies price of $55,883.52 for this year’s monitoring and technical support is the same price as they charged for these services last year. Therefore, the price is considered to be fair and reasonable.

Based on the above, staff recommends that the City award a sole source contract to Pure Technologies, Columbia, Maryland, in the amount of $55,883.52 for the yearly monitoring, analytics, and technical support of the AFO system.

**QUESTIONS FOR COUNCIL**
Does City Council approve the sole source award to Pure Technologies in the amount of $55,883.52 for the yearly maintenance and support of the acoustic fiber optic system installed along four miles of PCCP in the new raw water delivery system?

**LEGAL COMMENTS**
Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when only one specific source is known to exist for the required supplies or services (sole source), and the Purchasing Manager approves the use of negotiation prior to award (City Code § 2-674(10)). (Lathers)
Dan Brotzman

**PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)**
☒ Yes ☐ No

Funding for this contract will be from the Capital Improvement Program, Water Fund in the amount of $55,883.52.

**ORG USED:** 54/40 Rampart Appurtenance (52495)
PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)

☑ Not applicable  ☐ Significant  ☐ Nominal

Not applicable.

EXHIBITS ATTACHED:

Map for the Commentary.pdf
Council Meeting Minutes 12 10 2018.pdf
WAIVER OF RECONSIDERATION) STAFF SOURCE: Sarah Young, Water Planning Service Manager, Aurora Water

f. Consideration to AWARD A SOLE SOURCE CONTRACT to Pure Technologies, Columbia, Maryland, in the amount of $1,219,505.00 for a real-time wire break monitoring system and associated services for the four miles of PCCP in the new raw water delivery system. STAFF SOURCE: Sarah Young, Water Planning Service Manager, Aurora Water

g. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to CUES, Orlando, FL in the amount of $125,135.00 to purchase Wastewater Pipeline Inspection Software for the Water Department. (R-1891) STAFF SOURCE: Steve Sciba, Manager of Water Operations, Aurora Water

h. Consideration to AWARD A SINGLE SOURCE CONTRACT to NicheVision Forensics, LLC, Akron, Ohio in the amount of $98,000.00 for the installation of two STRmix Expert DNA Analysis Systems for the Unified Metropolitan Forensic Crime Lab. (STAFF REQUESTS A WAIVER OF RECONSIDERATION) STAFF SOURCE: Police Lieutenant Timothy Dufour, Police

i. Consideration to AWARD A SINGLE SOURCE CONTRACT to H&E Equipment Services, Henderson, Colorado, in the amount of $3,602,160.00 for the purchase of three (3) Emergency One pumper fire trucks, one (1) Emergency One heavy rescue truck, and one (1) Emergency One aerial ladder truck. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management

j. Consideration to AWARD A SINGLE SOURCE CONTRACT to Wagner Equipment Company, Aurora, Colorado in the not-to-exceed amount of $100,000.00 for the purchase of parts and repair services for Caterpillar and other miscellaneous heavy equipment from March 1, 2019, through February 28, 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management

k. Consideration to AWARD A SINGLE SOURCE CONTRACT to Mike Naughton Ford, Inc., Aurora, Colorado, in the not-to-exceed amount of $150,000.00 for the purchase of Ford OEM vehicle parts and repair services from March 1, 2019, through February 28, 2020. STAFF SOURCE: Mark Hinterreiter, Manager of Fleet Services, General Management

l. Consideration to AUTHORIZE the Risk Manager to expend funds for the City of Aurora’s property and liability insurance policies and surety bond due on January 1, 2019, paid through the insurance broker, IMA, Inc., Denver, Colorado in the amount not-to-exceed $2,100,000.00. (STAFF REQUESTS A WAIVER OF RECONSIDERATION) STAFF SOURCE: Renee Pettinato Mosley, Risk Manager, Human Resources

m. Consideration to AWARD A SINGLE SOURCE CONTRACT to Publication Printers Corporation, Denver, Colorado in the amount not-to-exceed $153,593.20 through December 31, 2019. STAFF SOURCE: Jessica Bixenman, Manager of Marketing & Special Events, Parks, Recreation & Open Space

n. Consideration to APPROVE a Water and Sewer Service Agreement between the City of Aurora and Trails, LLC. STAFF SOURCE: Kelley Neumann, Deputy Director Water Plan/Engineering, Aurora Water

o. Approval of a contract to Holland & Knight in the amount of $120,000 for federal lobbying services in 2019. STAFF SOURCE: Michael Crews, Intergovernmental Relations Coordinator, General Management

*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.*
Motion by Gruber, second by Bergan, to approve items 9b – 9o with a waiver of reconsideration on items 9e, 9h and 9l.

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

Final Ordinances

p. 2018-59
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, rezoning 6.95 acres more or less at the Southwest Corner of East Mississippi Avenue and Tower Road from Retail Business District (B-1) to Medium Density Residential District (R-2) and amending the zoning map accordingly. (COMMONS AT EAST CREEK AT TOWER LANDING REZONE) (Case Number 2012-2001-01 Recommended approval unanimously at the October 24, 2018 Planning Commission Meeting) STAFF SOURCE: Deborah Bickmire, Planner II, Planning & Development Services

Motion by Roth, second by Berzins, to approve item 9p.

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

q. 2018-60
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 26-28 of the Aurora City Code, and adding article III Titled "Community Development Grants and Loans", expanding the duties and powers of the City of Aurora Business Advisory Board, and other related matters. STAFF SOURCE: Chad Argentar, Planning Supervisor, Planning & Development Services

Motion by Gruber, second by Watson, to approve item 9q.

Mayor Pro Tem Berzins asked if the item has been discussed with the Business Advisory Board (BAB) and if so, what they thought about it.

Chad Argentar, Planning Supervisor, Planning & Development Services, answered affirmatively, noting they initially expressed concerns related to capacity but were supportive after further discussion.

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

r. 2018-62
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, vacating a portion of the public right-of-way for East 14th Avenue, a street segment between Boston Street and Beeler Street, City of Aurora, County of Arapahoe, State of Colorado and reserving a utility easement therein. (BOSTON ELEMENTARY SCHOOL-STREET VACATION) STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning and Development Services

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

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

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.
Item Title: Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, supporting the Aurora Police Department's Policy of Non-Enforcement of Immigration Status.

Item Initiator: Rodgers, Nancy - Deputy City Attorney - City Attorney

Staff Source: Rodgers, Nancy - Deputy City Attorney - City Attorney

City Manager/Deputy City Manager Signature: Jason Batchelor

Outside Speaker:

Council Goal: 2012: 1.0 -- Assure a safe community for people

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session  ☐ Approve Item with Waiver of Reconsideration

☐ Approve Item and Move Forward to Regular Meeting

☒ Approve Item as proposed at Regular Meeting  ☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee: Name: Public Safety, Courts and Civil Service Policy Committee

Meeting Date: 01/16/2020

☐ Minutes Attached  ☒ Minutes Not Available

Actions Taken: ☒ Recommends  ☐ Do Not Recommend

☐ Forwarded without Recommendation  ☐ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Councilmember Hiltz requested staff prepare a resolution for Council approval that would indicate City Council's support of APD's policy and practice of not enforcing federal immigration laws. The resolution was drafted based on the statements offered to the community by former Chiefs of Police, Dan Oates and Nick Metz, and based on APD's written policy. This item was moved forward by the Public Safety committee on January 16, 2020.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

This resolution sets forth a supportive position of APD's long-standing policy to not enforce, investigate, or detain individuals based on their immigration status. APD's policy and practice is based on a public safety goal to ensure that all individuals within Aurora feel safe in reporting emergencies and working closely with the APD to ensure the City remains a safe place for all. The resolution indicates not only support for the policy, but also an urging that APD continue the long-standing practice.
QUESTIONS FOR COUNCIL
Does Council support moving this item forward for formal consideration by City Council?

LEGAL COMMENTS
The City Council may make statements concerning its support of policy and can do so via resolution. City Charter § 5-1 (Rodgers).

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☐ Yes ☒ No

No

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable ☐ Significant ☐ Nominal

N/A

EXHIBITS ATTACHED:
Resolution re APD Non-Enforcement Immigration (1-13-2020).docx
RESOLUTION NO. R2020-______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, SUPPORTING THE AURORA POLICE DEPARTMENT’S POLICY OF NON-ENFORCEMENT OF IMMIGRATION STATUS

WHEREAS, immigrants are a vital part of the civic, economic, and social life of the City of Aurora, which is the most diverse city in Colorado; and

WHEREAS, the City strives to respond to the needs of the community and to respect, protect and serve all residents, documented and undocumented, to ensure safety for all marginalized people; and

WHEREAS, the City strives to make Aurora a safe and welcoming community that protects all community members, including immigrants and refugees; and

WHEREAS, the City’s responsibility is to provide public safety services to all residents, notwithstanding their immigration status; and

WHEREAS, the enforcement of immigration laws is a responsibility of the federal government; and

WHEREAS, the Aurora Police Department (APD) is not authorized, by law or agreement, to enforce federal immigration laws; and

WHEREAS, it has been the long-standing practice of the APD to not enforce, investigate, or detain individuals based on their immigration status, and

WHEREAS, APD’s Directive 6.8.11 prohibits requesting specific documentation for the sole purpose of determining someone’s immigration status and only permits the use of such documentation for the purpose of identification; and

WHEREAS, this long-standing policy is based on a public safety goal to ensure that all individuals within Aurora feel safe in reporting emergencies and working closely with the APD to ensure the City remains a safe place for all.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Aurora Police Department is hereby urged to continue its long-standing practice of not enforcing, investigating, or detaining individuals based on immigration status or alleged violations of federal immigration laws, and to maintain its policy that prohibits requesting documentation for the sole purpose of determining an individual’s immigration status.
Section 2. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this __________ day of ________________________, 2020.

MIKE COFFMAN, Mayor

ATTEST:

____________________________________
STEPHEN RUGER, City Clerk

APPROVED AS TO FORM:

____________________________________
NANCY C. RODGERS, Deputy City Attorney
Rev. V – 1-13-2020
City of Aurora
Council Agenda Commentary

Item Title: Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, urging the Colorado General Assembly to enact Legislation Placing Medical Clinics in private detention facilities under the responsibility of the Colorado Department of Public Health and Environment.

Item Initiator: Ruger, Stephen - City Clerk

Staff Source: Ruger, Stephen - City Clerk - General Management

City Manager/Deputy City Manager Signature:

Outside Speaker:

Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session
☒ Approve Item and Move Forward to Regular Meeting
☐ Approve Item as proposed at Regular Meeting
☐ Approve Item with Waiver of Reconsideration
☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Federal, State and Intergovernmental Relations Policy Committee
Meeting Date:
Actions Taken: ☐ Recommends ☐ Do Not Recommend
☐ Minutes Attached
☒ Minutes Not Available
☐ Forwarded without Recommendation
☐ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Council Member Hiltz is bringing this item forward for discussion. The item will also be reviewed by the Federal, State and Intergovernmental Relations Policy Committee on February 21, 2020. There is pending state legislation that has not yet been introduced. The draft resolution is attached.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

This is a discussion item sponsored by Council Member Hiltz.

QUESTIONS FOR COUNCIL

LEGAL COMMENTS

Information Only.
PUBLIC FINANCIAL IMPACT *(If Yes, EXPLAIN)*
☐ Yes  ☒ No

No

PRIVATE FISCAL IMPACT *(If Significant or Nominal, EXPLAIN)*
☒ Not Applicable  ☐ Significant  ☐ Nominal

N/A

EXHIBITS ATTACHED:

2020-Colorado StateLegislature-Private-Detention-Medical-Facilities-Resolution.doc
RESOLUTION NO. R2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE COLORADO GENERAL ASSEMBLY TO ENACT LEGISLATION PLACING MEDICAL CLINICS IN PRIVATE DETENTION FACILITIES UNDER THE RESPONSIBILITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WHEREAS, Article 5 of the State of Colorado Constitution grants to the Colorado General Assembly plenary legislative powers to rule on the affairs of the state; and

WHEREAS, the United States government procures and contracts with the private prison industry in the State of Colorado for the custody of Federal detainees, and private detention facilities avail themselves of Colorado medical practitioners to provide medical care at their facilities; and

WHEREAS, there has been multiple inspections, reports, and complaints originating from these private detention facilities that indicate that the medical treatment provided to the detainees, and the conditions of medical clinics, are not in compliance with the standards all Colorado medical clinics must provide, and nonetheless the clinics inside the private detention facilities continue to be unregulated; and

WHEREAS, the Colorado General Assembly can take legislative action and place all medical clinics inside private detention facilities under the jurisdiction of the Colorado Department of Public Health and Environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. The Aurora City Council declares its support for legislation placing all medical clinics inside private detention facilities under the jurisdiction of the Colorado Department of Public Health and Environment. The City Council believes that legislation enacted by the Colorado General Assembly is the right way to prevent the private detention facilities and Colorado medical practitioners from avoiding state regulations while providing medical care in the State of Colorado.

Section 2. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

Section 3. Any reconsideration of this Resolution is hereby waived.
RESOLVED AND PASSED this ______ day of ____________________, 2020.

____________________________________
MIKE COFFMAN, Mayor

ATTEST:

___________________________________
STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

___________________________________
HANOSKY HERNANDEZ,
Assistant City Attorney
City of Aurora  
Council Agenda Commentary

**Item Title:** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the Headwater Authority of the South Platte, for Storage in Spinney Mountain Reservoir.

**Item Initiator:** Davis, Alexandra - Deputy Director/Water Resource - Aurora Water  
**Staff Source:** Davis, Alexandra - Deputy Director/Water Resource - Aurora Water  
**City Manager/Deputy City Manager Signature:** James Twombly

**Council Goal:** 2012: 3.0—Ensure excellent infrastructure that is well maintained and operated.

**ACTIONS(S) PROPOSED (Check all appropriate actions)**

- [ ] Approve Item as proposed at Study Session  
- [ ] Approve Item with Waiver of Reconsideration  
- [ ] Approve Item and Move Forward to Regular Meeting  
- [x] Approve Item as proposed at Regular Meeting  
- [ ] Information Only

**PREVIOUS ACTIONS OR REVIEWS:**

**Policy Committee**  
Name: Water Policy Committee  
Meeting Date: 01/22/2020  
Actions Taken: [x] Recommends  
- [ ] Minutes Attached  
- [ ] Minutes Not Available  
- [ ] Forwarded without Recommendation  
- [ ] Recommendation Report Attached

**HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)**

The Water Policy Committee reviewed this item at the January 22, 2020, meeting, and supported forwarding this item to the City Council Study Session.

**ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)**

The City has actively pursued a Change of Use Decree for the McArthur Ditch water right. This change of use is a Water Court Application filed in Water Court Case Number 17CW3205. A decree is required before the City may use the water from the McArthur Ditchwater right in its treatment & distribution system. As part of the court process, other water right owners may object to requested decrees. The Headwaters Association of the South Platte (HASP) objected to the City’s McArthur application. As part of Staff’s negotiations with HASP, Staff agreed to lease 2-acre feet of storage space in Spinney...
Mountain Reservoir to HASP and in turn HASP would agree to our proposed decree and stipulate out of the McArthur change case. The attached document is the proposed lease of 2-acre feet of storage space in Spinney Reservoir.

QUESTIONS FOR COUNCIL
Does the City Council support forwarding the Intergovernmental Agreement between the City of Aurora, Colorado, and the Headwater Authority of the South Platte, for Storage in Spinney Mountain Reservoir to Regular Session?

LEGAL COMMENTS
The Council may, by resolution, enter into contracts or agreements with other governmental units or special districts for the joint use of buildings, equipment or facilities, or for furnishing or receiving commodities or services (Charter §10-12). The Agreement is approved as to form. (s. Neitzel))

Dan Brotzman

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☐ Yes ☒ No

No

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable ☐ Significant ☐ Nominal

N/A

EXHIBITS ATTACHED:
1. Resolution Storage in Spinney Mountain Reservoir-HASP IGA.pdf
2. Storage Spinney Mountain IGA.pdf
3. Map.pdf
4. WPC Minutes.pdf
RESOLUTION NO. R2020-______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, AND THE HEADWATER AUTHORITY OF THE SOUTH PLATTE, FOR STORAGE IN SPINNEY MOUNTAIN RESERVOIR

WHEREAS, the City of Aurora, Colorado, by and through its Utility Enterprise ("City"), is the owner of Spinney Mountain Reservoir and has storage space in that reservoir that it has authority to lease to others; and

WHEREAS, as consideration for compromise and settlement between the City and the Headwater Authority of the South Platte ("HASP") in the City's Case No. 17CW3205, Water Division No. 1, the City and "HASP" desire to enter into this Agreement whereby the City shall lease to HASP two (2.0) acre-feet of storage space in Spinney Mountain Reservoir; and

WHEREAS, Article XIV Section 18(2)(a) of the Colorado Constitution and C.R.S. § 29-1-203 authorize political subdivisions to cooperate and contract; and

WHEREAS, Section 10-12 of the Aurora City Charter authorizes City Council to approve, by Resolution, intergovernmental agreements for the joint use of services and facilities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Agreement between the City and HASP providing for storage in Spinney Mountain Reservoir is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the Agreement in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with the Resolution.

Section 3. All resolutions or parts of resolutions in conflict herewith are expressly rescinded.
RESOLVED AND PASSED this _________ day of ____________, 2020.

________________________________________
MIKE COFFMAN, Mayor

ATTEST:

____________________________
STEPHEN J RUGER, City Clerk

APPROVED AS TO FORM:

____________________________
STEPHANIE J. NEITZEL, Assistant City Attorney
Intergovernmental Agreement
For Storage in Spinney Mountain Reservoir

This Intergovernmental Agreement ("Agreement") is entered into on this ____ day of __________, 20__, by and between the City of Aurora, Colorado, a Colorado municipal corporation of the counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise ("Aurora"), whose address is 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012, and the Headwater Authority of the South Platte, a Colorado water authority ("HASP"), whose address is P.O. Box 1566, Fairplay, Colorado 80440. Aurora and HASP are each referred to herein as a "Party" and collectively as the "Parties."

Recitals

WHEREAS, the Parties are authorized by Colorado law to cooperate and enter into Intergovernmental Agreements pursuant to Section 18(2) of Article XIV of the Colorado Constitution and C.R.S § 29-1-203; and

WHEREAS, Aurora is the owner of Spinney Mountain Reservoir and has storage space in that reservoir that it has authority to lease to others; and

WHEREAS, on ______, the Parties entered into a Stipulation in Aurora’s Case No. 17CW3205, Water Division 1, under which Aurora agreed to lease to HASP two (2.0) acre-feet of storage space in Spinney Mountain Reservoir ("Leased Storage Space"), and

WHEREAS, Aurora and HASP desire to enter into this Agreement whereby Aurora shall provide the Leased Storage Space to HASP for its use; and

WHEREAS, this Agreement will be of mutual benefit and convenience to Aurora and HASP; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the adequacy and sufficiency of which are hereby acknowledged, Aurora and HASP hereby agree as follows:

Agreement

1. Term of Agreement. The term of this Agreement shall commence on the Effective Date, as set forth in Paragraph 15, below, and continue through December 31, 2039, unless extended for up to three (3) additional years at the written request of HASP prior to December 31, 2039 ("Term"). In no event shall the Term extend beyond December 31, 2042.

2. Storage Amount. During the Term, HASP may store up to two (2.0) acre-feet of water owned or controlled by HASP ("HASP Water") in the Leased Storage Space, subject to the terms and conditions of this Agreement. HASP will coordinate with Aurora as to the times and rates of delivery of HASP Water to the Leased Storage Space and may repeatedly fill, release from, and refill the Lease Storage Space with HASP Water as long as the total amount of HASP Water stored at any given time does not exceed two (2.0) acre-feet.
3. **Operations Concerning Storage and Release of HASP Water.** During the Term, HASP will coordinate with Aurora as to the exact amounts, rates and times of storage and release of HASP’s Water from the Leased Storage Space. Per the terms of this Agreement, Aurora agrees to store and release said HASP Water as properly requested by HASP. HASP’s notifications for water to be placed into storage, or delivered from storage, will be made in writing (i.e., e-mail). Additionally, HASP agrees to identify the water that will be stored or released and to provide such further information necessary for Aurora to comply with the Colorado Division of Water Resources’ accounting requirements for Spinney Mountain Reservoir.

4. **HASP's Rights and Responsibilities.** HASP shall have the right to deliver to, store, release, and subsequently use the HASP Water in the Leased Storage Space as permitted by applicable statutes, rules, regulations, decrees and lawful administrative orders. HASP shall be solely responsible for any administrative or judicial approvals necessary.

5. **Consideration.** HASP use of the Leased Storage Space under this Agreement is entered into as consideration for compromise and settlement of litigation between the Parties in Aurora’s Case No. 17CW3205, Water Division No. 1.

6. **Evaporation and Transit Losses.** HASP will not be responsible for evaporation charges for the HASP Water stored in the Leased Storage Space. However, HASP assumes all responsibility for transit losses associated with carriage of the HASP Water released from the Leased Storage Space to HASP’s place of use.

7. **Water Use Accounting.** HASP will be solely responsible for any and all reporting and accounting required of it by the Colorado State Engineer, the Division Engineer for Water Division 1, the Water Commissioner, or any other lawful authority for delivery, storage, release and subsequent use of the HASP Water provided for under this Agreement. Aurora will provide any and all reporting and accounting required by the Colorado State Engineer, the Division 1 Engineer, or any other lawful authority concerning the storage and release of the HASP Water in the Leased Storage Space.

8. **No Transfer of Water Rights or Facilities.** The Parties agree that no portion of this Agreement should be construed or interpreted as a transfer of title or a transfer of ownership of any water right or any facility for the supply, treatment and distribution of water that is owned by either Party.

9. **Water Quality.** Aurora makes no guaranty or warranty regarding the quality of the HASP Water that is released from the Leased Storage Space, including the presence or absence of any particular water quality constituent.

10. **Failure to Perform Due to Force Majeure.** Subject to the terms and conditions in this Paragraph, Aurora shall not be liable for any delay or failure to perform under this Agreement due solely to conditions or events of *force majeure*, as that term is specifically defined herein; provided that Aurora: (1) gives HASP prompt written Notice pursuant to Paragraph 14, below, describing the particulars of the occurrence of the *force majeure*; (2) the suspension of performance is of no greater scope and of no longer duration than is required by the *force majeure* event or condition; and (3) proceeds with reasonable diligence to remedy its inability to perform and provides weekly
progress reports to HASP describing the actions taken to remedy the consequences of the force majeure event or condition. As used herein force majeure shall mean any delay or failure of Aurora to perform its obligations under this Agreement caused by events beyond Aurora’s reasonable control, and without the fault or negligence of Aurora, including, without limitation A) changes in state or federal law or administrative practice concerning, water rights administration, water storage, water quality or stream flow requirements, B) acts of God, C) sudden actions of the elements such as floods, earthquakes, hurricanes, or tornadoes, D) sabotage, E) vandalism, F) terrorism, G) war, H) riots, I) fire, J) explosion, K) severe cold or hot weather, L) snow, M) drought [a condition more severe than that which occurred in 2002 in the South Platte River Basin]; N) other extreme weather conditions, O) blockades, P) insurrection, Q) strike, slow down or labor disruptions (even if such difficulties could be resolved by conceding to the demands of a labor group); R) actions by federal, state, municipal, or any other government or agency (including but not limited to, the adoption or change in any rule or regulation or environmental constraint imposed by federal, state or local government bodies) but only if such requirements, actions, or failures to act prevent or delay performance, S) inability, despite due diligence, to obtain required licenses, permits or approvals, and, T) changes of law relating to financial obligations, revenues and budgetary matters concerning Colorado local governments and their enterprises. In no event will any delay or failure of performance caused by any conditions or events of force majeure extend this Agreement beyond the Term.

11. Governmental Immunity. Notwithstanding any provisions of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, either expressed or implied, of the monetary limitations on liability or any of the immunities, rights, benefits or protections provided to Aurora under the Colorado Governmental Immunity Act, § 24-10-101, et seq. C.R.S., as amended or as may be amended. HASP understands and agrees that liability for claims for injuries to persons or property arising out of the alleged negligence of Aurora, its officials and employees is controlled or limited by said Act, as amended or as may be amended. Any provision of this Agreement, whether or not incorporated herein by reference, shall not be interpreted to control, limit or otherwise modify so as to limit any liability protection of Aurora pursuant to the above cited laws.


(a) This Agreement shall never constitute a general obligation or other indebtedness of the City of Aurora ("City"), or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of the City within the meaning of the Constitution and laws of the State of Colorado or of the Charter and ordinances of the City.

(b) In the event of a default by Aurora’s Utility Enterprise of any of its obligations under this Agreement, HASP shall have no recourse for any amounts owed to it against any funds or revenues of the City except for those revenues derived from rates, fees or charges for the services furnished by, or the direct or indirect use of the Water System, and deposited in the Water Enterprise Fund as the terms “Water System” and “Water Enterprise Fund” are defined in City Ordinance No. 2003-18, and then only after the payment of all operation and maintenance expenses of the Water System, and all debt service and reserve requirements of any bonds, notes, or other financial obligations of the Utility Enterprise secured by a pledge of the net revenues of the Water Enterprise
Fund. Notwithstanding any language herein to the contrary, nothing in this Agreement shall be construed as creating a lien upon any revenues of the Utility Enterprise or the City.

13. **Notice.** Any and all notices, demands or the communications desired or required hereunder ("Notice", collectively, "Notices") shall be given in writing and delivered personally or sent by registered or certified mail, return receipt requested, postage pre-paid or by fax addressed as follows:

To Aurora: City of Aurora  
15151 East Alameda Avenue, Suite 3600  
Aurora, CO 80012  
Attn: General Manager

With copy to: City of Aurora  
15151 East Alameda Parkway, Suite 5300  
Aurora, CO 80012-1555  
Attn: City Attorney

To HASP: HASP  
P.O. Box 1566  
Fairplay, CO 80440  
Attn: Manager

With copies to: Lyons Gaddis  
c/o Madoline Wallace-Gross  
515 Kimbark Street, Suite 200  
Longmont, CO 80027  

Monson, Cummins & Shohet, LLC  
c/o David M. Shohet  
13511 Northgate Estates Drive, Suite 250  
Colorado Springs, CO 80921

or to such other address as either party may designate from time to time, by written notice, to the other Party. Notice shall be effective upon receipt. The Parties may communicate with regard to delivery and release times, amounts and rates to and from the Leased Storage Space and other miscellaneous operational issues via email to Brian Fitzpatrick at Aurora at bfitzpatrick@auroragov.org and to HASP to John Matteson at John.Matteson@haspwater.com and Matt Loose at Matt.Loose@wwwheeler.com.
14. **Miscellaneous.**

(a) **Modification.** This Agreement may be modified, amended, or changed in whole or in part only by an agreement in writing duly authorized and executed by both Parties with the same formality as this Agreement.

(b) **Non-Waiver.** Waiver of any breach of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach of said Party of either the same or any other provision of this Agreement.

(c) **Non-Assignability.** HASP may not assign its rights or delegate its duties under this Agreement without the prior written consent of Aurora, except HASP may assign its rights and delegate its duties to either the Center of Colorado Water Conservancy District or the Upper South Platte Water Conservancy District upon written notification of acceptance of such assignment and delegation to Aurora.

(d) **No Third Party Benefits Intended.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights and actions relating to such enforcement, shall be strictly reserved to HASP and Aurora, and nothing contained in this Agreement shall give or allow any claim or right of action by any other or third person to such agreement. It is the express intention of HASP and Aurora that any person other than HASP or Aurora receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

(e) **Applicable Law.** This Agreement and its applications shall be construed in accordance with the laws of the State of Colorado. Should it be necessary to initiate court proceedings concerning this Agreement, the Parties agree that venue shall be in either the District Court for Arapahoe County or the District Court for Park County.

(f) **Remedies.** If either Party is in default, the non-defaulting Party may elect to treat this Agreement as terminated. Either Party may pursue its rights or remedies in the event of a default or breach.

(g) **No Costs and Fees.** In the event of litigation or other dispute resolution process arising out of this Agreement, the Parties agree that each shall pay its own costs and expenses including attorney’s fees.

(h) **Paragraph Headings.** The paragraph headings inserted here are for convenience and not intended to govern, limit or in any way aid in interpretation of this Agreement.

(i) **Integrated Agreement and Invalidity.** This Agreement consists of the terms and conditions stated herein. No other documents related to this Agreement or generated as a result of this Agreement shall form a part of this Agreement unless it is expressly referenced and incorporated herein. This Agreement is intended as a complete integration of all understandings between the Parties, their successors and assigns concerning the substance hereof. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or affect whatsoever, unless embodied herein in writing. If any portion of this Agreement is held invalid
or unenforceable for any reason by a court of competent jurisdiction as to either Party or as to both Parties, the Parties will immediately enter into a new agreement containing the same terms as this Agreement, except the invalid term or terms, for the remainder of the term of this Agreement.

(j) **HASP Shall Not Depend on Continued Storage from Aurora.** HASP acknowledges that it has the sole responsibility to supply water and water infrastructure for its future needs. HASP further acknowledges that when the Agreement expires or otherwise terminates, Aurora has no responsibility to replace the Lease Storage Space and, if additional storage is needed, then it shall be HASP’s sole responsibility to replace such storage. HASP further agrees and covenants that it will not claim in any way that Aurora has any duty or requirement to supply water or storage after Aurora ceases to supply Lease Storage Space hereunder. The acknowledgments, certifications, agreements, and covenants by HASP set forth in this Agreement shall be binding and obligatory upon successors and assigns of HASP if any are allowed pursuant to this Paragraph 14.

(k) **Non-Business Days.** If any date for any action under this Agreement falls on a Saturday, Sunday or a day that is a “holiday” as such term is defined in Rule 6 of the Colorado Rules of Civil Procedure, then the relevant date shall be extended automatically until the next business day.

(l) **Commissions and Fees.** Each Party shall be solely responsible for the payment of any and all real estate commissions or other commissions or fees that incurs with respect to this Agreement.

(m) **No Construction against Drafter.** This Agreement was drafted by Aurora with the opportunity for HASP to seek review, comment, advice, and the contribution of legal counsel. Accordingly, the Parties agree the legal doctrine of construction against the drafter will not be applied should any dispute arise concerning this Agreement.

15. **Effective Date:** This Agreement is in effect on the date both Parties have signed the Agreement (the “Effective Date”).

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of the date first written above, being the Effective Date.

*(Signatures on the following pages)*
CITY OF AURORA, COLORADO,
ACTING BY AND THROUGH ITS
UTILITY ENTERPRISE

Mike Coffman, Mayor

ATTEST:

Stephen J. Ruger, City Clerk

APPROVED AS TO FORM FOR AURORA:

Stephanie Neitzel, Assistant City Attorney

STATE OF COLORADO    )    ss
COUNTY OF ARAPAHOE    )

The foregoing instrument was acknowledged before me this ___ day of __________, 20___, by Mike Coffman, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal. ________________________________

Notary Public

My commission expires: ___________________
HEADWATER AUTHORITY OF THE SOUTH PLATTE

[Signature] [Date: 11/18/18]

Title: [Position]

STATE OF COLORADO  )
COUNTY OF  ) ss
Denver  )

The foregoing instrument was acknowledged before me this 5th day of December 2019 by John Matheson, as the Operations Manager of the Headwater Authority of the South Platte.

Witness my hand and official seal. [Signature] Notary Public

My commission expires: [Date: June 18, 2021]

(SEAL)

[Seal with Notary Information]

Elizabeth R McVicker
Notary Public
State of Colorado
Notary ID 19934007618
My Commission Expires June 18, 2021
4. STORAGE LEASE IN SPINNEY MOUNTAIN RESERVOIR

Summary of Issue and Discussion: A. Davis stated, the City has actively pursued a Change in Use Decree for the McArthur Ditch water right, and a decree is required before the City may use the water from the McArthur Ditch water right in its treatment and distribution system. The Headwaters Association of the South Platte (HASP) objected to the City’s application. As part of staff’s negotiations with HASP, staff agreed to lease two-acre feet of storage space in Spinney Mountain Reservoir to HASP, and in turn HASP would agree to the proposed decree and stipulate out of the McArthur change case.

Outcome: The Committee supports the Storage Lease in Spinney Mountain Reservoir and forwarded to Study Session for consideration.

Follow-Up Action: The Committee supports the Storage Lease in Spinney Mountain Reservoir and will forward to Study Session for consideration.
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the United States Fish and Wildlife Service (USFWS) and the City of Aurora, Colorado, by and through its Utility Enterprise regarding the Upper Colorado River Endangered Fish Recovery Program.

Item Initiative: Davis, Alexandra - Deputy Director/Water Resource - Aurora Water

Staff Source: Davis, Alexandra - Deputy Director/Water Resource - Aurora Water

City Manager/Deputy City Manager Signature: James Twombly

Policy Committee
Name: Water Policy Committee
Meeting Date: 01/22/2020

Actions Taken: ☑ Recommends ☐ Do Not Recommend

Minutes Attached ☑ Minutes Not Available ☐ Forwarded without Recommendation ☐ Recommendation Report Attached

HISTORY (Dates reviewed by City Council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

On October 14, 2013, City Council approved the Upper Colorado River Endangered Fish Recovery Program, recovery implementation program, and recovery action plan participation agreement (item 10.c.) and approved the Ruedi Water Insurance cost participation agreement (item 10.b.).

The Water Policy Committee reviewed this item at the January 22, 2020, meeting, and supported forwarding this item to the City Council Study Session.
The 2013 agreements implemented specific actions required by the Recovery Program. Through the 2013 agreements, Aurora provided its prorata share of augmentation water for Endangered Species Act compliance. As explained below, participating in the Recovery Program protects Aurora's Colorado River water supply operations.

Along with all of the other water users who divert water from the Colorado River basin, Aurora participates in the Upper Colorado River Endangered Fish Recovery Program (www.coloradoriverrecovery.org). The Recovery Program provides a uniform and systematic means for those who remove flows from the basin to meet the "shall not harm or take" provision of the federal Endangered Species Act (ESA). The Recovery Program’s goal is to recover four unique, native species that are listed as endangered under the ESA. The four fish species are the Colorado Pikeminnow, Razorback Sucker, Humpback Chub, and Bonytail. A critical reach for these fish is the 15-Mile Reach through the Grand Junction area. Aurora's Colorado River water supplies (Homestake Project, Twin Lakes Reservoir & Canal Company, Busk-Ivanhoe Water System, and Fremont Pass Ditch Company) are diverted upstream of this critical reach.

In 1999, the United States Fish and Wildlife Service (USFWS) issued a Programmatic Biological Opinion (PBO) allowing federal project and non-federal project depletions of water, including Aurora's depletions, from the Upper Colorado River. The PBO required a permanent commitment by water users in the State of Colorado to release 10,825-acre feet of water per year to the 15-Mile Reach of the Colorado River for flow augmentation (10825 Water). In October 2013, Council approved Aurora's participation in providing its prorata share (approximately 1.55% or 168 acre-feet) of the 10825 Water to comply with the ESA. Aurora continues to support and rely on the Recovery Program for ESA compliance of Aurora's Colorado River water supply operations.

The 1999 PBO also required Recovery Agreements with each water user and states as follows: "Water users that choose to use the implementation of Recovery Actions under the Recovery Program for Endangered Species Act compliance will be required to sign a Recovery Agreement. In the Recovery Agreements, individual water users will agree not to take any action which would probably prevent the implementation of the recovery actions of the Recovery Program and to take reasonable actions required to implement the recovery actions. The Service anticipates that water user entities controlling a majority of existing depletions above the Gunnison River will sign Recovery Agreements within 120 days of issuance of this biological opinion, pending review of the opinion and approval of the recovery agreement by their governing bodies. Signing of the Recovery Agreement will indicate support for the implementation of the recovery actions identified in this opinion and will provide immediate coverage to those water users for incidental take. If water users choose not to sign a recovery agreement, they could not rely on the Recovery Program for Endangered Species Act compliance. Reasonable and prudent alternatives outside the Recovery Program would have to be developed."

Many water users signed Recovery Agreements within the 120 days of the 1999 PBO issuance. At that time, Aurora did not formally sign a Recovery Agreement but has supported and utilized the Recovery Program for its ESA compliance as if a Recovery Agreement had been signed. The Recovery Agreement essentially commits Aurora to supporting and assisting in the implementation of the Recovery Program. The 2013 Agreements were part of implementing the Recovery Program. Aurora can sign the Recovery Agreement now and doing so confirms Aurora's commitment to the Recovery Program and more importantly, the USFWS' 'consultation of Aurora's existing depletions. Signing the Recovery Agreement at this time would be positive for both Aurora and USFWS. It will formally provide the City with ESA compliance for its existing Colorado River depletions, as well as reduce potential complexities with any future ESA consultations that may be needed for existing or new projects. Staff recommends that Aurora sign the Recovery Agreement to ensure ESA compliance through the 1999 PBO.
QUESTIONS FOR COUNCIL
Does City Council support forwarding the Intergovernmental Agreement between the United States Fish and Wildlife Service (USFWS) and the City of Aurora, Colorado, regarding the Upper Colorado River Endangered Fish Recovery Program to Regular Session?

LEGAL COMMENTS
The Council may, by resolution, enter into contracts or agreements with other governmental units or special districts for the joint use of buildings, equipment or facilities, or for furnishing or receiving commodities or services (Charter §10-12). The Agreement is approved as to form. (McKenney)

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☐ Yes  ☒ No

No

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable  ☐ Significant  ☐ Nominal

N/A

EXHIBITS ATTACHED:
1. Upper Colorado River Endangered Fish Recovery Program Resolution 1-7.pdf
2. Recovery Agreement.pdf
3. Recovery Program Map.pdf
4. WPC and Council Minutes.pdf
RESOLUTION NO. R2020 – ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE UNITED STATES FISH AND WILDLIFE SERVICE REGARDING THE UPPER COLORADO RIVER ENDANGERED FISH RECOVERY PROGRAM

WHEREAS, in 1988 the Secretary of Interior, the Governors of Wyoming, Colorado and Utah, and the Administrator of the Western Area Power Administration signed the Cooperative Agreement for the Recovery Implementation Program for Endangered Fish Species; and

WHEREAS, the Recovery Program provides a uniform and systematic means for agencies who remove flows from the Upper Colorado River Basin to meet the “shall not harm or take” provision of the Endangered Species Act.

WHEREAS, the provisions of this Agreement will provide the City with compliance for the Endangered Species Act for its existing Colorado River depletions; and

WHEREAS, Section 10-12 of the City Charter authorizes the Council to approve, by resolution, the execution of contracts with other governmental units for furnishing or receiving commodities or services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Agreement between the City of Aurora, Colorado, acting by and through its utility enterprise and the United States Fish and Wildlife Service is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute and deliver such Agreement on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded

RESOLVED AND PASSED this ___ day of __________, 2020.

ATTEST:

MIKE COFFMAN, Mayor

STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

CHRISTINE MCKENNEY, Client Manager
RECOVERY AGREEMENT

This RECOVERY AGREEMENT is entered into this ___ day of ____, _____, by and between the United States Fish and Wildlife Service (USFWS) and the City of Aurora, Colorado, a Colorado municipal corporation of the Counties of Adams, Arapahoe, and Douglas acting by and through its utility Enterprise, whose address is 15151 East Alameda Parkway, Aurora, Colorado 80012 (Aurora).

WHEREAS, in 1988 the Secretary of Interior, the Governors of Wyoming, Colorado and Utah, and the Administrator of the Western Area Power Administration signed a Cooperative Agreement to implement the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program); and

WHEREAS, the Recovery Program is intended to recover the endangered fish while providing for water development in the Upper Basin to proceed in compliance with state law, interstate compacts and the Endangered Species Act; and

WHEREAS, the Colorado Water Congress has passed a resolution supporting the Recovery Program; and

WHEREAS, on December 20, 1999, USFWS issued a programmatic biological opinion (1999 Opinion) concluding that implementation of specified elements of the Recovery Action Plan (Recovery Elements), along with existing and a specified amount of new depletions, are not likely to jeopardize the continued existence of the endangered fish or adversely modify their critical habitat in the Colorado River subbasin within Colorado, exclusive of the Gunnison River subbasin; and

WHEREAS, the 1999 Opinion in the section entitled “Reinitiation Notice” divided depletions into Category 1 or Category 2 for reinitiation purposes; and

WHEREAS, Aurora is the owner and operator of water diversion and storage structures and holds decrees for absolute and conditional water rights in the Colorado River basin, more specifically comprised of the Homestake Project including but not limited to the Homestake Tunnel, Homestake Reservoir and associated diversions, the Busk Ivanhoe Water System including but not limited to the Carlton Tunnel, Ivanhoe Reservoir and associated diversions, shares of the Fremont Pass Ditch Company including but not limited to the Columbine Ditch and associated diversions; and shares of Twin Lake Reservoir and Canal Company (hereinafter “Water Projects”), which cause or will cause depletions to the Colorado River subbasin within Colorado, exclusive of the Gunnison River subbasin; and

WHEREAS, Aurora desires certainty that its depletions can occur consistent with Section 7 and Section 9 of the Endangered Species Act (ESA); and
WHEREAS, USFWS desires a commitment from Aurora to the Recovery Program so that the Program can actually be implemented to recover the endangered fish and to carry out the Recovery Elements.

NOW THEREFORE, Aurora and USFWS agree as follows:

1. USFWS agrees that implementation of the Recovery Elements specified in the 1999 Opinion will avoid the likelihood of jeopardy and adverse modification under Section 7 of the ESA, for depletion impacts caused by Aurora's Water Projects. Any consultations under Section 7 regarding Water Projects' depletions are to be governed by the provisions of the 1999 Opinion. USFWS agrees that, except as provided in the 1999 Opinion, no other measure or action shall be required or imposed on Water Projects to comply with Section 7 or Section 9 of the ESA with regard to Water Projects' depletion impacts or other impacts covered by the 1999 Opinion. Aurora is entitled to rely on this Agreement in making the commitment described in paragraph 2.

2. Aurora agrees not to take any action which would probably prevent the implementation of the Recovery Elements. To the extent implementing the Recovery Elements requires active cooperation by Aurora, Aurora agrees to take reasonable actions required to implement those Recovery Elements. Aurora will not be required to take or not take any action that would violate its decrees, permits and/or the statutory authorization for Water Projects, or any applicable limits on Aurora's legal authority. Aurora will not be precluded from undertaking good faith negotiations over terms and conditions applicable to implementation of the Recovery Elements.

3. If USFWS believes that Aurora has violated paragraph 2 of this Recovery Agreement, USFWS shall notify both Aurora and the Management Committee of the Recovery Program. Aurora and the Management Committee shall have a reasonable opportunity to comment to USFWS regarding the existence of a violation and to recommend remedies, if appropriate. USFWS will consider the comments of Aurora and the comments and recommendations of the Management Committee, but retains the authority to determine the existence of a violation. If USFWS reasonably determines that a violation has occurred and will not be remedied by Aurora despite an opportunity to do so, the USFWS may request reinitiation of consultation on Water Projects without reinitiating other consultations as would otherwise be required by the "Reinitiation Notice" section of the 1999 Opinion. In that event the Water Projects' depletions would be excluded from the depletions covered by 1999 Opinion and the protection provided by the Incidental Take Statement.

4. Nothing in this Recovery Agreement shall be deemed to affect the authorized purposes of Aurora's Water Projects or USFWS' statutory authority.

5. The signing of this Recovery Agreement does not constitute any admission by Aurora regarding the application of the ESA to the depletions of Aurora's Water Projects. The signing
of this Recovery Agreement does not constitute any agreement by either party as to whether the flow recommendations for the 15-mile reach described in the 1999 Opinion are biologically or hydrologically necessary to recover the endangered fish.

6. This Recovery Agreement shall be in effect until one of the following occurs:

a. USFWS removes the listed species in the Upper Colorado River Basin from the endangered or threatened species list and determines that the Recovery Elements are no longer needed to prevent the species from being relisted under the ESA; or

b. USFWS determines that the Recovery Elements are no longer needed to recover or offset the likelihood of jeopardy to the listed species in the Upper Colorado River Basin; or

c. USFWS declares that the endangered fish in the Upper Colorado River Basin are extinct; or

d. Federal legislation is passed or federal regulatory action is taken that negates the need for [or eliminates] the Recovery Program.

7. Aurora may withdraw from this Recovery Agreement upon written notice to USFWS. If Aurora withdraws, USFWS may request reinitiation of consultation on Water Projects without reinitiating other consultations as would otherwise be required by the “Reinitiation Notice” section of the 1999 Opinion.

Regional Director, Region 6
U.S. Fish and Wildlife Service

Date

3
CITY OF AURORA, COLORADO,
ACTING BY AND THROUGH ITS
UTILITY ENTERPRISE

__________________________  _________________________
Mike Coffman, Mayor                  Date

ATTEST:

__________________________  _________________________
Stephen J. Ruger, City Clerk         Date

APPROVED AS TO FORM FOR AURORA:

__________________________  13/3/2019  19030314
Christine McKenney                  Date    ACS #
Interim Client Services Manager
City Attorney Office

STATE OF COLORADO  )
                   ) ss
COUNTY OF ARAPAHOE )

The foregoing instrument was acknowledged before me this ____ day of ____________, 2020,
by Mike Coffman, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora,
Colorado.

Witness my hand and official seal. ____________________________
                     Notary Public

My commission expires: ____________________________

(STAMP)
b. R2013-68
   Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Ruedi Water Insurance cost participation agreement between the City, acting by and through its utility enterprise, and the City and County of Denver, acting by and through its Board of Water Commissioners.

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

   Council Member Mounier stated she would not support the item, noting this was tantamount to highway robbery by the federal government.

   Council Member Cleland pointed out this would not result in a rate increase.

   Voting Aye: Berzins, Broom, Cleland, Hunter Holen, LeGare, Markert, Pierce, Roth
   Voting Nay: Mounier, Peterson

   c. R2013-69
   Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Upper Colorado River Endangered Fish Recovery Program, recovery implementation program, and recovery action plan participation agreement between the City, acting by and through its utility enterprise, and the Northern Colorado Water Conservancy District.

   Motion by Markert, second by Cleland, to approve item 10c.

   Council Member Cleland clarified this would not result in a rate increase and asked what would happen to the City of Aurora if this were not approved.

   Gerry Knapp, Aurora Water, stated there could be very severe consequences if the City did not comply with the federal government in this regard.

   Council Member Mounier asked the names of the four fish being saved and stated her opinion that this exceeded the bounds of the federal government and state rights should be realized. She stated she would not support the item.

   Mayor Hogan clarified the four fish being saved were the Colorado Pike Minnow, the Razorback Sucker, the Bony Tail, and the Humpback Chub.

   Council Member Broom asked what stretch of the river would introduce water and what time of the year it would be introduced. Mr. Knapp stated the water would be delivered into the 15 mile reach directly above Grand Junction and the timeframe varied from year to year but was generally delivered in the late summer.

   Council Member Roth agreed this was an overreach of the federal government.

   Voting Aye: Berzins, Broom, Cleland, Hunter Holen, LeGare, Markert, Pierce, Roth
   Voting Nay: Mounier, Peterson

   "The City Charter prescribes the Mayor may vote on resolution 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."
Members Present: Council Member Marsha Berzins, Chair; Council Member Alison Coombs
Vice Chair; Council Member Francoise Bergan

Franklin, Nancy Freed, Jo Ann Giddings, Pam Hensley, Dan Mikesell, John
Murphy, Stephanie Neitzel, Gail Thrasher, Sarah Young, Tom Coker
(CWAC), Greg Hansen

5. UPPER COLORADO RIVER ENDANGERED FISH RECOVERY PROGRAM
INTERGOVERNMENTAL AGREEMENT (IGA)

Summary of Issue and Discussion: A. Davis stated, the 2013 agreement implemented specific
actions required by the Recovery Program, and Aurora provided its prorata share of
augmentation water for the Endangered Species Act (ESA) compliance. This agreement will
formally provide the City with ESA compliance for its existing Colorado River depletions, as
well as reduce potential complexities with any future ESA consultations that may be needed for
existing or new projects.

Council Member Coombs asked, is this a formality moving forward to make it easier to operate
in the Colorado River Basin? A. Davis replied, it is a formality and one that we thought was
important to solidify before 2023 when the recovery program is going to be up for renewal.

Outcome: The Committee supports the Upper Colorado River Endangered Fish Recovery
Program IGA and forwarded to Study Session for consideration.

Follow-Up Action: The Committee supports the Upper Colorado River Endangered Fish
Recovery Program IGA and will forward to Study Session for consideration.
City of Aurora
Council Agenda Commentary

Item Title: Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring the existence of a blighted area within the city and designating the area as appropriate for urban renewal (Colorado Science and Technology Park Urban Renewal Area)

Item Initiator: Amonick, Andrea - Development Svcs/Aura Mgr - Planning & Development Service

Staff Source: Argentar, Chad - Project Manager - Planning & Development Service

City Manager/Deputy City Manager Signature: James Twombly

Outside Speaker:

Council Goal: 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session
☐ Approve Item with Waiver of Reconsideration

☐ Approve Item and Move Forward to Regular Meeting

☒ Approve Item as proposed at Regular Meeting
☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee
Name: Housing, Neighborhood Services, and Redevelopment
Meeting Date: 06/26/2019
☐ Minutes Attached
☒ Minutes Not Available

Actions Taken: ☐ Recommends ☐ Do Not Recommend
☒ Forwarded without Recommendation
☐ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The CSTP Urban Renewal Area (URA) was created in 2008 when the northern part of the Fitzsimons Urban Renewal Area was removed to create the new urban renewal area. At the time of its creation, the CSTP URA consisted of the mostly undeveloped land located north of Montview Boulevard.

For 10 years following the adoption of the initial 2008 Plan, development occurred primarily east of Scranton Street, with the exception of the Bioscience 1 building. West of Scranton Street remained largely undeveloped as the majority of the area was under ownership of the United States Army. Furthermore, the city of Aurora adopted the Fitzsimons Station Area Plan (SAP) in August 2016 as development of light rail adjacent to the area occurred. The Colorado Science & Technology Park General Development Plan was also updated to be consistent with the SAP as well as reflect changing market conditions related to life science research and development and office districts. The original
2008 CSTP Urban Renewal Plan contemplated dense, large, free-standing pharmaceutical companies operating on campus. However, since 2008, the biomedical industry changed and large pharmaceutical companies started opting to partner with research institutions, which necessitated reevaluation of the original urban renewal plan.

Following the transfer of the property to the Fitzsimons Redevelopment Authority in 2018, the golf course ceased operations, and development east of Scranton Street could move forward. The anticipation of new development opportunities will necessitate a substantive amendment to the original Plan.

In June, 2018, the Colorado Science and Technology Park – West Area Blight Study, was completed by Matrix Design Group. The West Area Blight Study was conducted to reconfirm the presence of blighting factors in the western portion (generally west of Scranton Parkway) of the Urban Renewal Area. In order to proceed with amending the Plan, the Council must reconfirm the presence of Blight within the urban renewal area. A Public Hearing was held on August 19, 2019 and then continued on September 16, 2019, at which time Council voted not declare blight due to council concerns outside the blight study itself.

The West Area Blight Study is eligible for reconsideration either after a period of six months or, when sponsored by six members of city council, earlier than six months. On February 7, 2020 Matrix provided an amendment to the original study to factor in changes since the 2018 study was completed. The amendment reconfirms that blight as defined under state statutes remains within the blight study area. On February 10, 2020 City Council requested that the Blight Study be brought back for reconsideration.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

In order to establish an urban renewal area, Colorado State Statute requires that an area be declared blighted and appropriate for urban renewal. In preparation for this process, in June 2018, the Matrix Group, a third-party consultant, completed the Property Conditions Assessment (Blight Study) for the Colorado Science and Technology Park – West Area. The purpose of the Conditions Assessment is to serve as a blight study analyzing conditions on the properties in the western portion of the urban renewal area (the “Study Area”). On February 7, 2020, Matrix completed an amendment to the study to address the impact, if any, that recent developments within the study area could have on the findings.

Based on this Conditions Assessment (and Amendment) prepared in accordance with the Colorado Urban Renewal statute, the study area remains blighted under state statute. Recent construction work related to the new Bioscience III building and parking structure has not altered the findings in the updated report.

This assessment identified the following seven (7) of the eleven possible blight factors as being present in the study area:

1. (a) Slum, deteriorated, or deteriorating structures;
2. (b) Predominance of defective or inadequate street layout;
3. (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. (e) Deterioration of site or other improvements;
5. (f) Unusual topography or inadequate public improvements or utilities
6. (j) Environmental contamination of buildings or property;
7. (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilizations or vacancy of sites, buildings, or other improvements.
Per the Colorado State Urban Renewal law, only one blight factor must be present if the property owner or owners do not object to the findings, and a minimum of four factors must be present to declare the area as blighted in the case of multiple property owners, or owners who object to the findings. Given that there are seven (7) factors cited in the Conditions Assessment, staff believes this provides sufficient data for the Council to move forward with review of the findings and determination of the blight designation.

**QUESTIONS FOR COUNCIL**
Does Council approve the findings of the CSTP West Area Blight Study?

**LEGAL COMMENTS**
An urban renewal authority shall not undertake an urban renewal project for an urban renewal area unless, based on evidence presented at a public hearing, the governing body of the municipality has determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. § 31-25-107(1), C.R.S. (Rulla)

Dan Brotzman

**PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)**

☐ Yes ☒ No

A designation of blight only states that the area is appropriate for urban renewal. There is no commitment of public funding until AFTER an urban renewal plan has been prepared and approved by the Aurora City Council AND a Public Finance and Redevelopment Agreement (PFRA) has been thoroughly reviewed, negotiated and authorized by the AURA Board.

**PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)**

☒ Not Applicable ☐ Significant ☐ Nominal

N/A

**EXHIBITS ATTACHED:**

1. Colorado Science and Technology Park Study as Blighted Area-Resolution-2-20.pdf
2. CSTP Conditions Survey_FINALtext.pdf
3. Updated Fitz CSTP West Blight Study_020620 (002).pdf
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, DECLARING THE COLORADO SCIENCE AND TECHNOLOGY PARK STUDY AREA AS A BLIGHTED AREA APPROPRIATE FOR URBAN RENEWAL

WHEREAS, the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 (the "Act") provides for urban renewal of slums and blighted areas; and

WHEREAS, the Aurora Urban Renewal Authority (the "Authority") has been duly organized and is validly existing as a Colorado urban renewal authority in the City of Aurora, Colorado ("City"), under Part 1 of Article 25 of Title 31, C.R.S and has undertaken to eliminate and prevent blight within the City; and

WHEREAS, pursuant to Section 31-25-107(1), C.R.S., the Authority shall not undertake an urban renewal project for an urban renewal area within the City unless, based on evidence presented at a public hearing, the City Council of the City ("Council"), by resolution, has determined such area to be a blighted area and designated such area as appropriate for an urban renewal project; and

WHEREAS, pursuant to Section 31-25-107(3), C.R.S., once an area is determined to be a blighted area and, as a result, is designated as appropriate for urban renewal, Council shall hold a public hearing on the adoption of an urban renewal plan for the redevelopment of such area; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. Council has caused the appropriate notice of the public hearing to be published in a newspaper of general circulation.

Section 2. Council hereby finds and determines that the following factors of blight are present throughout the Colorado Science and Technology Park Study Area:

(1) Predominance of defective or inadequate street layout;
(2) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
(3) Unusual topography or inadequate public improvements or utilities;
(4) Deterioration of site or other improvements;
(5) Environmental contamination of buildings or property;
(6) The existence of health, safety, or welfare factors requiring high levels of municipal services;
(7) Slum and deteriorated structures.

Section 3. Council hereby finds and determines the Colorado Science and Technology Park Study Area, in its present condition and use and by reason of the presence of the above-
mentioned factors, substantially impairs or arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare and, as such, constitutes a blighted area within the meaning of Section 31-25-103(2), C.R.S and without regard to the economic performance of the property included within the Area.

Section 4. Council hereby designates the Colorado Science and Technology Park Study Area as an area appropriate for an urban renewal project.

RESOLVED AND PASSED this _____, day of ____________, 2020.

______________________________
MIKE COFFMAN, Mayor

ATTEST:

______________________________
STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

______________________________
BRIAN J. RULLA, Assistant City Attorney
Property Conditions Assessment (Blight Study) for the Colorado Science and Technology Park - West Area

Aurora, Colorado

June 2018

Prepared by:

Prepared for:
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Section 1: Project Overview

EXECUTIVE SUMMARY

In 2008, Matrix Design Group, Inc. (Matrix) conducted a Property Conditions Assessment (also known as a “Conditions Survey” or “Blight Study”) for a portion of the Fitzsimons Life Science District and Anschutz Medical Campus between Fitzsimons Parkway and Montview Boulevard, east of Peoria Street. The 2008 Colorado Science and Technology Park (CSTP) Blight Study identified several factors of blight and recommended that the identified geographical area (the “Study Area”) be declared a “blighted area” as defined in Colorado Revised Statute (CRS) § 31-25-103(2).

The City of Aurora has requested that Matrix provide this current Conditions Assessment to reconfirm the findings of the 2008 Blight Study for the West Area of the CSTP. The West Area of the CSTP (identified in this report as “Study Area” or “CSTP West Area”) is located east of Peoria Street and west of Scranton Street between Fitzsimons Parkway and Montview Boulevard and includes the former Fitzsimons Golf Course. The CSTP West Study Area is comprised of two parcels of land identified by the Adams County Assessor as Parcel #s: 0182336201007 and 0182336200002. Both parcels of land are owned by the Fitzsimons Redevelopment Authority (FRA).

The following addresses and legal description were recorded from the Adams County Assessor’s Office website on June 21, 2018:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Address</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0182336201007</td>
<td>12635 E Montview Boulevard</td>
<td>SUB: BIOSCIENCE PARK CENTER SUBD FILING NO 1 BLK:1 LOT:1 DESC: EXC RD AND EXC PT RE-PLATTED AND EXC PART PLATTED REC NO 2013000105991</td>
</tr>
<tr>
<td>0182336200002</td>
<td>2323 N Scranton Street</td>
<td>SECT,TWN,RNG:36-3-67 DESC: PARCEL T PARC IN THE NW4 OF SEC 36 DESC AS FOLS BEG AT THE W4 COR OF SD SEC 36 TH E 42 FT TO E ROW LN OF PEORIA ST TH N 37/72 FT TO THE POB AT THE NW COR OF BIOSCIENCE PARK CENTER FLG NO 1 TH ALG THE NLY AND WLY BDRY LNS OF SD BIOSCIENCE PARK CENTER FLG NO 1 THE FOL 18 COURSES 1) E 135/36 FT TO THE PT OF NON-TANG CURVE 2) ALG THE ARC OF SD NON-TANG CURVE TO RT HAV A CHD WHICH BRS S 18D 02M E C/A OF 23D 20M AND RAD OF 87/63 FT DIST OF 35/70 FT TO THE PT OF NON-TANG REVERSE CURVE 3) ALG ARC OF SD REVERSE CURVE TO LEFT HAV A DCH WHICH BRS S 77D 35M E C/A OF 15D</td>
</tr>
</tbody>
</table>

The purpose of this Assessment is to determine if the proposed Urban Renewal Area (URA) continues to qualify as “blighted” within the meaning of the CRS § 31-25-101 et seq. (“Colorado Urban Renewal Law”), and consequently, if there is a sufficient basis to adopt an Urban Renewal Plan.

For the CSTP West Study Area to qualify, the identification of one (out of a possible eleven) blight factors was necessary. This is because “there is no objection by the property owner or owners (Fitzsimons Redevelopment Authority [FRA]), and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area.” Colo. Rev. Stat. § 31-25-103 (2)(l)

This assessment identified conditions within the Study Area to qualify a total of seven blight factors including the following:
• Slum, deteriorated, or deteriorating structures
• Predominance of defective or inadequate street layout
• Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
• Deterioration of site or other improvements
• Unusual topography or inadequate public improvements or utilities
• Environmental contamination of buildings or property
• The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

Based on this Conditions Assessment prepared in accordance with the Colorado Urban Renewal statute, the CSTP-West property qualifies as a blighted area.

**Previous Blight Studies**

In 2001, a Blight Study was conducted for the geographical vicinity of the Fitzsimons Life Science District and Anschutz Medical Campus south of the current Study Area. The 2001 Blight Study indicated that the boundary of the Blight Study, identified in the report as “Fitzsimons Boundary Area”, qualified as blighted, and a URA encompassing the Boundary Area was created.

However, portions of the original Boundary Area were slow to develop and, subsequently, a new Blight Study was conducted in 2013 for a portion of the properties within the Boundary Area. These parcels, located along the south side of Colfax Avenue, were identified as Fitzsimons Boundary Area II.

A 2008 Blight Study included the CSTP area north of Montview Boulevard and seven of the eleven factors of blight were identified, qualifying the CSTP Area as a blighted area. The current Conditions Assessment has been completed to reconfirm findings of the 2008 Blight Study for the western portion of the CSTP as indicated on the adjacent Figure.
Methodology

The defined geographic area (the CSTP West Area) examined in this Conditions Assessment lies entirely within Aurora’s municipal boundaries.

The Conditions Assessment includes data collection for conditions of blight (see Sections 2 and 3 for what constitutes conditions of blight) which is accomplished through several means. For those blight conditions that could be identified by visual observation and by the use of maps and aerial photography, Matrix conducted a field survey in June 2018. For those blight conditions that are not observable in the field (such as traffic data, crime statistics, etc.), blight condition data was obtained through research of numerous sources.
Section 2: Future Land Use and Development

The Fitzsimons Innovation Campus General Development Plan (Amendment #6) outlines the proposed future use of property north of Montview Street and south and west of Fitzsimons Parkway east of Peoria Street. The planned development outlay includes the following land uses:

- 14.89 acres of Mixed-use Office/Commercial
- 69.30 acres of Mixed-use Innovation/Research
- 10.65 acres of Mixed-use Residential
- 43.76 acres of Mixed-use Flex Space
- 11.42 acres of Park/Open Space
- 34.17 acres of Right of Way (ROW)

Within the CSTP West Study Area, land use includes 14.89 acres of Mixed-use Office/Commercial, 16.66 acres of Mixed-use Flex space, 47.39 acres of Mixed-use Innovation/Research, Parks/Open Space, and the addition of approximately two miles of through-traffic (minor arterial) ROW. Thousands of feet of additional utility corridors and paved access/roads will also be constructed to support the proposed development areas. Exhibit 2.1 shows the General Development Plan.
Section 3: Colorado Urban Renewal Statutes

In CRS 31-25 (§ 31-25-101 et seq.), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....” CRS § 31-25-102.

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of issues, including health and social deficiencies, and physical deterioration. Colo. Rev. Stat. § 31-25-103(2). Before remedial action can be taken, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. CRS § 31-25-107(1).

For purposes of the Survey, the definition of a blighted area is articulated in the Colorado Urban Renewal statute as follows:

“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

a. Slum, deteriorated, or deteriorating structures;
b. Predominance of defective or inadequate street layout;
c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
d. Unsanitary or unsafe conditions;
e. Deterioration of site or other improvements;
f. Unusual topography or inadequate public improvements or utilities;
g. Defective or unusual conditions of title rendering the title non-marketable;
h. The existence of conditions that endanger life or property by fire or other causes;
i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
j. Environmental contamination of buildings or property; or
k. (actually k.5. in the statute) The existence of health, safety, or welfare
factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or

1. if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection 2, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

The statute also states a separate requirement for the number of blight factors that must be present if private property is to be acquired by eminent domain. CRS § 31-25-105.5(5), paragraph (a.) states, “‘Blighted area’ shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, ‘blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2) (a) to (2) (l)...”

Thus, the state statutes require, depending on the circumstances, that a minimum of one (if no objections by owner or tenant), four (standard number of blight factors required), or five (acquisition by eminent domain) blight factors be present for an area to be considered a “blighted area.”

Several principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. According to the courts, “the definition of ‘blighted area’ contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.” CRS § 31-25-103.

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis. CRS § 31-25-103.

This report makes a recommendation as to whether the Study Area qualifies as a
blighted area based on the number of blight factors identified during the Assessment. As discussed in the following sections, seven of the eleven factors of blight have been identified within the Study Area indicating that the CSTP West Study Area qualifies as a blighted area in all scenarios.
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Section 4: Conditions Indicative of the Presence of Blight

As discussed in Section 3, the Colorado urban renewal statute provides a list of 11 factors that, through their presence, may allow an area to be declared as blighted. This section elaborates on those 11 factors by describing some of the conditions that might be found within a Study Area that would indicate the presence of those factors.

a. *Slum, Deteriorated, or Deteriorating Structures:*
During the field reconnaissance of the Study Area, the general condition and level of deterioration of buildings within the Study Area are evaluated. This examination is limited to a visual inspection of the building’s exterior condition and is not a detailed engineering or architectural analysis, nor does it include the building’s interior. The intent is to document obvious indications of disrepair and deterioration to the exterior of a structure found within the Study Area. Some of the exterior elements observed for signs of deterioration include:

- Primary elements (exterior walls, visible foundation, roof)
- Secondary elements (fascia/soffits, gutters/downspouts, windows/doors, façade finishes, loading docks, etc.)
- Ancillary structures (detached garages, storage buildings, etc.)

b. *Predominance of Defective or Inadequate Street Layout:*
The presence of this factor is determined through a combination of both field observation as well as an analysis of the existing transportation network and vehicular and pedestrian circulation patterns in the Study Area by persons with expertise in transportation planning and/or traffic engineering. These conditions include:

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites
- Poor internal vehicular/pedestrian circulation
- Excessive curb cuts/driveways in commercial area

These conditions can affect the adequacy or performance of the transportation system within the Study Area, creating a street layout that is defective or inadequate.
c. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:
This factor requires an analysis of the parcels within the Study Area as to their potential and usefulness as developable sites. Conditions indicative of the presence of this factor include:

- Lots that are long, narrow, or irregularly shaped
- Lots with limited or no access
- Lots that are inadequate in size
- Lots with configurations that result in stagnant, misused, or unused land
- Lots with billboards that have active leases, making redevelopment more difficult

This analysis considers the shape, orientation, and size of undeveloped parcels within the Study Area and if these attributes would negatively impact the potential for development of the parcel. This evaluation is performed both through observation in the field and through an analysis of parcel boundary maps of the Study Area.

d. Unsanitary or Unsafe Conditions:
Conditions observed within the Study Area that qualify under this blight factor include:

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Fire-prone areas or structures
- Above average incidences of public safety responses
- Inadequate sanitation or water systems
- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open trash dumpsters
- Severely cracked, sloped, or uneven surfaces for pedestrians
- Illegal dumping
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas

These represent situations in which the safety of individuals, especially pedestrians and children, may be compromised due to environmental and physical conditions considered to be unsanitary or unsafe.

e. Deterioration of Site or Other Improvements:
The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of
specific improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site’s usefulness and desirability and negatively affect nearby properties.

- Neglected properties or evidence of general site maintenance problems
- Deteriorated signage or lighting
- Deteriorated fences, walls, or gates
- Deterioration of on-site parking surfaces, curb & gutter, or sidewalks
- Poorly maintained landscaping or overgrown vegetation
- Poor parking lot/driveway layout
- Unpaved parking lot on commercial properties

**f. Unusual Topography or Inadequate Public Improvements or Utilities:**
The focus of this factor is on the presence of unusual topographical conditions that could make development prohibitive, such as steep slopes or poor load-bearing soils, as well as deficiencies in the public infrastructure system within the Study Area that could include:

- Steep slopes / rock outcroppings / poor load-bearing soils
- Deteriorated public infrastructure (street/alley pavement, curb, gutter, sidewalks, street lighting, storm drainage systems)
- Lack of public infrastructure (same as above)
- Presence of overhead utilities or billboards
- Inadequate fire protection facilities/hydrants
- Inadequate sanitation or water systems

**g. Defective or Unusual Conditions of Title Rendering the Title Non-Marketable:**
Certain properties can be considered non-marketable making redevelopment overly difficult if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples of conditions considered non-marketable include:

- Properties with covenants or other limiting clauses that significantly impair their ability to redevelop
- Properties with disputed or defective title
- Multiplicity of ownership making assemblages of land difficult or impossible

**h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes:**
A finding of blight within this factor can result from the presence of the following conditions, which include both the deterioration of physical improvements that can lead to dangerous situations as well as the inability for emergency personnel or
equipment to provide services to a site:

- Sites inaccessible to fire and emergency vehicles
- Fire-prone areas or structures
- Blocked/poorly maintained fire and emergency access routes/frontages
- Insufficient fire and emergency vehicle turning radii
- Properties not in compliance with fire codes or environmental regulations

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work In because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities:

Some of the conditions that can contribute to this blight factor include:

- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
- Buildings with deteriorated elements that create unsafe conditions
- Buildings with inadequate or improperly installed utility components

j. Environmental Contamination of Buildings or Property:

This factor represents the presence of contamination in the soils, water sources, or other locations within the Study Area and may include:

- Presence of hazardous substances, liquids, or gases
- Presence of Environmental Land Use Controls
- Regulatory Oversight or Corrective Actions
- Presence of Recognized Environmental Conditions

k. 5 Existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The physical conditions that may contribute to this blight factor include:

- Sites with a high incidence of fire, police, or emergency responses
- Sites adjacent to streets/alleys with a high incidence of traffic accidents
- Sites with a high incidence of code enforcement responses
- An undeveloped parcel in a generally urbanized area
- Vacant, empty, or unused buildings
- A parcel with a disproportionately small percentage of its total land area developed
Section 5: Study Area Location, Definition, and Description

The CSTP West Area Property Conditions Assessment focuses on the proposed urban renewal area in the western portion of the CSTP, east of Peoria Street between Fitzsimons Parkway and Montview Boulevard in Aurora, Colorado. The focused Study Area consists of two parcels of land identified by the Adams County Assessor as Parcel Nos. 0182336201007 and 0182336200002.
Section 6: Survey Findings

The overall findings of the CSTP West Area Conditions Assessment are presented below in a format that mirrors the list of factors and conditions of blight discussed in Section 3.

a. Slum, Deteriorated, or Deteriorating Structures

Slum, deteriorated or deteriorating structures refers to current buildings that exist within the Study Area. Some deterioration was identified in buildings associated with the former golf course. The deterioration included damaged roofing, peeling and flaking exterior paint, concrete deterioration, cracking parking lots, and overgrown landscaping.
Based on the amount of deterioration of facilities at CSTP West Study Area, Blight Factor: Slum, Deteriorated, or Deteriorating Structures is present.

**b. Predominance of Defective or Inadequate Street Layout**

A majority of the Study Area consists of a former abandoned golf course, and therefore more than 100 acres are inaccessible for development. Because of this factor, an additional four streets (ROW)s and supporting infrastructure will need to be constructed through the Study Area boundary. These ROWs include the following:

- Racine Street will be a north-south throughway that connects Fitzsimons Parkway to Montview Boulevard.
- East 23rd Avenue will be an east-west throughway that will connect Peoria Street to Scranton Street.
- Scranton Street will be a main north-south throughway that connects Fitzsimons Parkway to Montview Boulevard.
- An unnamed east-west street will connect Racine Street to Scranton Street.

In addition, because of the inadequate property layout design there are no easy throughways for vehicles or pedestrians from Peoria Street nor from Fitzsimons Parkway into the Fitzsimons campus. From Peoria and Fitzsimons Parkway, the nearest east-west throughway is Montview Boulevard, a stretch of approximately 2,600 feet. Because of the lack of access to the Fitzsimons campus along Peoria Street, traffic, at times, can back up at the traffic light at Montview and Peoria.

From the corner of Fitzsimons Parkway and Peoria Street, the nearest north-south throughway into the Fitzsimons campus is Victor Street, a stretch of more than 4,800 feet.
Due to the lack of ROWs sufficient for development, **Blight Factor: Predominance of Defective or Inadequate Street Layout is present.**

c. **Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness**

As discussed previously, a majority of the Study Area was historically occupied by a golf course. The current lot layout does not allow for development of smaller parcels that would be similar in size and shape to development areas within the Fitzsimons campus and surrounding community. This lack of parcelization significantly restricts the types and amounts of useful, developable parcels. Accessibility, including no access to the Study Area from Peoria Street or Fitzsimons Parkway, is also an issue as discussed in the previous section.

Future development would therefore require parcelization and significant construction of infrastructure including ROWs, sidewalks, utilities, access roads, parking areas, and other important infrastructure.

Due to the lack of parcelization in relation to size, accessibility, and usefulness, **Blight Factor: Faulty Lot Layout is present.**

d. **Unsanitary or Unsafe Conditions**

During the field survey, Matrix observed conditions at the site including inadequate storm drainage systems, evidence of standing water, location of fire hydrants, existence of hazardous conditions or materials, open trash dumpsters, graffiti, vandalism, open ditches or holes, and other factors that could potentially cause an unsafe condition. Although construction was underway in the southern portion of the Study Area, the construction site was monitored and access-restricted. No visual signs of unsafe conditions were observed.

Matrix also reviewed the Federal Emergency Management Agency (FEMA) floodplain database, crime statistics for the City of Aurora, and completed a review of environmental databases to identify additional unsanitary or unsafe conditions.

The FEMA floodplain map showed floodplains along Sand Creek and Tollgate Creek, north of the Study Area, but did not identify any floodplains within the CSTP West Area. Matrix reviewed an effective Letter of Map Revision (LOMR) that included the northern portion of the Study Area. The effective LOMR did not identify any revised floodplain boundaries that would impact development or cause an unsafe condition.
The City of Aurora public safety website indicates that Aurora is ranked the safest large city in Colorado, and places in the top 20 safest large cities in the United States. The Aurora police department participates in the Federal Bureau of Investigation (FBI) Uniform Crime Reporting System (UCR) database and voluntarily reports Violent Crime (murder, rape, aggravated assault, and robbery) and Property Crime (burglary, larceny, and motor vehicle theft). The Fitzsimons campus is located within the City of Aurora’s APD District 1, which includes areas of the city west of I-225 to Yosemite Street and north of Hampden Avenue to 38th Avenue.

Matrix reviewed crime data for each of the designated districts within the City for the year 2017. The following results indicate that District 1 accounts for more of the major crimes in the city than the other two districts.
Matrix reviewed the interactive Community Crime Map for 2017 to further analyze crime data for the Fitzsimons Campus in relation to surrounding areas. The following areas were assessed for a comparative analysis:

- West of Peoria Street to Havana Street, between Colfax Avenue and East 25<sup>th</sup> Avenue
- West of Peoria Street to Havana Street, between Colfax Avenue and East 6<sup>th</sup> Avenue
- East of Peoria Street to I-225, between Colfax Avenue and East 6<sup>th</sup> Avenue
- East of Peoria Street to I-225, between Fitzsimons Parkway and Smith Road
- East of I-225 to Chambers Road, between Smith Road and Colfax Avenue

As indicated in the exhibit, the Fitzsimons Campus has significantly fewer Major Crimes per areal density than surrounding areas, and only one Major Crime was actually reported within the CSTP West Study Area.

In addition, Matrix did not identify any graffiti, vandalism, used hypodermic needles, homeless camps, exposed garbage/trash, evidence of gang activity, or...
other potentially unsafe conditions within the Study Area.

No finding of Unsanitary or Unsafe Conditions has been made.

e. Deterioration of Site or Other Improvements

A majority of the Study Area is occupied by the former Fitzsimons Golf Course that closed in December 2017. The golf course has not been managed or maintained since its closure, and site improvements have been neglected. An abundance of weeds, cracking asphalt paths, dry grass, untrimmed trees, dead landscaping, dead or dying vegetation, unkempt parking lots, damaged fencing, neglected gazebos, and other deterioration of infrastructure and improvements were observed during the site reconnaissance. In addition, there are no sidewalks with access to the CSTP-West area and no ROWs to access a majority of the developable land.

Based on these factors and on a lack of infrastructure (roads, sidewalks, etc.),

Blight Factor: Deterioration of Site or Other Improvements is present.
f. Unusual Topography or Inadequate Public Improvements or Utilities

As discussed in several sections above, there is a lack of public improvements and utilities that will be required for site development. Approximately two miles of ROWs and utility corridors will be required prior to parcelization and development.

In addition, a majority of the Study Area has a unique, man-made topography that will require grading and site preparation prior to development. The unusual topography is from elevated putting greens and depressed sand traps throughout the northern portion of the Study Area.

Lack of infrastructure, public improvements, and utilities identifies **Blight Factor: Unusual Topography or Inadequate Public Improvements or Utilities** as present.

g. Defective or Unusual Conditions of Title Rendering the Title Non-Marketable

Conditions within the Study Area are not expected to render the Title Non-marketable, and no title review has been completed at the time of this Conditions Assessment.

h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes

The CSTP West Study Area mainly consists of the former Fitzsimons Golf Course. Although there are access issues for the fire department due to a lack of infrastructure, no conditions were observed during the site reconnaissance that indicate conditions that endanger life or property.

In addition, the former Fitzsimons buildings located within the golf course itself are in fair condition and the deterioration observed does not rise to the level of conditions that would endanger life or property.

This blight factor is not considered to be present in the Study Area.

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work in Because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities

The facilities located within the CSTP West Study Area include 60+ year old former FAMU facilities that do have evidence of deterioration, but none of the facilities
have conditions that are unsafe or unhealthy for persons to live or work. Buildings in the southern portion of the Study Area (the FAMU Post Chapel and the Bioscience 1 Building) are in very good condition.

Based on the condition of the facilities, this blight factor is not considered to present in the Study Area.

**j. Environmental Contamination of Buildings or Property**

Matrix completed a governmental record file review and a review of former Fitzsimons Army Medical Center (FAMC) documents consistent with the Environmental Protection Agency’s (EPA) Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) and the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Standard E 1527-13).

The purpose of this review was to evaluate the environmental condition of the Study Area for evidence of current Recognized Environmental Conditions (RECs). The term “Recognized Environmental Conditions,” as defined by ASTM E 1527-13 is as follows:

> [T]he presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

A “release” is defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutant contaminant” (42 USC § 9601(22)).

The term “environment” as defined by CERCLA includes (A) the navigable waters, the waters of the contiguous zone, and ocean waters, and (B) any other surface water, groundwater, drinking water supply, land surface, or subsurface strata.

During research of the Study Area, Matrix identified the following areas of concern:
Asbestos Containing Materials
In 2014, Casey Resources, Inc. (CRI) conducted materials management and remediation of friable and non-friable asbestos containing materials (ACM) east of (adjacent to) the CSTP West Study Area. Specific activities included the abatement of asbestos in asphalt, tar, woven textile, and felt at the old tennis courts, removal of ACM-containing duct banks, and management/removal of isolated asbestos during site work.

Asbestos-contaminated soil (ACS) underneath the tennis courts was left in place and an ID barrier was used to delineate the asbestos-impacted soils. Clean fill was brought onto the site to cap the impacted soils. Future development of the tennis courts area may expose ACS.

ACM has also been identified in numerous underground utilities and facilities within the former FAMC campus. The potential presence of ACM in building materials, water lines, steam lines, and other utilities indicates an additional development cost for the Study Area.

Coal Ash
Coal ash was identified under former Building 117 located north of Montview Street and east of Scranton Street. The coal ash was left in place and capped with clean soil.

Fitzsimons Landfill No. 1
Fitzsimons Landfill No. 1 was located adjacent to (east of) the northern portion of the Study Area. This landfill has been remediated and has received closure from the Colorado Department of Public Health and Environment (CDPHE).

Based on the review of the available environmental records, the presence of ACM within the Study Area may require additional oversight or remediation. Although
no environmental conditions have been confirmed within the Study Area, the history of development suggests that environmental conditions may be present. Therefore **Blight Factor: Environmental Contamination of Buildings or Property exists.**

\[k.5\] The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

Vacancy and underutilization are present within the CSTP West Study Area. As outlined in previous sections, a majority of the Study Area consists of the former Fitzsimons Golf Course that is currently unoccupied. Eight buildings are present within the CSTP West Study Area including six former golf course buildings constructed in the 1940s and 1950s that have been vacant since December 2017. These golf course facilities show signs of deterioration and neglect and have not been occupied or maintained since the golf course closed in December 2017.
The other two buildings located in the southeastern portion of the Study Area are the Fitzsimons Post Chapel constructed prior to 1954 and the Bioscience 1 building constructed in the mid-1990s. Both of these facilities are in very good condition and exhibit no factors of blight.

Based on the high number of vacancies at buildings within the Study Area and the underutilization of a majority of the Study Area, **Blight Factor: ... Substantial Underutilization or vacancy of sites, buildings, or other improvements is present.**
7: Property Conditions Assessment Summary and Conclusion

Within the entire Study Area, **seven** of the 11 blight factors were identified as being present. The blight factors identified within the Study Area include:

- a. Slum, deteriorated, or deteriorating structures
- b. Predominance of defective or inadequate street layout
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- e. Deterioration of site or other improvements
- f. Unusual topography or inadequate public improvements or utilities
- j. Environmental contamination of buildings or property
- k. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

As discussed in Section 2, in order for an area to meet the definition of blight, a certain number of the eleven blight factors identified in the Colorado Urban Renewal Law must be found within the Study Area. Four of the eleven factors is the required minimum, unless none of the property owners or tenants object to being included within an urban renewal area; then, the required minimum is only one of the eleven factors.

For this Conditions Assessment, **seven** blight factors were identified within the Study Area, therefore a sufficient number of blight factors exist under Colorado Urban Renewal Law.

It is the conclusion of this Conditions Assessment Report that the Study Area, in its present condition, exhibits a sufficient level of blight to be considered a “blighted area.”
February 6, 2020

City of Aurora
Chad Argentar
Planning and Development Services
15151 E Alameda Parkway
Aurora, CO 80012
(303) 739-7000

Subject: Update Letter for the Property Conditions Assessment (Blight Study) completed in June 2018 for the Colorado Science and Technology Park (CSTP) – West Area

Dear Mr. Argentar:

The purpose of this letter is to provide an update to the Property Conditions Assessment (Blight Study) completed in June 2018 for the Colorado Science and Technology Park (CSTP) – West Area. This letter updates and confirms the findings of the original Property Conditions Assessment report titled:

Property Conditions Assessment (Blight Study) for the Colorado Science and Technology Park – West Area, Aurora, Colorado, June 2018.

The West Area of the CSTP (“Study Area” or “CSTP West Area”) is located east of Peoria Street and west of Scran ton Street between Fitzsimons Parkway and Montview Boulevard and includes the former Fitzsimons Golf Course. In June 2018, the CSTP West Study Area included two parcels of land identified by the Adams County Assessor as Parcel #s: 0182336201007 and 0182336200002. Both of the 2018 parcels of land were owned by the Fitzsimons Redevelopment Authority (FRA). Since June 2018, the Study Area has been re-parceled and now includes the following parcels owned by the Fitzsimons Redevelopment Authority. The following parcels now make up the Study Area per the Adams County Assessor: 0182336200010, 0182336203001, 0182336201008, and 0182336201009. The following Figures show the June 2018 parcel alignment and the updated 2020 parcel alignment.
2018 Study Area Parcel Alignment

2020 Study Area Parcel Alignment
The purpose of the 2018 Assessment was to determine if the proposed Urban Renewal Area (URA) qualified as “blighted” within the meaning of the CRS § 31-25-101 et seq. (“Colorado Urban Renewal Law”), and consequently, if there is a sufficient basis to adopt an Urban Renewal Plan. A Blighted Area, under Colorado Urban Law, is an area that, in its present condition and use, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. A total of eleven factors of blight are listed in Colorado Urban Law. A determination of blight can be made if one (if no objections by owner or tenant), four (standard number of blight factors required), or five (acquisition by eminent domain) of the eleven factors of blight are identified.

The 2018 Assessment identified conditions within the Study Area that qualified a total of seven blight factors including the following:

- Slum, deteriorated, or deteriorating structures
- Predominance of defective or inadequate street layout
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- Deterioration of site or other improvements
- Unusual topography or inadequate public improvements or utilities
- Environmental contamination of buildings or property
- The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

This update letter has been completed to identify if there have been any updated conditions that would change the number of blight factors identified and to reconfirm the 2018 finding of blight.

On February 4, 2020, Matrix completed an updated review of the Study Area including a visit to the site to reassess conditions of blight. Although a new parcel alignment has been completed since June 2018 and some site conditions have changed, including site grading and development, no changes affecting factors of blight were identified.

The new parcel alignment coincides with some new development including construction of a new building and parking garage north of East 21st Avenue within 2020 Parcel 0182336201008. Site grading and preparation for additional development was also seen in 2020 Parcels 0182336200010 and 0182336203001. Even with the new development, the factors of blight identified in 2018 remain. Deteriorating structures, inadequate street layout, faulty lot layout, deterioration of site improvements, unusual topography and inadequate public improvements, historic environmental contamination, and underutilization or vacancy of sites and buildings are all still present within the Study Area.
UPDATE CONCLUSION

This update confirms that the findings and conclusions of the June 2018 PCA have not changed and that seven of eleven factors of blight remain as listed above. Therefore, the CSTP-West Urban Renewal Area continues to qualify as blighted within the meaning of the Colorado Urban Renewal Law, and there is a sufficient basis to adopt an Urban Renewal Plan.
If you have any questions, please don’t hesitate to call.

Sincerely,

Chad Coker
Associate
(719) 575-0100 Office
(719) 464-1004 Cell
**City of Aurora**

**Council Agenda Commentary**

**Item Title:**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, repealing Chapter 74 of the Aurora City Code and Amending Chapter 26 by enacting Article III Titled "Clean Indoor Air Act" and Amending Article VI of Chapter 94 by adding Section 94-392.

**Item Initiator:** Vaughn, Trevor - Manager Of Tax And Licensing - Finance

**Staff Source:** Vaughn, Trevor - Manager Of Tax And Licensing - Finance

**City Manager/Deputy City Manager Signature:** Nancy Freed

**Outside Speaker:**

**Council Goal:** 2012: 6.0--Provide a well-managed and financially strong City

**ACTIONS(S) PROPOSED (Check all appropriate actions)**

- [ ] Approve Item as proposed at Study Session
- [ ] Approve Item with Waiver of Reconsideration
- [X] Approve Item and Move Forward to Regular Meeting
- [ ] Approve Item as proposed at Regular Meeting
- [ ] Information Only

**PREVIOUS ACTIONS OR REVIEWS:**

**Policy Committee**

<table>
<thead>
<tr>
<th>Name: Management and Finance Policy Committee</th>
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<tr>
<td>Meeting Date: 12/03/2019</td>
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<tr>
<td>Actions Taken: [X] Recommends</td>
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<td>[ ] Do Not Recommend</td>
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</tbody>
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- [X] Minutes Attached
- [ ] Minutes Not Available
- [ ] Forwarded without Recommendation
- [ ] Recommendation Report Attached

**HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)**

This item was reviewed at the December 3rd Management and Finance Committee meeting and was forwarded with a favorable recommendation.

Indoor smoking is currently regulated in the city code under Chapter 74 Health and Sanitation. This code dates back prior to 1979 and is inconsistent with current state law. The Colorado Clean Indoor Air Act was passed in 2005 and updated in 2019. This ordinance updates city code to implement the Colorado Clean Indoor Air Act.
ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*
This ordinance repeals chapter 74 of the city code. Only two items were in chapter 74, smoking in public places, and interference with a health officer. The violation for interference with a health officer will be moved to chapter 94 general offenses. Adoption of the Colorado Clean Indoor Air Act will be placed in Chapter 26, Business Regulations.

City code regarding smoking in public places has not been updated since prior to 1979. The current code is inconsistent with state law. Adoption of the Clean Indoor Air Act will allow the city to more effectively enforce the state statute and ensure a level playing field for businesses complying with the state law.

QUESTIONS FOR COUNCIL
Is the Council in favor of forwarding the item for formal consideration?

LEGAL COMMENTS
The City of Aurora is a home rule municipality, organized and existing under and Article XX, Section 6 of the Colorado Constitution. Article XX Section 6 grants the city and its citizens the right to self-government in matters of local affairs not preempted by the State legislature. The City Council shall have and shall exercise the powers, privileges and duties granted and conferred by the state constitution, statute or city Charter. The City Council has the power to make and publish from time to time ordinances not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the state constitution, statute or city Charter and such as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city. City Code Section 2-32. The City Council has found and determined that adopting the Colorado clean Indoor Act fulfills this purpose. City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. This is a legislative action and must be taken in the form of an ordinance. See, Section 5-1 Aurora City Charter. (Hernandez).

Dan Brotzman

PUBLIC FINANCIAL IMPACT *(If Yes, EXPLAIN)*
☐ Yes ☒ No

No

PRIVATE FISCAL IMPACT *(If Significant or Nominal, EXPLAIN)*
☐ Not Applicable ☐ Significant ☒ Nominal

N/A

EXHIBITS ATTACHED:
1, Update City Code for Clean Indoor Air Act- Ordinance- 1-23.pdf
12-3-19 indoor air act MF minutes.docx
2019a_1076_signed.pdf
Chapter_74___HEALTH_AND_SANITATION.doc
ORDINANCE NO. 2020-___

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING CHAPTER 74 OF THE AURORA CITY CODE AND AMENDING CHAPTER 26 BY ENACTING ARTICLE III TITLED "CLEAN INDOOR AIR ACT" AND AMENDING ARTICLE VI OF CHAPTER 94 BY ADDING SECTION 94-392

WHEREAS, the City of Aurora, Colorado, (the "City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City is authorized under Article XX, Section 6 of the Colorado Constitution to pass ordinances and regulate local affairs including health and sanitation; and

WHEREAS, the City has decided that adopting each and every provision of the State Clean Indoor Air Act as regulated in Section 25-14-201 et. seq. C.R.S., promotes the public health, safety and welfare of the Citizens of Aurora.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. Chapter 74 is hereby repealed.

Section 2. Article III of Chapter 26 of the Aurora City Code shall read as follows:

ARTICLE III. CLEAN INDOOR AIR ACT

Sec. 26-61 Colorado Clean Indoor Air Act Adoption.

The Aurora City Council does hereby adopt each and every provision of the Colorado Clean Indoor Air Act as regulated in Section 25-14-201 et. seq. C.R.S., as amended by the state legislature.

Section 3. Article VI of Chapter 94 is hereby amended by adding section 94-392 that shall read as follows:

Sec. 94-392. Interference with Health Officer.

It shall be unlawful for any person to molest, hinder, interfere with or in any manner prevent any individual of the Tri-County Health Department or any official of the city from performing any duties imposed
upon the individual or official by any city, state or federal law or the rules and regulations of the Tri-County Health Department.

Section 4. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 5. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the city clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of ____________________, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of ____________________, 2020.

MIKE COFFMAN, Mayor

ATTEST:

______________________________
STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

______________________________
Hanosky Hernandez,
Assistant City Attorney
An Act

HOUSE BILL 19-1076

BY REPRESENTATIVE(S) Michaelson Jenet and Larson, Caraveo, Cutter, Jackson, Mullica, Arndt, Buentello, Duran, Exum, Galindo, Garnett, Herod, Kipp, McCluskie, Roberts, Snyder, Tipper, Titone, Becker, Bird, Buckner, Hansen, Jaquez Lewis, Kennedy, Landgraf, Lontine; also SENATOR(S) Priola and Donovan, Ginal, Court, Fields, Foote, Gonzales, Moreno, Pettersen, Story, Tate, Todd, Williams A., Garcia.

CONCERNING UPDATES TO THE "COLORADO CLEAN INDOOR AIR ACT", AND, IN CONNECTION THEREWITH, REMOVING CERTAIN EXCEPTIONS AND ADDING PROVISIONS RELEVANT TO THE USE OF ELECTRONIC SMOKING DEVICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 25-14-202 as follows:

25-14-202. Legislative declaration. (1) The general assembly hereby finds and determines that:

(a) It is in the best interest of the people of this state to protect nonsmokers THE PUBLIC from involuntary exposure to environmental
tobacco and marijuana EMISSIONS FROM SECONDHAND smoke AND ELECTRONIC SMOKING DEVICES (ESD) in most indoor areas open to the public, in public meetings, in food service establishments, and in places of employment; The general assembly further finds and determines that AND

(b) A balance should be struck between the health concerns of nonconsumers of tobacco products and combustible marijuana and the need to minimize unwarranted governmental intrusion into and regulation of, private spheres of conduct and choice with respect to the use or nonuse of tobacco products, and combustible marijuana in certain designated public areas and in private places ESD EMISSIONS CONSIST OF ULTRAFINE PARTICLES THAT ARE SIGNIFICANTLY MORE HIGHLY CONCENTRATED THAN PARTICLES WITHIN CONVENTIONAL TOBACCO SMOKE. THERE IS CONCLUSIVE EVIDENCE THAT MOST ESDS CONTAIN AND EMIT NOT ONLY NICOTINE BUT ALSO MANY OTHER POTENTIALLY TOXIC SUBSTANCES AND THAT ESDS INCREASE AIRBORNE CONCENTRATIONS OF PARTICULATE MATTER AND NICOTINE IN INDOOR ENVIRONMENTS. IN ADDITION, STUDIES SHOW THAT PEOPLE EXPOSED TO ESD EMISSIONS ABSORB NICOTINE AT LEVELS COMPARABLE TO THE LEVELS EXPERIENCED BY PASSIVE SMokers. MANY OF THE ELEMENTS IDENTIFIED IN ESD EMISSIONS ARE KNOWN TO CAUSE RESPIRATORY DISTRESS AND DISEASE, AND ESD EXPOSURE DAMAGES LUNG TISSUES. FOR EXAMPLE, HUMAN LUNG CELLS THAT ARE EXPOSED TO ESD AEROSOL AND FLAVORINGS SHOW INCREASED OXIDATIVE STRESS AND INFLAMMATORY RESPONSES.

(2) Therefore, the general assembly hereby declares that the purpose of this part 2 is to preserve and improve the health, comfort, and environment of the people of this state by limiting exposure to tobacco and marijuana smoke PROTECTING THE RIGHT OF PEOPLE TO BREATHE CLEAN, SMOKE-FREE AIR. NOTHING IN THIS PART 2 IS INTENDED TO INHIBIT A PERSON'S ABILITY TO TAKE MEDICINE USING AN INHALER OR SIMILAR DEVICE, NOR TO PREVENT AN EMPLOYER OR BUSINESS OWNER FROM MAKING REASONABLE ACCOMMODATION FOR THE MEDICAL NEEDS OF AN EMPLOYEE, CUSTOMER, OR OTHER PERSON IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET SEQ.

SECTION 2. In Colorado Revised Statutes, 25-14-203, amend (7), (16), and (18); repeal (1); and add (4.5) as follows:

PAGE 2-HOUSE BILL 19-1076
25-14-203. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Airport smoking concession" means a bar or restaurant, or both, in a public airport with regularly scheduled domestic and international commercial passenger flights, in which bar or restaurant smoking is allowed in a fully enclosed and independently ventilated area by the terms of the concession.

(4.5) "Electronic smoking device" or "ESD":

(a) Means any product, other than a product described in subsection (4.5)(c) of this section, that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product;

(b) Includes any product described in subsection (4.5)(a) of this section and any similar product or device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor; and

(c) Does not include:

(I) A humidifier or similar device that emits only water vapor; or

(II) An inhaler, nebulizer, or vaporizer that is approved by the Federal Food and Drug Administration for the delivery of medication.

(7) "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted from this part 2 under section 25-14-205. "Entryway" also includes the area of public or private property within a specified radius outside of the doorway. The specified radius shall be determined by the local authority or pursuant to section 25-14-207 (2)(a), but must be at least twenty-five feet unless section 25-14-207 (2)(a)(II)(B) or (2)(a)(II)(C) applies. If the local authority has not acted, the specified radius shall be fifteen feet.
TWENTY-FIVE feet.

(16) "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or marijuana\, INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR HEATED CIGAR, CIGARETTE, OR PIPE OR ANY OTHER LIGHTED OR HEATED TOBACCO OR PLANT PRODUCT INTENDED FOR INHALATION, INCLUDING MARIJUANA, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR IN ANY FORM. "SMOKING" ALSO INCLUDES THE USE OF AN ESD.

(18) "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, INCLUDING ESDs, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

SECTION 3. In Colorado Revised Statutes, 25-14-204, amend (1) introductory portion, (1)(k), (1)(u)(I), (1)(bb), (1)(cc), and (2); repeal (1)(q); and add (1)(dd), (1)(ee), (1)(ff), and (3) as follows:

25-14-204. General smoking restrictions. (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke; smoking shall not be permitted and no A person shall NOT smoke in any indoor area, including:
but not limited to:

(k)(I) Any place of employment that is not exempted, WHETHER OR NOT OPEN TO THE PUBLIC AND REGARDLESS OF THE NUMBER OF EMPLOYEES.

(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco SECONDHAND smoke Every employee shall have a right to work in an area free of environmental tobacco smoke AND EMISSIONS FROM ELECTRONIC SMOKING DEVICES.

(q) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;
(u) (I) The common areas of retirement facilities, publicly owned housing facilities, and except as specified in section 25-14-205 (1)(k); nursing homes, but not including any resident's private residential quarters. or areas of assisted living facilities specified in section 25-14-205 (1)(k):

(bb) Other educational and vocational institutions; and

(cc) The entryways of all buildings and facilities listed in paragraphs (a) to (bb) of this subsection (I): AIRPORTS;

(dd) HOTEL AND MOTEL ROOMS;

(ee) ASSISTED LIVING FACILITIES, INCLUDING NURSING FACILITIES AS DEFINED IN SECTION 25.5-4-103 AND ASSISTED LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102; AND

(ff) THE ENTRYWAYS OF ALL BUILDINGS AND FACILITIES LISTED IN SUBSECTIONS (1)(a) TO (1)(ee) OF THIS SECTION.

(2) A cigar-tobacco bar:

(a) Shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005; A cigar-tobacco bar

(b) Shall PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE AND SHALL display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age must be accompanied by a parent or guardian MAY NOT ENTER."

(3) A RETAIL TOBACCO BUSINESS:

(a) SHALL PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE; AND

(b) SHALL DISPLAY SIGNAGE IN AT LEAST ONE CONSPICUOUS PLACE AND AT LEAST FOUR INCHES BY SIX INCHES IN SIZE STATING EITHER:

(I) "SMOKING ALLOWED. CHILDREN UNDER EIGHTEEN YEARS OF AGE
MAY NOT ENTER.

(II) In the case of a retail tobacco business that desires to allow the use of ESDs but not other forms of smoking on the premises, "VAPING ALLOWED. CHILDREN UNDER EIGHTEEN YEARS OF AGE MAY NOT ENTER."

SECTION 4. In Colorado Revised Statutes, 25-14-205, amend (1) introductory portion, (1)(d), (1)(g), and (1)(i); and repeal (1)(c), (1)(f), (1)(h), and (1)(k) as follows:

25-14-205. Exceptions to smoking restrictions. (1) This part shall not apply to:

(c) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent;

(d) Any retail tobacco business; EXCEPT THAT THE REQUIREMENTS IN SECTION 25-14-204 (3) AND ANY RELATED PENALTIES APPLY TO A RETAIL TOBACCO BUSINESS;

(f) An airport smoking concession;

(g) The outdoor area of any business; OR

(h) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees;

(i) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102, C.R.S., that has annual gross income of less than five hundred thousand dollars. OR

(k) (f) The areas of assisted living facilities:

(A) That are designated for smoking for residents;

(B) That are fully enclosed and ventilated; and

(C) To which access is restricted to the residents or their guests.
(II) As used in this paragraph (k), "assisted living facility" means a nursing facility, as that term is defined in section 25.5-4-103, C.R.S., and an assisted living residence, as that term is defined in section 25-27-102.

SECTION 5. In Colorado Revised Statutes, 25-14-206, amend (1); and repeal (2) as follows:

25-14-206. Optional prohibitions. (1) The owner or manager of any place not specifically listed in section 25-14-204, including a place otherwise exempted under section 25-14-205 may post signs prohibiting smoking, or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place or the designated nonsmoking portion thereof; in the places where smoking is prohibited or restricted pursuant to this part 2.

(2) If the owner or manager of a place not specifically listed in section 25-14-204, including a place otherwise exempted under section 25-14-205, is an employer and receives a request from an employee to create a smoke-free work area as contemplated by section 25-14-204 (1)(k)(II), the owner or manager shall post a sign or signs in the smoke-free work area as provided in subsection (1) of this section:

SECTION 6. In Colorado Revised Statutes, 25-14-207, amend (2)(a) as follows:

25-14-207. Other applicable regulations of smoking - local counterpart regulations authorized. (2) (a) (I) A local authority may, pursuant to article 16 of title 31, C.R.S.; a municipal home rule charter, or article 15 of title 30, C.R.S.; enact, adopt, and enforce smoking regulations that cover the same subject matter as the various provisions of this part 2; NO EXCEPT THAT, UNLESS OTHERWISE AUTHORIZED UNDER SUBSECTION (2)(a)(II)(B) OR (2)(a)(II)(C) OF THIS SECTION, A local authority may NOT adopt any A local regulation of smoking that is less stringent than the provisions of this part 2. except that

(II) (A) A local authority may SPECIFICALLY AUTHORIZED TO specify a radius of LESS MORE than fifteen TWENTY-FIVE feet for the area included within an entryway.

(B) A LOCAL REGULATION THAT WAS ADOPTED BY A LOCAL
AUTHORITY BEFORE JANUARY 1, 2019, AND THAT SPECIFIES A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY REMAINS VALID AND MUST BE GIVEN EFFECT AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED.

(C) IF A PERSON OWNS OR LEASES BUSINESS PREMISES THAT WERE UNDER CONSTRUCTION OR RENOVATION ON JULY 1, 2019, AND THAT COMPLIED WITH A LOCAL REGULATION OF SMOKING THAT SPECIFIED A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY, AND, AS OF JULY 1, 2019, HAS APPLIED FOR OR RECEIVED FROM THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE PREMISES ARE LOCATED, A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE USED FOR THE BUSINESS PREMISES, THE PERSON IS DEEMED IN COMPLIANCE WITH ALL LOCAL REGULATIONS SPECIFYING THE RADIUS OF THE AREA INCLUDED WITHIN AN ENTRYWAY.

SECTION 7. In Colorado Revised Statutes, 25-14-208, amend (3) as follows:

25-14-208. Unlawful acts - penalty - disposition of fines and surcharges. (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-14-208.5, a person who violates this part 2 is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

SECTION 8. In Colorado Revised Statutes, add 25-14-208.5 as follows:

25-14-208.5. Signage violations - limitation on fines. (1) FOR A VIOLATION OF SECTION 25-14-204 (2) OR (3), THE PENALTY SHALL BE AS FOLLOWS:

(a) A WRITTEN WARNING FOR A FIRST VIOLATION COMMITTED WITHIN A TWENTY-FOUR-MONTH PERIOD; AND

(b) FINES AS SPECIFIED IN SECTION 25-14-208 (3) FOR A SECOND OR
SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO FINE FOR A VIOLATION OF SECTION 25-14-204 (2) OR (3) SHALL BE IMPOSED UPON A PERSON THAT CAN ESTABLISH AS AN AFFIRMATIVE DEFENSE THAT, PRIOR TO THE DATE OF THE VIOLATION, IT:

(a) HAD ADOPTED AND ENFORCED A WRITTEN POLICY AGAINST ALLOWING PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER THE PREMISES;

(b) HAD INFORMED ITS EMPLOYEES OF THE APPLICABLE LAWS REGARDING THE PROHIBITION OF PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER OR REMAIN IN AREAS WHERE SMOKING IS PERMITTED;

(c) REQUIRED EMPLOYEES TO VERIFY THE AGE OF PERSONS ON THE PREMISES BY WAY OF PHOTOGRAPHIC IDENTIFICATION; AND

(d) HAD ESTABLISHED AND IMPOSED DISCIPLINARY SANCTIONS FOR NONCOMPLIANCE.

(3) THE AFFIRMATIVE DEFENSE ESTABLISHED IN SUBSECTION (2) OF THIS SECTION MAY BE USED ONLY TWICE AT EACH LOCATION WITHIN ANY TWENTY-FOUR-MONTH PERIOD.

SECTION 9. In Colorado Revised Statutes, 30-15-401, amend (1.5) as follows:

30-15-401. General regulations - definitions. (1.5) In addition to any other powers, the board of county commissioners has the power to adopt a resolution or an ordinance:

(a) Prohibiting minors from possessing cigarettes or tobacco products, as defined by section 39-28.5-101 (5); C.R.S. AND

(b) LIMITING SMOKING, AS DEFINED IN SECTION 25-14-203 (16), IN ANY MANNER THAT IS NO LESS RESTRICTIVE THAN THE LIMITATIONS SET FORTH IN THE "COLORADO CLEAN INDOOR AIR ACT", PART 2 OF ARTICLE 14 OF TITLE 25.
SECTION 10. Effective date. (1) Except as provided in subsection (2) of this section, this act takes effect July 1, 2019.

(2) Section 25-14-204 (2) and (3), as amended and enacted, respectively, in section 3 of this act, take effect October 1, 2019.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

KC Becker                      Leroy M. Garcia
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Marilyn Eddins                 Cindi L. Markwell
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 24, 2019 5:12:25 pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

PAGE 10-HOUSE BILL 19-1076
ARTICLE I. - IN GENERAL

Secs. 74-1—74-25. - Reserved.

ARTICLE II. - SMOKING IN PUBLIC PLACES

Sec. 74-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public meetings includes all meetings open to the public.

Public place means any enclosed, indoor area open to and frequented by the public, including but not limited to arenas, auditoriums, banks, child care establishments, commercial establishments, educational facilities, grocery stores, hospitals, meeting rooms, nursing homes, public conveyances, recreational facilities, restaurants, retail stores and theaters.

Smoking instrument means any cigar, cigarette, pipe or other smoking equipment.

(Code 1979, § 27-159)

Cross reference— Definitions generally, § 1-2.

Sec. 74-27. - Legislative intent.

In order to serve the public health, safety and general welfare, it is the declared purpose of this article to prohibit smoking in areas which are used by or open to the public unless such areas are designated as smoking areas pursuant to this article.

(Code 1979, § 27-158)

Sec. 74-28. - Responsibilities of proprietors.

The proprietor or person in charge of a public place or public meeting shall make reasonable efforts to obtain compliance with this article in such places by:

(1) Posting appropriate signs.

(2) Arranging seating and work areas to provide a smoke-free area.

(3) Asking smokers to refrain from smoking upon request of a client or an employee suffering discomfort from the smoke.

(4) Affirmatively directing smokers to designated smoking areas.
(5) Using existing physical barriers and ventilation systems to minimize the toxic effect of transient smoke in adjacent no smoking areas.

(6) Any other means which may be appropriate.

(Code 1979, § 27-165)

Sec. 74-29. - Smoking prohibited except in permitted areas.

No person shall smoke or carry any lighted smoking instrument in a public place or at a public meeting except in permitted smoking areas.

(Code 1979, § 27-160)

Sec. 74-30. - Permitted smoking areas.

Smoking may be permitted in the following public places:

(1) Establishments in which malt, vinous or spirituous liquors are sold for consumption on the premises pursuant to a license other than a special events permit, except for those areas within such establishments which are utilized primarily for restaurant purposes.

(2) Fully enclosed offices or rooms occupied exclusively by smokers, even though the offices or rooms may be visited by nonsmokers.

(3) Rooms or halls being used by a person or group for a social or business function where the seating arrangements are under the control of the sponsor of the function.

(4) Retail businesses primarily engaged in the sale of tobacco or tobacco products.

(5) Restaurants with a seating capacity of 50 or fewer persons.

(6) Smoking areas designated by the proprietor or person in charge of a public place or public meeting pursuant to section 74-31.

(Code 1979, § 27-161)

Sec. 74-31. - Designation of smoking areas.

Under this article, the proprietor or person in charge may designate no more than 50 percent of a public place or public meeting as a smoking area except as follows:

(1) In no event shall lobbies, hallways or other common areas constituting a public place and typically shared by smokers and nonsmokers be designated as smoking areas, except that lobbies, hallways or other common areas which exceed 5,000 square feet in area may have within them designated smoking areas, provided that no more than 25 percent of the total area of such lobby, hallway or common area is so designated and, further, provided that such designated smoking areas are located such that it is not necessary for nonsmokers to pass through such areas to reach other no smoking areas.

(2) In restaurants with a seating capacity of over 50 persons, the proprietor or person in charge shall provide a no smoking area of sufficient size to accommodate patrons who request to be seated in such an area. Patrons must be advised orally and through signs that no smoking areas are available.

(3) In no event shall public restrooms be designated as smoking areas.

(Code 1979, § 27-162)
Sec. 74-32. - Signs.

To advise persons of the existence of "no smoking" or "smoking permitted" areas, signs shall be posted as follows:

1. In public places where the proprietor or person in charge prohibits smoking in the entire establishment, a sign using the words "no smoking" or the international no smoking symbol shall be conspicuously posted either on all public entrances or in a position clearly visible on entry into the establishment.

2. In public places where certain areas are designated as smoking areas pursuant to this article, the statement "no smoking except in designated areas" shall be conspicuously posted on all public entrances or in a position clearly visible on entry into the establishment.

3. In public places where smoking is permitted in the entire establishment, a sign using the words "smoking permitted" or the international smoking symbol shall be conspicuously posted either on all public entrances or in a position clearly visible on entry into the establishment.

(Code 1979, § 27-163)

Sec. 74-33. - Areas where smoking is prohibited.

Smoking shall not be permitted and smoking areas shall not be designated in those areas where smoking is prohibited by the fire chief, state statute, ordinances or regulations of the city or other applicable laws.

(Code 1979, § 27-164)

Secs. 74-34—74-50. - Reserved.

ARTICLE III. - TRI-COUNTY HEALTH DEPARTMENT

Secs. 74-51, 74-52. - Reserved.


Sec. 74-53. - Interference with health officer.

It shall be unlawful for any person to molest, hinder, interfere with or in any manner prevent any individual of the Tri-County Health Department or any official of the city from performing any duties imposed upon the individual or official by any city, state or federal law or the rules and regulations of the Tri-County Health Department.

(Code 1979, § 2-42)
UPDATE CITY CODE FOR CLEAN INDOOR AIR ACT

Summary of Issue and Discussion
Indoor smoking is currently regulated in in the City code under Chapter 74 Health and Sanitation. This code dates back prior to 1979 and is inconsistent with current state law. The Colorado Clean Indoor Air Act was passed in 2005 and updated in 2019. This ordinance updates City code to implement the Colorado Clean Indoor Air Act.

This ordinance repeals chapter 74 of the City code. Only two items were in chapter 74, smoking in public places, and interference with a health officer. The violation for interference with a health officer will be moved to chapter 94 general offenses. Adoption of the Colorado Clean Indoor Air Act will be placed in Chapter 26, Business Regulations.

City code regarding smoking in public places has not been updated since prior to 1979. The current code is inconsistent with state law. Adoption of the Clean Indoor Air Act will allow the City to more effectively enforce the state statute and ensure a level playing field for businesses complying with the state law.

Outcome
The Committee recommended that this item be forwarded to Study Session.

Follow-up Action
Staff will forward this item Study Session.
City of Aurora
Council Agenda Commentary

Item Title: Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Article II of Chapter 86 of the City Code relating to the suspension, Civil Fines, and Revocation of a Business License.

Item Initiator: Vaughn, Trevor - Manager Of Tax And Licensing - Finance

Staff Source: Vaughn, Trevor - Manager Of Tax And Licensing - Finance

City Manager/Deputy City Manager Signature: Nancy Freed

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session
☐ Approve Item with Waiver of Reconsideration
☐ Approve Item and Move Forward to Regular Meeting
☒ Approve Item as proposed at Regular Meeting
☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee
Name: Management and Finance Policy Committee
Meeting Date: 12/03/2019

Actions Taken: ☒ Recommends ☐ Do Not Recommend

☒ Minutes Attached
☐ Minutes Not Available
☐ Forwarded without Recommendation
☐ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The ordinance was modified after the Management and Finance Committee meeting to change the language in 86-77(a)(13) to "state professional or business license, or required registration". This is changed from "state professional license". The change was made to ensure that the ordinance would cover a business license or registration and not just qualified professional licensing.

This ordinance was reviewed at the December 3rd, 2019 Management and Finance Committee meeting and was forwarded with a favorable recommendation.

The Finance Director has the ability to suspend or revoke a business license for certain violations. This ordinance amends those violations and allows for a provision to impose a fine instead of suspension or revocation of the license.
ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*
This item allows the Finance Director to impose civil fines against the holder of a business license. The fine schedule is mirrored to the amounts under chapter 1-13 of the city code which places a maximum fine of $2,650. Previously fines were not listed as a possibility for violations and the only options were suspension and revocation. This will allow penalties against a business that are less punitive than closure.

Additionally, the reasons for imposition of a suspension, fine, or revocation of a business license are amended to include violations of Chapter 26 of the city code and failure to have a state license.

The ability to impose a penalty for a violation of chapter 26 allows for the city to leverage the general business license to impose business regulations without the need for the creation of a new license type. This provision will also allow an enforcement provision for the new detention center health hazard reporting requirement and potential additional future regulations if adopted.

The requirement to have the state license allows for additional recourse against a licensed business that may be operating without a state required license. The state regulatory agency does not have law enforcement powers and will only send a cease and desist letter. Recently City inspectors have encountered unlicensed operations such as barber shops, massage therapy, alternative therapy, pharmacy, and medical practice. The unlicensed operations cause a risk to the safety and welfare of the general public and the addition of this provision will allow for an emergency suspension and revocation of the business license if necessary.

QUESTIONS FOR COUNCIL
Is the Council in favor of forwarding the item for formal consideration?

LEGAL COMMENTS
Pursuant to the city’s home rule authority granted to the City of Aurora under Article XX Section 6 (g) of the Colorado Constitution, the City has the power of taxation for local municipal purposes. This ordinance clarifies the enforcement section of the tax code, is not imposing a new tax and is compliant with Article X Section 20 of the Colorado Constitution. City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. Section 5-1 Aurora City Charter.
(Hernandez)
Dan Brotzman

PUBLIC FINANCIAL IMPACT *(If Yes, EXPLAIN)*
☐ Yes ☒ No

No

PRIVATE FISCAL IMPACT *(If Significant or Nominal, EXPLAIN)*
☒ Not Applicable ☐ Significant ☐ Nominal

N/A

EXHIBITS ATTACHED:
1. Amend Business Licensing Violations and Penalty Options- Ordinance-1-23.pdf
2. 12-3-19 MF Amend Business Licensing Violation Minutes.docx
ORDINANCE NO. 2020-____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE II OF CHAPTER 86 OF THE CITY CODE RELATING TO THE SUSPENSION, CIVIL FINES, AND REVOCATION OF A BUSINESS LICENSE

WHEREAS, the City of Aurora, Colorado, (the "City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City is authorized under Article XX, Section 6 of the Colorado Constitution to regulate local affairs including businesses operating within the City; and

WHEREAS, the City has enacted a comprehensive business regulation code, and the City would like to make clarifications in some sections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. Article II Section 86-47 subsection (a) of the city code of the City of Aurora is hereby amended to read as follows:

Sec. 86-77. Suspension, civil fines, and revocation.

(a) The director may, on the motion of the licensing administrator or on complaint, suspend, impose a civil fine not to exceed the maximum fine penalty in Section 1-13 of the City Code, or revoke a license if, after notice and hearing thereon, he or she finds that:

(7) The licensee, or any officer, agent, or employee thereof, either knowingly or without the exercise of due care to prevent the same, has violated any of the terms and conditions placed upon a license or violated any of the provisions of this chapter 86, chapter 26 or chapter 6 of the city Code relating to such license, or any rule or regulation promulgated pursuant thereto;

(13) The licensee, or any officer, agent or employee thereof, has failed to obtain or renew a state professional or business license, or required registration, or if after obtaining or renewing such license or registration the license or registration is revoked, suspended, or surrendered.
(c) If the director finds that the license should be suspended or revoked, the licensee shall be provided written notice of such suspension or revocation and the reasons therefor within 20 days following the date of the hearing or such other time as is specified by the provisions of this chapter relating to such license. **Nothing in this section shall preclude the director from imposing a civil fine upon a settlement agreement with the licensee.**

Section 2. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the city clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _______ day of ________________, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _______ day of ________________, 2020.

MIKE COFFMAN, Mayor

ATTEST:

____________________
STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

____________________
HANOSKY HERNANDEZ,
Assistant City Attorney
Members Present: Council Member David Gruber – Chair, Council Member Angela Lawson – Vice Chair, and Council Member Juan Marcano


AMEND BUSINESS LICENSING VIOLATIONS AND PENALTY OPTIONS

Summary of Issue and Discussion
This item allows the Finance Director to impose civil fines against the holder of a business license. The fine schedule is mirrored to the amounts under Chapter 1-13 of the City code which places a maximum fine of $2,650. Previously fines were not listed as a possibility for violations and the only options were suspension and revocation. This will allow penalties against a business that are less punitive than closure.

Additionally, the reasons for imposition of a suspension, fine, or revocation of a business license are amended to include violations of Chapter 26 of the City code and failure to have a state professional license.

The ability to impose a penalty for a violation of Chapter 26 allows for the City to leverage the general business license to impose business regulations without the need for the creation of a new license type. This provision will also allow an enforcement provision for the new detention center health hazard reporting requirement and potential additional regulations including raising the minimum age to purchase tobacco products if approved.

The requirement to have the state professional license allows for additional recourse against a licensed business that may be operating without a state required professional license. The state regulatory agency does not have law enforcement powers and will only send a cease and desist letter. Recently City inspectors have encountered unlicensed operations such as barber shops, massage therapy, alternative therapy, pharmacy, and medical practice. The unlicensed operations cause a risk to the safety and welfare of the general public and the addition of this provision will allow for an emergency suspension and revocation of the business license if necessary.

CM Gruber said, can you explain how fines will be applied the adjudication process and does it go through a judicial court. T. Vaughn replied, it goes through an administrative hearing with an appointed hearing officer and is a civil process and not criminal. The process is similar to a liquor code violation. For many offenses an accusation letter is sent with a proposed stipulation. The licensee can accept the stipulation or request a hearing. An independent hearing officer would then be brought in by the Finance Director. The hearing officer would determine if the violation was substantiated or not. CM Gruber asked are there lawyers on either side? H.
Hernandez replied they could if they want to. CM Gruber said as far as the implementation of this, how much is concentrated on manpower? T. Vaughn replied, it’s something we’re already doing. CM Gruber said, so you’re already implementing the process but now there is the fine process. T. Vaughn replied yes. CM Gruber said as far as the administrative hearings, do you expect protests to the fines that will be issued. T. Vaughn said or perhaps less though because now instead of having suspension as an option now the officer can have the option to offer the fine right away.

CM Marcano asked how does our current fines structure compare with other jurisdictions when it comes to these kinds of offenses? T. Vaughn said this is on the administrative side, but the proposed ordinance references the municipal criminal fines structure. I don’t know how ours compares with other jurisdictions. H. Hernandez said a few years ago the state raised the maximum penalty from $1,000 to $2,650 plus inflation. We decided to just leave it at $2,650. I’m not sure that we’re limited on a civil penalty to that specific amount but to be prudent we decided to equate civil penalties to the same amount we can collect on a criminal penalty. Because of any event, when we have to go to a business for more than a thousand dollar fine, we have a bigger problem than the money. So, we can still suspend the business or revoke their license. CM Marcano said so we’re on par pretty much. H. Hernandez replied yes, we’re not exceeding the maximum civil and there may be a city that would like to go $5,000 for a civil penalty but we’re limiting everything to the $2,650.

Outcome
The Committee recommended that this item be forward to Study Session.

Follow-up Action
Staff will forward this item to Study Session.
City of Aurora
Council Agenda Commentary

Item Title:
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 26 by creating a "Non-Sugary Default Beverage Option on Children's Menus" under Article IX of the City Code.

Item Initiator: Vaughn, Trevor - Manager Of Tax And Licensing - Finance
Staff Source: Vaughn, Trevor - Manager Of Tax And Licensing - Finance
City Manager/Deputy City Manager Signature: Nancy Freed
Outside Speaker: Naomi Amaha, American Heart Associations and Kathy Staats, Tri-County Health Department
Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session
☒ Approve Item and Move Forward to Regular Meeting
☐ Approve Item as proposed at Regular Meeting
☐ Approve Item with Waiver of Reconsideration
☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee
Name: Management and Finance Policy Committee
Meeting Date: 12/03/2019
Actions Taken: ☒ Recommends
☐ Do Not Recommend
☒ Minutes Attached
☐ Minutes Not Available
☐ Forwarded without Recommendation
☐ Recommendation Report Attached

Board / Commission
Name: Business Advisory Board
Meeting Date: 11/18/2019
Actions Taken: ☐ Recommends
☐ Do Not Recommend
☒ Minutes Attached
☐ Minutes Not Available
☐ Forwarded without Recommendation
☒ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)
Consideration of this item was requested by Councilmember Lawson. This item was presented to the Business Advisory Board at their November 18th Meeting. The Business Advisory Board members
present at the meeting voted unanimously to oppose the ordinance in favor of encouraging a city resolution of a policy to support healthy drink options. The letter from the BAB is attached.

The ordinance was presented at the December 3rd, 2019 Management and Finance Committee meeting and was approved to be forwarded to full City Council for consideration at study session.

**ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)**

This ordinance creates a new city regulation in chapter 26 of the city code requiring restaurants in the city that offer kid’s meals to have a default drink option without added sweeteners. This would only be a default option and would not prevent the customer from ordering a sugar sweetened beverage. A restaurant that is found not in compliance with the ordinance will have 60 days to comply.

Tri-county health will assist the city with implementing the ordinance by identifying compliance during regular health inspections. Enforcement of this ordinance will be conducted by the Finance Department through business licensing. A separate ordinance implementing the ability to impose a civil fine to a licensee for violations of Chapter 26 Business Regulations will be presented separately. Violations of this regulation will be civil and not criminal.

**QUESTIONS FOR COUNCIL**

Is the Council in favor of forwarding the item for formal consideration?

**LEGAL COMMENTS**

The City of Aurora is a home rule municipality, organized and existing under and Article XX, Section 6 of the Colorado Constitution. Article XX Section 6 grants the city and its citizens the right to self-government in matters of local affairs not preempted by the State legislature. The City Council shall have and shall exercise the powers, privileges and duties granted and conferred by the state constitution, statute or city Charter. The City Council has the power to make and publish from time to time ordinances not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the state constitution, statute or city Charter and such as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city. City Code Section 2-32. The City Council has found and determined that requiring a default beverage option in a children’s menu fulfills this purpose. City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. This is a legislative action and must be taken in the form of an ordinance. See, Section 5-1 Aurora City Charter. (Hernandez).

Dan Brotzman

**PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)**

☐ Yes  ☒ No

The additional regulation is anticipated to be enforced with existing staff resources.

**PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)**

☐ Not Applicable  ☐ Significant  ☒ Nominal

Restaurant operations offering kids meals may need to modify business practices and menus to comply with the regulation.
EXHIBITS ATTACHED:

1. Healthy Meals Ordinance- 1-23.pdf
BAB Health Drinks Letter - Final 1-8-2020.pdf
Children's Hospital Colorado AHKM LoS.pdf
TCHD Combined Docs.pdf
12-03-19 MF Minutes_tv_trevor healthy kids only.docx
ORDINANCE NO. 2020-____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 BY CREATING A "NON-SUGARY DEFAULT BEVERAGE OPTION ON CHILDREN'S MENUS" UNDER ARTICLE IX OF THE CITY CODE

WHEREAS, the City of Aurora, Colorado, (the "City"), is a home rule municipality, organized and existing under and by virtue of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City wishes to exercise its regulatory powers under the home rule authority granted by the Colorado Constitution, recognizing that the City Council (the "Council") supports the health and welfare of all residents of Aurora with special regard to children; and

WHEREAS, through Resolution No. R2013-55 of the Council and in partnership with the LiveWell Colorado HEAL Cities and Towns Initiative, the City has affirmed its commitment to encouraging healthy opportunities and choices for members of our community; and

WHEREAS, considering statistics and health studies showing that increasing the sugar intake leads to multiple health issues affecting the quality of life of residents and especially children and that Council supports reasonable measures that increase the health and wellness of the residents and visitors of Aurora; and

WHEREAS, sugary drinks are the single leading source of added sugars in the American diet and nearly 50 percent of 2- to 5-year-olds have at least one sugary drink daily, and medical evidence suggests children who drink at least one sugary drink per day are 55 percent more likely to experience overweight or obesity; and children experiencing obesity are at increased risk for health conditions including type 2 diabetes, heart disease, stroke, high blood pressure, cancer, asthma, and depression; and

WHEREAS, diversity enriches Aurora, the 3rd largest and most diverse city in Colorado, with 29% Hispanic or Latino residents, 16% Black or African American residents, 20% foreign-born residents, and over 30% of Aurorans who speak a language other than English at home; and

WHEREAS, Black and Latino Americans disproportionately experience high rates of obesity and chronic diseases as compared to their White counterparts, and in Colorado, 15 % of children consume one or more sugary drinks per day while 23% of Black children do and 18 % of Latino children do; and
WHEREAS, to protect the health and well-being of all children and families within the City, including those most impacted by adverse health conditions and diseases, Council has decided to create a new default drink requirement for all food establishments in the City offering a children’s meal.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. Chapter 26, Article IX, of the City Code of the City of Aurora, Colorado, is hereby amended to add an additional section to read as follows:

Article IX. Children default beverage option.

Section 26-441. Definitions

Except as otherwise indicated by the context, the following words, terms and phrases, shall have the following meanings for purposes of this Article:

Children’s meal means a food or bundle of food items listed on a menu or menu board and intended for consumption by children. It shall be a rebuttable presumption that a children’s meal is offered if the food items are offered with a toy or kid’s game; alongside a cartoon illustration or puzzle; or alongside any of the following words: “child”, “children”, “kids”, “junior”, “kiddie”, “kiddo” or any combination of such or any other wording that clearly indicates to a reasonable person that the food item is intended for children.

Employee means any person who performs any service at a food establishment on a full-time, part-time, or contract basis. Employee does not include a person exclusively engaged in the repair or maintenance of the food establishment, or physically present for the delivery of goods to the food establishment.

Person shall have the meaning as defined in Section 86-26.

Food establishment means any establishment licensed for the sale of food service, for immediate consumption.

Section 26- 442. Default beverage option.

(a) On and after 07/01/2020 a food establishment that sells a children’s meal that includes a beverage in the price of the meal shall make the default beverage sold with said children’s meal one of the following items:
1) Water, still or sparkling, with no added natural or artificial sweeteners; or
2) Dairy milk or milk substitute with no added natural or artificial sweeteners.

(b) Nothing in this section prohibits a food establishment or any employee of the food establishment to sell, or the customer’s ability to purchase, any other beverage that is available per request outside the default beverage.

Section 26-443. Complaints.

(a) Any person may lodge a complaint with the Finance Director or designee for any violations of this Article. Upon receiving a complaint of non-compliance with this Article the Finance Director or designee shall verify the complaint and after verification shall notify in writing the food establishment of the violation and advise the food establishment that the violation has to be corrected within sixty days (60) to comply with this Article. The food establishment may satisfy compliance by sending a copy or a picture of the corrected menu.

Section 26-444. Cooperation with Tri-County Health Department.

The City Manager is authorized to enter into any agreements with the Tri-County Health Department to assist in the implementation of the regulations contained in this Article IX.

Section 2. All ordinances, or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. That, notwithstanding any provision of the Charter or the City Code of the City of Aurora, Colorado, to the contrary, this ordinance shall take effect on January 1, 2020.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the city clerk.
INTRODUCED, READ AND ORDERED PUBLISHED this ___ day of __________________, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this ___ day of __________________, 2020.

MIKE COFFMAN, Mayor

ATTEST:

________________________
STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM

________________________
HANOSKY HERNANDEZ,
Assistant City Attorney
January 7, 2020

Mayor & City Council
City of Aurora
15151 E. Alameda Pkwy., 5th Floor
Aurora, CO 80012

Subject: Healthy Kids Meals Ordinance Proposal

Dear Mayor Coffman & Members of City Council:

At the November 18, 2019 Business Advisory Board (BAB) meeting, representatives from the Tri-County Health Department (TCHD) and city’s Tax and Licensing Department presented information about the above draft ordinance. The ordinance would require restaurants to provide a non-sugar sweetened beverage as the “default” option.

The Board had numerous questions regarding how businesses could comply with the ordinance, the enforcement mechanism, outreach/feedback from the restaurant community, etc. While appreciative of the overall goal of the ordinance, in general, the Board felt this was a slippery slope that should not be achieved through a local ordinance, at least not in its current form and with the information currently provided. Below are some of the comments, concerns and questions the Board has regarding the ordinance:

- Members understand the concern about sugar and sugary drinks.
- Outreach regarding this ordinance seems insufficient and the Board has requested that more potentially affected licensees be surveyed.
- This is an imposition on business owners.
- Why doesn’t this ordinance also apply to food trucks?
- Instead of an ordinance, what other options could the City support/implement, especially since TCHD has not pursued a voluntary/education approach yet?
- What is the exact civil penalty?
- Why not just post sugar content on drinks and let parents decide?
The Board voted unanimously to reject the ordinance and instead encourage a city resolution of a policy to support healthy drink options for children (but no ordinance requiring it).

Respectfully submitted,

Garrett Walls, Chairperson

GW/ca

CC: BAB Members
    Elena Vasconez, Economic and Business Development Supervisor
    Trevor Vaughn, Manager of Tax & Licensing
January 17, 2020

The Honorable Mayor Coffman and Aurora City Council
City of Aurora
15151 E. Alameda Parkway
Aurora, Colorado 80012

Dear Mayor Coffman and City Councilors,

One of the most rewarding aspects of my job is collaborating with parents and caregivers to improve the health of their kids. Together, we share a common concern about the ability to provide healthy foods for their children when a combination of busy schedules and countless restaurant options make dining out easy.

While restaurants are offering healthier options these days, one challenge standing between families’ access to healthy meals is the abundance of sugary drink options. No parent I see in clinic would dream of letting their child dump sugar into the drink that comes with their dinner, yet in one kids’ size 12-ounce cup of soda lies a hidden 10 teaspoons of sugar. That’s the same amount of sugar found in three glazed doughnuts or nine chocolate chip cookies. And, soda is not the only sugary drink to blame. In fact, the dangers of sugar are not limited to beverages sweetened with added sugars. Naturally sugary drinks, like 100% orange, apple and grape juice, contain six teaspoons of natural sugar. That is only slightly less sugar content than flavored milk, which has seven teaspoons of natural and added sugar. At the end of the day, sugar is sugar and has the same detrimental effects on the body no matter the form it comes in when consumed in unhealthy amounts.

Sugary drinks grant no health benefits. Rather, they lead our kids on the path to chronic diseases such as tooth decay, heart disease, stroke, cancer, asthma, high blood pressure, depression, fatty liver disease and type 2 diabetes, all of which harm children and have adverse impacts across the lifespan. Moreover, according to the Centers for Disease Control and Prevention, the cost to our health care system is staggering; it costs at least $500 billion a year to treat the chronic disease burden in our country. Lowering consumption of sugary drinks is one strategy to reduce development of chronic diseases, and thereby curb healthcare spending.

We believe in making sugary drinks the exception, not the rule; the option, not the default. Fast food, casual dining and sit-down restaurants should offer healthier drinks like water and unflavored milk (or non-dairy substitute) automatically for children. These are the healthiest options for kids based on currently available science. Under this approach, parents or kids could still order any drink they like. At the same time, restaurants right here in Aurora would offer healthy alternatives as the automatic drink with kids’ meals, joining local governments nationwide in making this change to reduce kids’ consumption of liquefied sugar. Imagine the good we could do for the health of our little ones if this was the standard for all kids dining out.

On behalf of Children’s Hospital Colorado, I urge your support of the Aurora Healthy Kids’ Meals ordinance that ensures restaurants in our community make the healthy choice the easy choice in kids’ meals. Passing this policy will give kids a strong start in life, lower healthcare costs for all of us and make Aurora a leader in the fight against childhood obesity.

In health,

Stephen Daniels, M.D., Ph.D.
Pediatrician-in-Chief
Children’s Hospital Colorado
Dear Honorable Aurora City Councilmembers,

Thank you for considering the Colorado Restaurant Association’s feedback as you move forward the City of Aurora Healthy Kids Meals Ordinance. The Colorado Restaurant Association’s members run the gamut of the hospitality industry; from local independently owned full service restaurants, to franchisees of corporate, quick service restaurants. We appreciate you considering the viewpoints of these community members today.

Upon reviewing the ordinance, the Colorado Restaurant Association suggests that the bill be amended to include both 100% juice and low fat chocolate milk as default beverage options; both of which are currently allowed in schools under USDA guidelines. Following the adoption of this amendment, the default beverage options would be as follows:

- Water – Water, sparkling water or flavored water, with no added natural or artificial sweeteners; and/or
- Milk – Flavored or unflavored nonfat or low-fat (1 percent) dairy milk or non-dairy beverage that is nutritionally equivalent to fluid milk (i.e. soy milk) in a serving size of 8 ounces or less; and/or
- Juice – 100 percent fruit or vegetable juice, or fruit and/or vegetable juice combined with water or carbonated water, with no added natural or artificial sweeteners, in a serving size of 8 ounces or less.

The CRA is appreciative of the currently drafted ordinance language that allows the food establishment/employee to sell, and the customer’s ability to purchase, other beverages outside the default options listed.

Should you have any questions about our suggested amendments to the Healthy Kids Meals Ordinance, please do not hesitate to contact Mollie Steinemann, Government Affairs Coordinator at (303) 830-2972. Thank you for your consideration.

Sincerely,

Sonia Riggs, President & CEO
Colorado Restaurant Association
December 4, 2019

To the City of Aurora Staff, Elected Officials, and Partners:

Tri-County Health Department (TCHD) is the local public health agency serving over 1.5 million people in Adams, Arapahoe, and Douglas Counties, including the City of Aurora. Our mission is to promote, protect, and improve the lifelong health of individuals and communities in Adams, Arapahoe, and Douglas Counties through the effective use of data, evidence-based prevention strategies, leadership, advocacy, partnerships, and the promotion of health equity.

TCHD supports the Aurora Healthy Kids’ Meal Drink Campaign in their mission to establish an ordinance that creates healthy standards for beverages on bundled (drink included in the price of the meal) restaurant kids’ meals. The ordinance would ensure that beverages promoted on children’s menus be healthy beverages such as water, unflavored milk (or milk substitute), or sparkling water. The added sugar in sugary drinks typically promoted with a kids’ meal exceeds the recommended amount of added sugars a child should have in an entire day. However, the ordinance would preserve parent/caregiver choice to order any beverage for their child if desired without a required upcharge.

Since June of 2018, during the course of routine health inspections, TCHD environmental health inspectors have collected information on whether a kids’ menu has a bundled drink or not and which sugary drinks are bundled. About a quarter of active Aurora restaurants have a bundled kids’ meal and a vast majority of these bundle a sugary drink. The collection of this information has informed the level of potential impact from a kids’ meal drink ordinance, and will be one of many tools in helping ensure the standard is followed after passage.

An Intergovernmental Agreement (IGA) will be established between the City of Aurora and TCHD following passage of the proposed ordinance. Upon passage but before the ordinance goes into effect, TCHD intends to provide restaurants with information about what the new City of Aurora standard will be for bundled kids’ meals TCHD staff intend to support implementation by ensuring that restaurants receive the education and technical assistance they need to offer healthy drinks as the standard. TCHD inspectors will continue to collect data on the beverages a restaurant serves with a bundled kids’ meal as part of their regular menu monitoring. However, a separate TCHD designated staff member will support the ordinance implementation via tailored education and engagement with restaurants as needed. After the effective date, TCHD will continue to collaborate with the City of Aurora Finance Division and the City Manager’s office to help ensure a smooth and effective process for implementation and to revisit and edit the IGA as needed. The focus on education and technical assistance emphasizes that this policy will be an additional opportunity for public health to support our many great Aurora restaurants where families come to gather and eat.

Sincerely,

John M. Douglas, Jr., MD
Executive Director
**Aurora Healthy Kids’ Meals**

**Make the Healthy Drink Choice the Easy Choice**

**What is the proposed policy?**

Aurora Healthy Kids’ Meals is a city ordinance that would create a new standard for drinks offered by all food establishments in the City of Aurora that have a bundled children’s meal (a kids’ meal with a drink included in the price of the meal). This ordinance will make our children healthier and allow parents to choose the items they wish for their children to consume. This will also empower them to choose the healthiest beverage option for their child, and put Aurora on the map as a leader in the fight against childhood obesity and other chronic conditions that are costly to taxpayers, employers, and most importantly, the health of our kids and families.

**Why target sugary drinks?**

Sugary drinks are the single leading source of added sugars in the American diet and nearly 50% of two- to five-year-olds have at least one sugary drink daily. Medical evidence suggests children who drink at least one sugary drink per day are 55% more likely to experience overweight or obesity; and children experiencing obesity are at increased risk for health conditions including type 2 diabetes, heart disease, stroke, high blood pressure, cancer, asthma, and depression. According to the Centers for Disease Control and Prevention, the cost to our health care system is staggering; it costs at least $500 billion a year to treat the chronic disease burden in our country. Lowering consumption of sugary drinks is one strategy to reduce development of chronic diseases, and thereby curb healthcare spending.

**What is the restaurant industry’s perspective on this proposed policy?**

We have had conversations with restaurants that offer a bundled kids’ meal to explain the policy and solicit input on how best to support them with the implementation of this ordinance if it becomes law. As part our engagement strategy, we are partnering with the Aurora Chamber of Commerce to host discussions with its members. We appreciate that it is a restaurant industry trend to offer healthy beverages; however, voluntary efforts have been insufficient to turn the tide on obesity. In fact, of the top 50 restaurant chains with children’s menus, 61% still offer default sugary beverages to kids.

**Who supports this proposed policy?**

To date, the following organizations have endorsed the policy: American Academy of Pediatrics: Colorado Chapter, American Diabetes Association, American Heart Association, Aurora Health Alliance, Children’s Hospital Colorado, Colorado Academy of Family Physicians, Colorado Children’s Campaign, Colorado Dental Association, DentaQuest, Healthier Colorado, Healthy Beverage Partnership, Kids in Need of Dentistry (KIND), LiveWell Colorado, The Center for African American Health, Colorado Youth Rapids Soccer, STRIDE Community Health Center, YMCA of Metropolitan Denver, and Tri-County Health Department.
Enforcement Pathway for Aurora Healthy Kids’ Meal Drink Ordinance
Created by: Kathy Staats, Tri-County Health Department (TCHD)

Step 1: TCHD restaurant inspectors collect data regarding if a sugary drink is offered in a bundled kids’ meal.

Note: TCHD Designee reviews collected data on a regular basis.

Step 2: TCHD Designee identifies if restaurant is following ordinance requirement.

Note: Residents may also inform City of Aurora that restaurants are not following the standard.

Step 3: If restaurant is not following the ordinance provisions, TCHD Designee provides education and technical assistance to restaurant.

Note: Whether data are collected by inspectors or complaints received by the City, the TCHD Designee will help restaurants meet the menu standard within a 60-day period.

Step 4: If the restaurant is not following the standard by the end of the 60-day period, the Finance Division will follow through with the civil penalty, per Act 26.
Aurora Healthy Kids’ Meals
Make the Healthy Drink Choice the Easy Choice

Aurora Healthy Kids’ Meals is a city ordinance that will make our children healthier, make parents able to choose the items they want for their children, and make Aurora a health leader.

Parents would still be able to purchase sugary drinks for their children and restaurants could still serve sugary beverages to children.

The added sugar in sugary drinks typically offered with a children’s meal exceeds the recommended amount of sugar a child should have in an entire day.¹

Healthy children’s meals are a top trend in the restaurant industry according to a 2018 American Restaurant Association report.²

The ordinance would require that beverages on children’s menus be healthy beverages such as water, unflavored milk, or sparkling water.

A growing number of cities and states (like Lafayette, CO) are passing policies to change defaults on children’s menus and marketing.

Water is the ideal beverage for kids—it helps hydrate children’s growing bodies and is calorie-free.

Promoting Choice Promotes Health
Providing healthy default options on children’s menus is proven to lead to families buying these drinks, while maintaining personal choice. People stick to healthy default beverage menu options about 66% of the time.³,⁴

For more information, contact Kathy Staats
kstaats@tchd.org | 303-255-6235
References


Healthy Beverage Consumption in Early Childhood
Recommendations from Key National Health and Nutrition Organizations
Healthy Beverage Consumption in Early Childhood

Recommendations from Key National Health and Nutrition Organizations

September 2019

INTRODUCTION

Establishing healthy dietary patterns in early childhood (0 to 5 years) is important to help prevent future diet-related chronic diseases, as well as to support optimal physical and cognitive growth and development and overall health.1-4 Healthy beverage intake is critical in early childhood as beverages can make a significant contribution to dietary intake during this period,5 and thus may serve as important sources of essential nutrients. However, many beverages also contain added sugars and saturated fats, which can be harmful when consumed in excess.6 Overconsumption of unhealthy beverages along with inadequate consumption of healthy beverages in early childhood can contribute to risk of diet-related chronic diseases, such as obesity, type 2 diabetes, or dental caries.7 This makes beverages a critical target for improving the health and well-being of infants and young children.

Despite the importance of healthy beverages in early childhood, many young children’s beverage intakes diverge from evidence-based recommendations. For example, many infants consume milk and 100% juice before their first birthday, which can increase their risk for nutrient deficiencies, such as anemia.6 Among 2 to 5-year-olds, close to half (44%) consume a sugar-sweetened beverage (SSB) daily,8 and the prevalence of SSB consumption increases throughout childhood.5 There are also significant differences in beverage intake by race/ethnicity and income groups in early childhood that need to be addressed.9,10

BACKGROUND

Many authoritative bodies have issued guidance and recommendations for healthy beverage intake,5,11,12 but important gaps exist as these recommendations have not been comprehensive in the age groups covered or in the types of beverages discussed. There also are inconsistencies in certain aspects of existing recommendations, such as suggested consumption amounts or recommended ages for introduction, potentially contributing to misunderstanding among health care providers, parents, and caregivers.

Given the importance of beverage consumption in early childhood and the need for comprehensive and consistent evidence-based recommendations, Healthy Eating Research (HER), a national program of the Robert Wood Johnson Foundation (RWJF), convened an expert panel representing 4 key national health and nutrition organizations to develop comprehensive recommendations for beverage consumption consistent with a healthy diet for children from birth to age 5. The 4 organizations represented on the expert panel are (in alphabetical order) the Academy of Nutrition and Dietetics (AND), the American Academy of Pediatric Dentistry (AAPD), the American Academy of Pediatrics (AAP), and the American Heart Association (AHA).

The resulting recommendations focus exclusively on beverage consumption among 0 to 5-year-olds and support a life course approach to the development of healthy dietary patterns and prevention of chronic disease. The expert panel did not address breast milk or infant formula as recommendations in these areas vary by the infant’s age, weight, and developmental milestones, and are generally well understood and widely accepted. For detailed recommendations on these topics, please refer to Pediatric Nutrition from the American Academy of Pediatrics and HER’s Feeding Guidelines for Infants and Young Toddlers.12,13
DEFINITIONS

100% Juice
Beverage made from the extraction or pressing of the natural liquid found in fruits or vegetables; 100% juice means that everything in the container came from a fruit or vegetable with no added sugars or artificial ingredients.

Plain, Pasteurized Milk
Cow’s milk that has been heated to a specified temperature and for a specific length of time to kill pathogens that may be found in raw milk, and to which no caloric sweeteners, artificial sweeteners, or flavorings have been added. Common varieties include whole milk (also known as Vitamin D milk), reduced fat (2%), low-fat (1%), and skim (fat-free).

Plant Milks/Non-Dairy Beverages
Non-dairy, alternative milk beverages that are derived from plant-based ingredients (e.g., rice, nuts/seeds, coconut, oats, peas, or blends of these ingredients) and often fortified with nutrients found in dairy milk. Many plant milks come in both sweetened and unsweetened varieties; sweetened varieties generally contain added sugars.

Plain Drinking Water
Unflavored, unsweetened, uncarbonated, fluoridated drinking water.

Whole Fruit
Fresh, frozen, canned, and dried forms of fruit that do not have added caloric or low-calorie sweeteners.

Beverages with Low-Calorie Sweeteners (LCS)
Beverages with no- or reduced-calorie sweeteners. The term LCS includes the six high-intensity sweeteners currently approved by the U.S. Food and Drug Administration as food additives (saccharin, aspartame, acesulfame-K, sucralose, neotame, and advantame) and 2 additional high-intensity sweeteners permitted for use in the food supply (steviol glycosides and monk fruit). Other terms for LCS include non-nutritive sweeteners, artificial sweeteners, and sugar substitutes.

Caffeinated Beverages
Drink that contains caffeine, a legal stimulant that is mildly addictive. Common caffeinated beverages include coffee, tea, soft drinks, and energy drinks.

Sugar-Sweetened Beverages (SSB)
Liquids to which any forms of sugar are added. This category does not include beverages sweetened with low-calorie sweeteners (see definition for “Beverages with LCS”), 100% juice, or flavored dairy and/or plant-based milks.

Flavored Milk
Cow’s milk to which caloric sweeteners have been added for the main purpose of improving palatability. Common examples include chocolate milk or strawberry milk. These products have also been referred to as sweetened milk.

Toddler Milk
Milk drink supplemented with nutrients and often contains added sugars. These products are marketed as appropriate for children ages 9 to 36 months, and may be marketed as “transition formulas,” “follow-on formulas,” or “weaning formulas” for children 9 to 24 months and “toddler milk,” “growing-up milk,” or “young child milk” for children ages 12 to 36 months.

Plain, Pasteurized Milk
Cow’s milk that has been heated to a specified temperature and for a specific length of time to kill pathogens that may be found in raw milk, and to which no caloric sweeteners, artificial sweeteners, or flavorings have been added. Common varieties include whole milk (also known as Vitamin D milk), reduced fat (2%), low-fat (1%), and skim (fat-free).

Plant Milks/Non-Dairy Beverages
Non-dairy, alternative milk beverages that are derived from plant-based ingredients (e.g., rice, nuts/seeds, coconut, oats, peas, or blends of these ingredients) and often fortified with nutrients found in dairy milk. Many plant milks come in both sweetened and unsweetened varieties; sweetened varieties generally contain added sugars.

Plain Drinking Water
Unflavored, unsweetened, uncarbonated, fluoridated drinking water.

Whole Fruit
Fresh, frozen, canned, and dried forms of fruit that do not have added caloric or low-calorie sweeteners.
METHODOLOGY

HER used a multi-step process to develop the evidence-based recommendations detailed below:

❶ Convening an expert panel of representatives from 4 national health and nutrition organizations, as well as a scientific advisory committee;

❷ Conducting an extensive review of approximately 50 existing source documents and reports from domestic and international authoritative bodies on recommendations and guidance for beverage consumption during early childhood;

❸ Conducting structured narrative scientific literature reviews for beverages where there was a lack of existing recommendations or where recommendations were incomplete or inconsistent;

❹ Hosting in-person and virtual expert panel meetings to discuss preliminary consensus recommendations based on available evidence gathered in steps 2 and 3; and

❺ Developing and reviewing final consensus recommendations by expert panelists and scientific advisory committee members.

The expert panel was comprised of 2 representatives from each of the 4 national health and nutrition organizations, a chair, and a research consultant. Panelists were experts in pediatrics, nutrition, and dentistry. HER also recruited a scientific advisory committee of 6 individuals with extensive expertise in establishing dietary guidance, early childhood nutrition, and nutrition science. The scientific advisory committee provided input on the background research strategy and protocols, identified important resources or papers to be included in the technical report and consensus statement, and reviewed the final consensus recommendations for scientific rigor and accuracy. The expert panel met approximately 1-2 times per month over a 6-month period, and also held an in-person meeting to review the evidence, discuss gaps, conduct literature reviews, agree on research terms and content, and develop the final consensus recommendations.


SUMMARY OF KEY PANEL FINDINGS AND RECOMMENDATIONS

<table>
<thead>
<tr>
<th></th>
<th>0-6 months</th>
<th>6-12 months</th>
<th>12-24 months</th>
<th>2-3 years</th>
<th>4-5 years</th>
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<tr>
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<td>0.5-1 cups/day</td>
<td>1-4 cups/day</td>
<td>1-4 cups/day</td>
<td>1.5-5 cups/day</td>
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<tr>
<td>Plain, pasteurized milk</td>
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<td>≤2 cups/day skim or low-fat milk</td>
<td>≤2 cups/day skim or low-fat milk</td>
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<td>≤0.5 cups/day</td>
<td>≤0.5 cups/day</td>
<td>≤0.5-0.75 cups/day</td>
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<tr>
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<td></td>
<td>medical indication/dietary reasons only</td>
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<td>Flavored milk</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toddler milk</td>
<td>not recommended</td>
<td></td>
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<td></td>
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<tr>
<td>Sugar-sweetened beverages (SSB)</td>
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<tr>
<td>Beverages with low-calorie sweeteners (LCS)</td>
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<tr>
<td>Caffeinated beverages</td>
<td>not recommended</td>
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Full key panel findings and recommendations listed in Appendix A on page 14.
Plain Drinking Water and Overall Hydration

**Expert Panel Recommendations**

- **0-6 months**: No supplemental drinking water needed.
- **6-12 months**: Offer a total of ½ to 1 cup (4-8 ounces) per day of plain, fluoridated drinking water in a cup during meal times.
- **1-3 years (12-36 months)**: 1 to 4 cups (8-32 ounces) per day of plain, fluoridated drinking water*.
- **4-5 years (37-60 months)**: 1.5 to 5 cups (12-40 ounces) per day of plain, fluoridated drinking water*.

*The specific amount of plain water consumed between 1 and 5 years is determined for each child based on the total amount of milk consumed per day. For example, if a 3-year-old does not consume any milk in a given day, all fluid needs should be met via plain water, and thus 4 cups of plain water would be advised. However, if the same 3-year-old drank 2 cups of milk in a given day, approximately 2 cups of plain water per day would suffice to meet total fluid needs.

If 100% juice is consumed, this additional fluid should also be factored into the amount of plain drinking water to consume. If plain drinking water is the only fluid consumed to meet total fluid needs, careful dietary planning is essential to promote adequate nutrient intake from foods.

**Rationale**

Water is essential for life, yet there is no single daily requirement of total water or fluid for a given person. Individual fluid needs vary on a day-to-day basis because of differences in physical activity, climate, and other foods and beverages consumed. Furthermore, the human body is generally able to compensate for some degree of over- and under-hydration in the short term, and thus, normal hydration can be maintained over a range of water intakes.

Due to this variation in an individual’s total water needs, the expert panel proposed ranges of plain water intake that are dependent on the amount of other recommended beverages consumed throughout the day. Infants younger than 6 months of age need only breast milk or infant formula to maintain adequate fluid intake. For 6 to 12-month-olds, offering a small amount of plain water (4-8 ounces total per day) in an open, sippy, or strawed cup is recommended. This drinking water is not intended to replace any amount of breast milk or infant formula, and practically speaking, it is unlikely that much of this drinking water will be ingested as many infants 6 to 12-months-old are still developing cup-drinking skills. This practice is suggested to help familiarize the infant with plain water.

The proportion of total daily water intake that is consumed via foods is approximately 30% for children ages 1 to 3 years and 4 to 8 years. Therefore, the expert panel used only 70% of the reference value for recommended total water intakes (based on the Dietary Reference Intakes for water) to calculate the recommended ranges for plain drinking water. It is important to note that individual requirements will be determined based on amounts of other beverages a child consumes (e.g., milk or 100% juice) in a given day.
Plain, Pasteurized Milk

**Expert Panel Recommendations**

- **0-12 months:** Children under 12 months should not consume milk.

- **12-24 months:**
  - At 12 months of age, plain, pasteurized whole milk may be introduced. 2 to 3 cups per day (16-24 ounces) whole milk is recommended until 2 years of age*.
  - Reduced-fat (2%) or low-fat (1%) milk may be considered, in consultation with a pediatrician, especially in the presence of excessive weight gain or family history of obesity, dyslipidemia, or other cardiovascular diseases (CVD).

- **2-5 years:**
  - At 2 years of age (24 months), children should transition to plain, pasteurized fat-free (skim) or low-fat (1%) milk.
  - Total daily milk intake may be up to 2 cups per day (16 ounces) for children ages 2 to 3 years and up to 2.5 cups per day (20 ounces) for children ages 4 to 5 years.

*For 12 to 24-month-olds, individual needs will depend on the amount of solid food consumed. As toddlers transition from getting most of their daily calories and nutrient needs from liquids (e.g. breast milk, formula, cow's milk) to eating more solid foods, less milk is needed to meet daily calcium and caloric needs. However, milk remains an important dietary source of protein, calcium, and vitamin D for young children during this time.

**Rationale**

These recommendations are in alignment with recommendations from the Dietary Guidelines for Americans (DGAs), the AAP, and a prior HER expert panel on infant and toddler feeding guidelines.

The dairy food group is an important source of calcium, phosphorous, vitamins A and D, B vitamins, and protein. Milk is the number one source of energy, calcium, vitamin A, vitamin D, and zinc for infants and young children, making it a critical component of a healthy diet.6

The expert panel recognizes that there has been recent research and discussion regarding the role of dairy fat in healthy dietary patterns; however, in the absence of clear evidence justifying a departure from current recommendations, the panel chose to remain consistent with current guidance recommending whole milk for most children ages 12 to 24 months and fat-free (skim) or low-fat (1%) milk for children ages 2 years and older.
It is ideal for young children to meet their daily fruit requirements primarily by eating fruits in fresh, canned, or frozen forms, without added sugars or LCS. However, the expert panel recognizes that for some families and individuals, 100% fruit juice may be an important component of meeting daily fruit recommendations, and thus, achieving a healthy eating pattern. As such, the following recommendations are considered upper limits for daily servings of 100% fruit juice, not minimum requirements:

- **0-6 months:** Juice is not recommended.
- **6-12 months:** Juice is not recommended.
- **1-3 years (12-36 months):** No more than 4 ounces of 100% juice per day.
- **4-5 years (37-60 months):** No more than 4 to 6 ounces of 100% juice per day.

These recommendations also extend to 100% fruit and vegetable juice blends.

Regarding juice products that are comprised of 100% juice diluted with other liquids, such as purified water or coconut water, the proportion of these products that is 100% juice is generally not clearly labeled on the package. In addition, there is not clear guidance from the U.S. Food and Drug Administration (FDA) regarding the composition of these products, and it may be difficult for consumers to distinguish these products from fruit-flavored drinks with added sweeteners, which are not recommended for consumption among 0 to 5-year-olds. Thus, the expert panel suggests that the most straightforward approach is for consumers to purchase products comprised only of 100% juice and dilute them with water at home if desired (noting that the proportion of 100% juice in the final beverage should adhere to the portion sizes outlined above). This approach is also generally more cost-effective for families.

**Rationale**

The fruit food group, as defined by the DGAs, includes both whole fruit and 100% fruit juice. 100% fruit juice can be part of a healthy eating pattern; however, it is lower in dietary fiber than whole fruit and can contribute extra calories when consumed in excess. Thus, it is important to adhere to recommended portion sizes. The 2015 DGAs include 100% juice guidelines for 2 to 5-year-olds, and in 2017, the AAP released updated, evidence-based recommendations for fruit juice consumption in 0 to 5-year-olds. The expert panel's recommendations align with the 2015 DGA and 2017 AAP recommendations for 100% fruit juice consumption.

100% fruit juice may be an important contributor to achieving adequate fruit intake in young children, particularly in certain populations for whom access to and affordability of fruit is limited. In addition, the available evidence suggests that when consumed in recommended amounts, 100% fruit juice does not appear to promote excess weight gain in young children but may, based on limited data, influence consumption of fruit juice and SSB later in childhood. The panel concluded that if young children cannot meet their daily fruit requirements by eating fruits in fresh, canned, or frozen forms, without added sugars or LCS, then consuming a combination of fruit and 100% fruit juice is preferred to not meeting daily fruit intake goals. As such, the recommendations are considered upper limits, not minimum requirements, for daily servings of 100% fruit juice.
Plant Milks/Non-Dairy Beverages

**Expert Panel Recommendations**

- 0-12 months: Plant milks/non-dairy beverages are not recommended.
- 1-5 years (12-60 months): Plant milks/non-dairy beverages are not recommended for exclusive consumption in place of dairy milk (with the exception of soy milk); consume only when medically indicated or to meet specific dietary preferences.

**Rationale**

Plant-based milks are growing in popularity, but it is important to note that they are not nutritionally equivalent to cow's milk. They have varying nutritional profiles based on their plant source and many often contain added sugars. With the exception of soy milk, the DGAs do not include these beverages as part of the dairy group because their overall nutritional content is not similar to dairy foods.

The expert panel identified published analyses of the nutritional composition of plant milks compared to cow's milk. Although plant milks may be fortified to attain similar nutrient levels as cow's milk, it is not known whether the bioavailability of these added nutrients is comparable to that of their naturally-occurring counterparts in cow's milk. These studies concluded that cow's milk should not be removed from the diets of young children unless there is a medical indication or specific dietary preference, and that non-dairy milk beverages should not be considered adequate nutritional substitutes for cow's milk until nutrient quality and bioavailability are established.

Thus, the expert panel agrees with the DGAs that plant milks are not generally a good substitute for meeting daily serving recommendations from the dairy food group.

For 0 to 12-month-olds, plant milks/non-dairy beverages should not be used as a substitute for breast milk or infant formula. Use of alternative beverages as a major component of the diet during this period has been associated with malnutrition. For children 1 to 5 years of age, plant milks may be useful for those with allergies or intolerances to cow's milk. For these children, the choice to consume plant milk should be undertaken in consultation with a health care provider, such as a pediatrician and/or registered dietitian nutritionist, so that intake of nutrients commonly obtained from dairy milk can be considered in dietary planning.

Flavored Milk

**Expert Panel Recommendations**

- 0-12 months: Do not consume milk (flavored or plain).
- 1-5 years (12-60 months): Consume only plain, pasteurized milk*; flavored milk is not recommended.

*See section on plain milk for amounts and types of plain milk recommended for 1 to 5-year-olds.

**Rationale**

Flavored milk contains caloric sweeteners, and the expert panel concurs with the American Heart Association's recommendation to avoid added sugars for children younger than 2 years old. For older children (ages 2 to
5 years), the expert panel considered it appropriate to recommend avoiding flavored milk in order to minimize intake of added sugars and avoid contributing to early establishment of a preference for sweet taste as well as potential negative impacts on nutrient intake and diet quality.

The expert panel's recommendations on flavored milk are consistent with the federal Child and Adult Care Food Program (CACFP) nutrition standards, as well as the National Academies of Sciences, Engineering and Medicine recommendation that only unflavored milk be permitted in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) food package.25,26

The expert panel reviewed literature on the impact of flavored milk consumption in early childhood on diet quality, taste preference development, bone density, type 2 diabetes, CVD, and body weight. There was limited evidence surrounding the health effects of flavored milk consumption in 0 to 5-year-olds, and the evidence related to weight and dietary intake was inconsistent.27-30

**Toddler Milk**

**Expert Panel Recommendations**

- 0-12 months: Avoid supplementation with “transition” or “weaning” formulas; nutrient needs should be met primarily through human milk and/or infant formula.

- 1-5 years (12-60 months): Toddler milk is not recommended; nutrient needs should be met primarily through nutritionally adequate dietary patterns.

**Rationale**

The World Health Organization has called toddler milks or transition formulas unnecessary and unsuitable as a breast milk substitute, and suggests that they undermine sustained breastfeeding up to 2 years and beyond.31,32 The AAP has noted that follow-up or weaning formulas offer no clear advantage for infants consuming sufficient amounts of iron- and vitamin-containing solid food.33 Moreover, some toddler milks or transition formulas have added caloric sweeteners.

The expert panel did not identify any longitudinal studies on consumption of these beverages in early childhood and their impact on health outcomes. Although there is not currently evidence to indicate that these products are harmful, the expert panel concluded that they offer no unique nutritional value beyond what could be obtained with healthy foods; furthermore, they may contribute added sugars to the diet. Therefore, they are not recommended as part of a healthy diet in early childhood. If nutrient-rich food intake appears to be inadequate, other strategies to increase food acceptance should be tried first, such as repeated exposures to healthy foods. Toddler milk and transition formulas are also more expensive than an equivalent volume of cow's milk.

**Sugar-Sweetened Beverages (SSB)**

**Expert Panel Recommendations**

- 0-5 years: SSB are not recommended, including, but not limited to, soft drinks/soda, fruit drinks, fruit-flavored drinks, fruitades, sports drinks, energy drinks, sweetened waters, and sweetened coffee and tea beverages.5

**Rationale**

Consumption of SSB in early childhood has a negative impact on overall dietary intake and health outcomes, such as dental caries, overweight and obesity, and type 2 diabetes.7 Thus, it is prudent to limit children’s
exposure to added sugars in early childhood, and SSB are the largest source of added sugars in young children’s diets.34 Fruit-flavored drinks (e.g., fruitades, fruit cocktails, fruit punch) are the most commonly consumed SSB in young children. Therefore, additional attention should be paid to reducing consumption of these beverages to limit children’s exposure to added sugars in early childhood, including through policy strategies.35

No research has been conducted to examine the impact of SSB consumption in early childhood on the development of flavor preferences. However, children’s innate preference for sweetness is well-documented, and it is plausible that early and consistent introduction of SSB could lead to increased preference for sweet foods and beverages and poor diet quality later in life.7

Beverages with Low-Calorie Sweeteners (LCS)

Expert Panel Recommendations

- 0-5 years: Beverages with LCS are not recommended.

Rationale

The use of LCS in the food supply has increased in recent years alongside demand for lower-sugar products. In 2018, the AHA released a science advisory cautioning against children’s prolonged consumption of LCS beverages, stating “…there is a dearth of evidence on the potential adverse effects of LCS beverages relative to health benefits.”36 The expert panel likewise identified little evidence regarding the short and long-term health impacts of beverages with LCS, particularly among young children,37-41 and therefore, concluded that a precautionary approach was prudent. Given that early childhood is a critical developmental period in children’s lives with rapid physical, brain, cognitive, and social growth and development, along with the lack of evidence regarding the short- and long-term health impacts of beverages with LCS in young children, it is this panel’s expert opinion that beverages with LCS should be avoided between the ages of 0 to 5 years. Moreover, it is plausible that given children’s innate preference for the taste of sweetness, frequent early life exposure to and familiarization with highly sweet substances may contribute to their vulnerability to poor dietary habits as they age.

Caffeinated Beverages

Expert Panel Recommendations

- 0-5 years: Do not consume caffeinated beverages.

Rationale

Compared to adults, there is less certainty about the safe level of caffeine intake in children and adolescents. There are currently no specific recommendations for caffeine intake, and caffeine content is not required to be disclosed on nutrition labels, making it difficult to gauge intake.

Average caffeine intakes for children are typically low; however, it is the opinion of this expert panel that caffeinated beverages should not be consumed among 0 to 5-year-olds due to potential for adverse effects.42-44
CONCLUSIONS

Adequate intake of healthy beverages in early childhood is critical to meeting the nutritional needs of infants and young children and supporting healthy development. Despite efforts in recent years to improve beverage intake patterns among children, many children are still not meeting recommendations and disparities in intake persist. The beverage recommendations put forward by this expert panel are based on the best available evidence and provide consistent messages that can be used by health care providers, public health practitioners, and parents and caregivers to improve the beverage intake patterns of infants and young children.

This expert panel uncovered many areas requiring additional rigorous research in order to inform future dietary guidance for 0 to 5-year-olds. Researchers should focus future efforts on longitudinal studies of the impact of consumption of beverages, such as flavored milk, plant milks/non-dairy beverages, and beverages with LCS in early childhood and diet-related disease outcomes.

These consensus recommendations are a strong basis for practitioners, providers, and advocates to develop tailored materials for a wide variety of stakeholders, such as parents, health care providers, policymakers, and industry representatives. The level of collaboration and consistency among major national health and nutrition organizations represented in these recommendations is unprecedented and has the capacity to make meaningful change and improve the health and well-being of infants and young children throughout the United States.

ACKNOWLEDGEMENTS

The expert panel was supported by Healthy Eating Research, a national program of the Robert Wood Johnson Foundation. We would like to express our gratitude and appreciation to our panel chair (Stephen R. Daniels, MD, PhD), lead research consultant (Emily A. Callahan, MPH, RDN), and to each of the four organizations engaged in this project (in alphabetical order): the Academy of Nutrition and Dietetics (AND), the American Academy of Pediatric Dentistry (AAPD), the American Academy of Pediatrics (AAP), and the American Heart Association (AHA). In addition to appointing two representatives to serve on the expert panel, each organization provided engagement from multiple constituents throughout the project, including: CEOs/Directors, Organizational Presidents, and staff with both content and communications expertise.

We would also like to thank our Scientific Advisory Committee Members who observed the guidelines’ development process, reviewed and provided input to our methodology, and responded promptly and efficiently to queries made from the panel. Finally, we would also like to thank Tina Kauh, PhD (Robert Wood Johnson Foundation) and Jennie Day-Burget (Robert Wood Johnson Foundation) for their guidance and counsel throughout the expert panel process.

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Sara N. Bleich, PhD
Harvard T.H. Chan School of Public Health

Frank R. Greer, MD, FAAP
University of Wisconsin School of Medicine and Public Health

Sandra G. Hassink, MD, FAAP
Nemours/Alfred I. duPont Hospital for Children

Rafael Pérez-Escamilla, PhD, MS
Yale School of Public Health

Linda Van Horn, PhD, RD, LD
Northwestern University Feinberg School of Medicine

Sohyun Park, PhD
Centers for Disease Control and Prevention

Panel Support

Emily A. Callahan, MPH, RDN
Consultant and Research Lead
EAC Health and Nutrition, LLC

Emily Welker Duffy, MPH, RD
Senior Research Associate, Healthy Eating Research
Duke Global Health Institute

Lauren Dawson, MPH
Communications Associate, Healthy Eating Research
University of Minnesota School of Public Health

Kerry Jones, MPH, RD
Graduate Research Assistant, Healthy Eating Research
Duke University

Kirsten Arm, MPH, RDN
Graduate Research Assistant, Healthy Eating Research
University of Minnesota School of Public Health

Panel Conveners

Mary Story, PhD, RD
Director, Healthy Eating Research
Professor, Global Health and Community and Family Medicine
Associate Director of Education and Training
Duke Global Health Institute

Megan Lott, MPH, RDN
Deputy Director, Healthy Eating Research
Duke Global Health Institute

Suggested Citation


This Consensus Statement is based on the full report of this expert panel. The full list of citations can be found in the full report:

REFERENCES


### APPENDIX A: KEY PANEL FINDINGS AND RECOMMENDATIONS

#### Table 1: Summary of Recommendations for Healthy Beverage Consumption, Ages 0-5 Years*

<table>
<thead>
<tr>
<th>Beverages Recommended as Part of a Healthy Diet</th>
<th>0-6 months</th>
<th>6-12 months</th>
<th>12-24 months</th>
<th>2-5 years</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plain drinking water</td>
<td>No supplemental drinking water needed</td>
<td>Approximately 0.5-1.0 cups (4-8 oz.) per day in a cup. Begin offering during meals once solid foods are introduced.</td>
<td>1-4 cups (8-32 oz.) per day</td>
<td>2-3 years</td>
<td>4-5 years</td>
</tr>
<tr>
<td>Plain, pasteurized milk</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>2-3 cups (16-24 oz.) per day whole milk</td>
<td>Up to 2 cups (16 oz.) per day skim (fat-free) or low-fat milk</td>
<td>2-3 years</td>
</tr>
<tr>
<td>100% juice</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Whole fruit preferred. No more than 0.5 cup (4 oz.) per day 100% juice.</td>
<td>Whole fruit preferred. No more than 0.5 cup (4 oz.) per day 100% juice.</td>
<td>Whole fruit preferred. No more than 0.5-0.75 cup (4-6 oz.) per day 100% juice.</td>
</tr>
</tbody>
</table>

*Where an individual child falls within these ranges for 12 months to 5 years will depend on the amounts of other beverages consumed during the day.

For 12-24 months, reduced-fat (2%) or low-fat (1%) milk may be considered in consultation with a pediatrician, especially if weight gain is excessive or family history is positive for obesity, dyslipidemia, or other cardiovascular disease; the total amount of milk consumed during this age will depend on how much solid food is being eaten.
### Beverages Not Recommended as Part of a Healthy Diet

<table>
<thead>
<tr>
<th>Beverages</th>
<th>0-6 months</th>
<th>6-12 months</th>
<th>12-24 months</th>
<th>2-5 years</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant milks/Non-dairy beverages</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended for exclusive consumption in place of dairy milk; consume only when medically indicated (e.g., cow’s milk allergy or intolerance) or to meet specific dietary preferences (e.g., vegan)</td>
<td>Consume only when medically indicated (e.g., allergy or intolerance) or to meet specific dietary preferences (e.g., vegan)</td>
<td>Consumption of these beverages as a full replacement for dairy milk should be undertaken in consultation with a health care provider so that adequate intake of key nutrients commonly obtained from dairy milk can be considered in dietary planning.</td>
</tr>
<tr>
<td>Flavored milk</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Added sugars intake should be avoided in children &lt;2 years old and minimized in children 2-5 years old to avoid contributing to early establishment of a preference for sweet taste as well as potential negative impacts on nutrient intake and diet quality.</td>
</tr>
<tr>
<td>Toddler milk</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>These products offer no unique nutritional value beyond what a nutritionally adequate diet provides and may contribute added sugars to the diet and undermine sustained breastfeeding.</td>
</tr>
<tr>
<td>Sugar-sweetened beverages (SSB)</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Strong evidence demonstrates the adverse health effects of SSB, which include, but are not limited to, soft drinks/soda, fruit drinks, fruit-flavored drinks, fruitades, sports drinks, energy drinks, sweetened waters, and sweetened coffee and tea beverages.</td>
</tr>
<tr>
<td>Beverages with low-calorie sweeteners (LCS)</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>This recommendation is based on expert opinion given that early childhood is a critical developmental period, and there is a lack of evidence regarding the long-term health impact(s) of LCS consumption in young children.</td>
</tr>
<tr>
<td>Caffeinated beverages</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Not recommended</td>
<td>Caffeinated beverages are not appropriate for young children.</td>
</tr>
</tbody>
</table>

Note: All amounts listed are per day, unless otherwise noted; 1 cup = 8 fluid ounces.

*The expert panel did not address breast milk or infant formula, as recommendations in these areas vary by the infant’s age, weight, and developmental milestones and are generally well understood and widely accepted.*
Below are the Aurora Healthy Kids’ Meal Drinks Core Team’s responses to the questions/concerns raised by the Business Advisory Board in the document submitted for the council’s review.

- **Members understand the concern about sugar and sugary drinks.**
  - The Aurora Healthy Kids’ Meals Coalition is thankful that the members of the Business Advisory Board share our concerns about the health of kids in Aurora. Overconsumption of sugar can cause preventable diseases, costing our community, including employers and taxpayers, in healthcare dollars and health enjoyed by residents.

- **Outreach regarding this ordinance seems insufficient and the Board has requested that more potentially affected licensees be surveyed.**
  - When the Coalition core team presented to the board in mid-November, the Aurora Healthy Kids’ Meal Campaign was beginning to implement an outreach strategy to best reach restaurateurs. Throughout late December and continuing into January, our core team has made headway in this outreach, and we aspire to reach out to every restaurant franchise in Aurora (~90 franchises with ~170 sites) that offers a bundled kids’ meal. In our outreach, we are asking each owner or manager of the franchise if they support the ordinance and what support would be helpful to implement the change if the ordinance were to pass. The restaurants that have shared with us their support will be listed in a Letter of Support to be shared with Aurora City Councilors ahead of Study Session on February 3. The insight into the implementation needs of restaurants will be incorporated into an implementation plan and/or the Intergovernmental Agreement established between Tri-County Health Department (TCHD) and the City Manager’s office upon passage of the ordinance.

- **This is an imposition on business owners.**
  - The Aurora Healthy Kids’ Meals Coalition hopes to show through our outreach efforts, and insight collected and used to establish in our implementation plan, that it will be a light lift for restaurants to make the change. TCHD and our implementation partners are also able to support if restaurants need help printing new menus, educating staff, translating materials, or other needs as they arise. Further, it is worth considering the implications for business owners if obesity and other chronic conditions continue to adversely impact Aurora families. As a large employer, Children’s Hospital Colorado, one of the Coalition core team members, understands the need to take care of our team members. We know that prevention is key, not only to ensure that employees are staying healthy and productive, but also to save healthcare dollars. Employees’ family members are on their health plans, so the more we can look out for the families of our team members, including their young children, the better off we all are.
• Why doesn’t this ordinance also apply to food trucks?
  o Below is the answer shared with the core team by TCHD Environmental
  Health staff, which does include food trucks. While the current process of
  menu data collection by the TCHD Environmental Health inspectors
  (assessing who has a bundled meal and if they bundle sugary drinks while on
  a routine visit) does not include food trucks (only brick and mortar locations),
  the team will include outreach to food trucks in the implementation plan and
  appreciate the board raising the question.

• Retail food establishments are any establishment that prepares, serves and sells food to the public such as
  restaurants, grocery stores, bakeries, gas stations, Walgreens, mobile units/trucks, temp food vendors, ice
  cream stores, coffee shops, schools or hospital cafeterias, other institutions (i.e., jails), concession stands,
  movie theaters, hotels, etc. There are a few exceptions. Below is the technical definition out of the FDA Food
  Code:
  (1) “Food establishment” means an operation that:
  (a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for
  human consumption such as a restaurant; satellite or catered feeding location; catering operation if the
  operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market;
  vending location; conveyance used to transport people; institution; or FOOD bank; and
  (b) relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as
  home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common
  carriers.
  (2) “Food establishment” includes:
  (a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a
  vending location or satellite feeding location unless the vending or feeding location is permitted by the
  REGULATORY AUTHORITY; and
  (b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where
  consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

• Instead of an ordinance, what other options could the City support/implement, especially since TCHD has not pursued a voluntary/education approach yet?
  o An ordinance is the best way to ensure consistency and impact of default beverage standards for kids’ meals. Voluntary programs are much more
difficult to implement due to the lack of specificity regarding what is
required of each restaurant and is liable to change with new ownership
and new program staff. Policy creates more permanence for the standard,
which ultimately translates to healthier kids and a brighter future for
Aurora.

• What is the exact civil penalty?
  o The civil penalty would be determined per Act 26, the updated civil penalty
  code as of 2019. The City of Aurora licensing division would determine
  what the follow-up would be for a restaurant found not to be following the
  standard after 60 days, which could either be a fine or temporary
  suspension of the license. While these provisions are in place to
  emphasize the seriousness of the issue, the Campaign team will have
  engaged the business multiple times to offer support and technical
  assistance to bring them to standard prior to a penalty being assessed.
  Our goal, first and foremost, is education and partnership with restaurants,
  prior to resorting to (if need be) more punitive measures.

• Why not just post sugar content on drinks and let parents decide?
This strategy requires more time and effort than changing the default beverages included with the bundled kids’ meal. Assessing serving size, sugar content, and a potentially changing menu of offerings would be difficult to keep updated. A restaurant would be more than able to do so, but our Campaign team feels that changing the default beverages sends a clearer message of what is a healthy option and are therefore opting for this approach. The ordinance recommended still emphasizes a parent’s choice to order any beverage they want for their child.
HEALTHY KIDS MEALS ORDINANCE
Summary of Issue and Discussion
Consideration of this item was requested by Councilmember Lawson. This item was presented to the Business Advisory Board at November 18, 2019 meeting. Feedback will be provided to the Committee if available.

This ordinance creates a new City regulation in chapter 26 of the City code requiring restaurants in the City that offer kid’s meals to have a default drink option without added sweeteners. This would only be a default option and would not prevent the customer from ordering a sugar sweetened beverage. A restaurant that is found not in compliance with the ordinance will have 60 days to comply.

Tri-County Health will assist the City with implementing the ordinance by identifying compliance during regular health inspections. Enforcement of this ordinance will be conducted by the Finance Department through business licensing. A separate ordinance implementing the ability to impose a civil fine to a licensee for violations of Chapter 26 Business Regulations will be presented separately. Violations of this regulation will be civil and not criminal.

CM Gruber asked what are the results if they don’t comply? T. Vaughn replied, there’s the possibility of a fine or suspension of license if it’s not resolved.

CM Lawson responded there is the three months of education and in addition to that 60-days to comply.

CM Gruber asked has this gone to the Business Advisory Board (BAB) or the Restaurant Association? T. Vaughn replied yes. The BAB was not in favor of this and we haven’t heard back from the Restaurant Association.

CM Lawson said the BAB plans to send their response to the Finance Director however the Committee should also receive a copy. A lot of the stakeholders are reaching out to restaurants so there’s been efforts to get more of a robust stakeholder process. There’s around 200 restaurants and the BAB wanted to cover at least a 100. The goal is to bring it to a Study Session in January. Could there be a timeline provided of the important date for this to move through the process? H.
Hernandez replied we could once we know the Council calendar. We have to look at 90 days from the day it’s presented and without knowing the dates I can’t provide a timeline.

Kathy Staats said, we’re willing for some flexibility on that too, because there’s that date of passage and then the effective date. So, we’re aiming for a three-month period. H. Hernandez said that will work and make it 90-days from the date the ordinance becomes effective. K. Staats said that Tri-County Health is doing proactive outreach to the restaurants now, so hopefully we’ll develop relationships with most of them and in that three-month implementation period send them the letter letting them know the standard far before the actual effective date. Additionally, there is the 60-day period where if they need a little more time for such as technical assistance or educational supplemental materials, Tri-County Health would be there to provide that for them.

CM Gruber said my concern is that many of the restaurants are not local Aurora restaurants and they don’t really have the choice to do what’s mandated from their corporate headquarters. K. Staats said with other places that have passed this they have been able to work with that and what we found with a lot of the restaurants is if they have a regional portfolio, they end up passing it for their entire regional portfolio. This work is regional, I have counterparts in Jefferson County, Boulder County, and Denver County. So, for the City of Aurora we would make sure that at least those sites are covered by the standard that would be set which has not been an issue many places across the country that this has passed.

CM Hiltz noted that she went on the website for the National Restaurant Association and it appears that they also have the similar program that encourage restaurants to sign up and join and is supportive to changing the default beverage which is milk, water, and juice.

CM Gruber recommended that before moving forward this to a Study Session that the formal response from the Restaurant Association and the Business Advisory Board be included.

Outcome
The Committee recommended that this item be forwarded to Study Session.

Follow-up Action
Staff will forward this item to Study Session.

THESE MINUTES WERE APPROVED AS SUBMITTED

David Gruber, Chair of the Management and Finance (M&F) Committee                     Date
Agenda Item 14a-d

City of Aurora

COUNCIL AGENDA CONTINUATION PAGE

Item Title: Appointment of Members to the Planning and Zoning Commission

Item Initiator: Stephen Ruger, City Clerk

Staff Source: Stephen Ruger, City Clerk

City Attorney Signature:

City Manager/Deputy City Manager Signature:

Date of Change/Update: February 26, 2020

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Amended Item and Move Forward at Study Session

☒ Approve Amended Item as proposed at Regular Meeting

☐ Information Only

ITEM SUMMARY (Brief description of changes or updates with documents included.)

The Mayor and Council interviewed five candidates for four vacancies on the Planning and Zoning Commission. Two of the vacancies are due to resignations. As such, the Council will need to appoint two members to unexpired terms, one ending December 31, 2020, and the other ending on December 31, 2021. The other two appointments will be for new terms expiring on December 31, 2022. All of the application material is attached with this page.

EXHIBITS ATTACHED:

Applicant Applications/Resumes: Sunny Banka
Melvin Bush
Robert Gaiser
Becky Hogan
Johnny Watson

March 2, 2020 Council Meeting, Page 165
City of Aurora
APPLICATION FOR APPOINTMENT
PLEASE TYPE OR PRINT CLEARLY

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:
Planning & Zoning

PERSONAL INFORMATION:
Name: Sonda "Sunny" Banka
Home Address: 16649 E Atlantic Pl
Zip: 80013

e-mail address: [Redacted]
**Date of Birth: [Redacted]

EDUCATION:
Yrs. Completed: 13
Degree(s): None

Colleges: Arapahoe Community College

EMPLOYMENT:
Employer Name/Address: Sunny Homes & Assoc. Inc.
Position: Broker-Owner
How long? 40 years

Work Experience:
Manager, Owner, Trainer, Realtor
Certifications: CRS, GRI

COMMUNITY INVOLVEMENT:

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? Yes

If yes, what position: CAEC - Member

INTERESTS/ACTIVITIES:
Reading, Swimming, Walking, Learning

WHY DO YOU DESIRE THIS APPOINTMENT:
I have served on CAEC for a number of years as a Realtor and would like to serve on Planning...

How much time do you anticipate being able to spend on this appointment each month? 16 hours (uncertain)

PLEASE GIVE THREE REFERENCES:

Name: Mitch Myers 
Address: 2380 S. Ward Way
Phone: 720-260-5170

Name: Gary Marshall
Address: 1485 S. Pecos St. Aurora
Phone: 720-354-6007

Name: Lynn Myers
Address: 1410 S. Tucson Way Aurora
Phone: 303-751-0100

I certify that the foregoing information is true and correct.

(Sonda "Sunny" Banka)
(Volunteer's signature)

(Date)

SEND COMPLETED FORM TO:
CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012
PHONE: 303.739.7094 FAX: 303.739.7520.

(-OVER-)
**How did you hear about us:**

- [ ] Newspaper:
- [ ] News Aurora (water bill newsletter)
- [ ] Channel 8
- [ ] Word of Mouth
- [x] Other: Planning Member

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<td>Initials:</td>
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<tr>
<td>Registered Voter: __ Yes ___ No ___ N/A</td>
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<td>County:</td>
</tr>
<tr>
<td>As of:</td>
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<td>Volunteer Agreement Signed?: __ Yes ___ No</td>
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<th>Comments:</th>
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<td>Appointed?</td>
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<td>Response:</td>
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<td>Response:</td>
</tr>
</tbody>
</table>
City of Aurora
APPLICATION FOR APPOINTMENT
PLEASE TYPE OR PRINT CLEARLY

Application kept for One Year. May Attach Resume.

Board/Commission Applying For: Planning & Zoning Commissions

PERSONAL INFORMATION:

Name: **Melvin E. Bush**

Aurora, Colorado resident for 16 years

Home Address: 11940 Montview Blvd.

Zip: 80010

Registered to Vote: yes

DOB: **[Redacted]**

Home Phone: 303-739-0199

Work Phone: 303-607-9009

EDUCATION:

**Required to verify voter registration**

Yrs. Completed: 17 years

Degree(s): BS - Finance (graduate business and law school)

Colleges:

Saint Louis University (Undergrad, Grad, and Law School)

EMPLOYMENT:

Employer Name/Address: Insurance Design & Placement, Inc.

Position: Retired Owner

How long?: 33 years

Work Experience: Commercial Lines Insurance Broker & business owner

Certifications: Licensed with a CIC

COMMUNITY INVOLVEMENT:

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? **Yes** **No**

If yes, what position:

Aurora Citizen's Advisory Budget Committee

INTERESTS/ACTIVITIES:

Providing the best opportunities for success for all young people

WHY DO YOU DESIRE THIS APPOINTMENT:

I believe my experience and knowledge will be an asset to the community.

How much time do you anticipate being able to spend on this appointment each month?

PLEASE GIVE THREE REFERENCES:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim White</td>
<td>131 South Hudson, Denver, Colorado 80246</td>
<td>303-333-8002</td>
</tr>
<tr>
<td>Geta Asfaw - McDonald's Rest.</td>
<td>3401 Quebec Street, Denver, Colorado 80207</td>
<td>303-883-4849</td>
</tr>
<tr>
<td>Ken Walker</td>
<td>Monaco Blvd., Denver, Colorado</td>
<td>720-581-4263</td>
</tr>
</tbody>
</table>

I certify that the foregoing information is true and correct.

Melvin E. Bush

(Volunteer's name printed) (Volunteer's signature)

October 20, 2019

SEND COMPLETED FORM TO:
CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012
PHONE: 303.739.7094 FAX: 303.739.7520.

(−OVER−)
How did you hear about us:

- Newspaper: __________
- News Aurora (water bill newsletter)
- Channel 8
- Word of Mouth
- Other: ________

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**FOR OFFICE USE ONLY:**

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<th>Date Received:</th>
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<td>Initials:</td>
<td>Volunteer Agreement Signed?</td>
<td>Yes No</td>
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<tr>
<td></td>
<td>Incumbent? Renewal Letter Attached?</td>
<td>Yes No</td>
</tr>
<tr>
<td></td>
<td>New Volunteer Agreement?</td>
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<tr>
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</tbody>
</table>
Resume for Melvin E. Bush
Born September 11, 1950 in St. Louis, Missouri

Education:

- St. Louis University’s (BS-BA in Finance) Graduated January 1975
- St. Louis University Graduate Business School (1975 & 79)
- St. Louis University School of Law (1981-83)
- Graduate of the African American Leadership Institute 1996
- Graduate of Denver Metro Chamber Foundation’s Leadership Denver Class of 2006

Community Involvement:

- President of the LoDo Rotary (1999-2000)
- President of Colorado Action for Healthy People during it’s final year 2001
- Chair of Governance Committee for Senior Housing Options and Board member 2004 - 2008
- Board member and Treasurer of Assets for Colorado Youth 2003- 2007
- Board member of the Women’s Bean Project from 1995 to 2003
- President of the Ronald McDonald House Charities in 2006 during the construction of the Aurora House and President for 2013 and 2014 during the Expansion of both Houses (Denver & Aurora).
- Chair of the Accredited Business Committee for the Better Business Bureau of Denver and board member terms ends 2014
- Appointed to the Colorado State Board of Accountancy 2009 - August 2013
- Current Treasurer for The Colorado Foundation for Public Health and the Environment and board member (Treasurer). 2007-Present
- Board member of the Spirituals Project 2010 – 2012
- The Aurora Housing Corporation board of directors 2013-13
- Member of the FasTrack Citizens Advisory Committee for Regional Transportation District 2006-2015
- Appointed to the Adams County’s Community Service Board (2013 to2015)
- Appointed to the Adams County Board of Adjustment (2016 – Present)
- The Aurora Citizens Advisory Budget Committee (2014 – Present)

Business Owner in Denver Since 1991 please visit www.insurancedp.net

Business & Personal Philosophy
“If you stop getting better, you stop being good”
**Application kept for One Year. May Attach Resume.**

### PERSONAL INFORMATION:

<table>
<thead>
<tr>
<th>Name:</th>
<th>ROBERT GAISER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Address:</td>
<td>1812 S. Buchanan Circle</td>
</tr>
<tr>
<td>Zip:</td>
<td>80018</td>
</tr>
<tr>
<td><strong>Date of Birth:</strong></td>
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<td>e-mail address:</td>
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<tr>
<td><strong>Required to verify voter registration</strong></td>
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</tr>
<tr>
<td>Home Phone:</td>
<td>720-352-4538</td>
</tr>
<tr>
<td>Work Phone:</td>
<td>720-352-4538</td>
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</table>

### EDUCATION:

| Yrs. Completed: | 23 |
| Degree(s): | BA in Fine Arts; Master of Divinity |

**Concordia University: Concordia Seminary**

### EMPLOYMENT:

<table>
<thead>
<tr>
<th>Employer Name/Address</th>
<th>BobWyre Monroe LLC/Gaiser Equities-Vice President; 1812 S. Buchanan Circle</th>
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<tbody>
<tr>
<td>Position:</td>
<td>Owner</td>
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<tr>
<td>How long?</td>
<td>45 years</td>
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**Built $500,000,00 in Real Estate; Councilmember in Broomfield 8 Years approving every project**

### COMMUNITY INVOLVEMENT:

- **Brighton Housing Authority Commissioner-6 years;**
- **DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE?**
  - [ ] Yes  [x] No

If yes, what position:

**Brighton Housing Authority Commissioner; Arapahoe County CSU Extension Advisory Committee**

### INTERESTS/ACTIVITIES:

- Biking; Hiking;

### WHY DO YOU DESIRE THIS APPOINTMENT:

I have 45 years experience developing real estate in Colorado ($500,000) in everything but Warehouses; 8 years as Councilmember in Broomfield. I have seen every type of development that there is and have voted on them.

How much time do you anticipate being able to spend on this appointment each month?

Retired now... so as much time as it takes... I know the work load since I have done the Job in Broomfield

### PLEASE GIVE THREE REFERENCES:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Joseph Epinosa, Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>22 S. 4th Ave, Brighton, CO</td>
</tr>
<tr>
<td>Phone:</td>
<td>303-655-2160</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mark Humbert, Ward IV Councilmember</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Brighton City Hall; 500 S. Fourth Ave, Brighton</td>
</tr>
<tr>
<td>Phone:</td>
<td>303-655-2000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Patrick Quinn, Fr. Broomfield Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>14051 Cortez Court, Broomfield, CO</td>
</tr>
<tr>
<td>Phone:</td>
<td>303-916-3579</td>
</tr>
</tbody>
</table>

I certify that the foregoing information is true and correct.

Robert Gaiser
(Volunteer's name printed)  
(Volunteer's signature)  
10/25/2019 (Date)

**SEND COMPLETED FORM TO:**

CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012

(-OVER-) March 2, 2020 Council Meeting, Page 171
How did you hear about us:

- Newspaper: 
- News Aurora (water bill newsletter)
- Channel 8
- Word of Mouth
- Other:  

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<th>Date Received</th>
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<td>Yes</td>
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<th>As of</th>
<th>Volunteer Agreement Signed</th>
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<tr>
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<td>12-13-2019</td>
<td>Yes No N/A</td>
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<th>Appointed?</th>
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<th>Appointed?</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
1812 S Buchanan Circle, Aurora, Colorado 80018
(720) 352-4538 (C)
bobgaiser@gmail.com

City, County, State, Regional, and Federal Government Experience:

Brighton Housing Authority, Commissioner, Brighton, Colorado 2014-2020
Councilmember of Ward 1 of the City and County of Broomfield, Colorado 2005-2013
(Broomfield's mission is working in partnership with the community, to provide excellent services in an efficient, respectful and courteous manner to enhance and protect the environment and quality of life of Broomfield citizens.) www.Broomfield.org

Duties included for Councilmember and County Commissioner: (City and County functions):
- Board of Broomfield Urban Renewal Authority (16 BURAs)
- Board of Director for the Arista Local Improvement District
- Commissioner of Broomfield Housing Authority
- City Councilmember
- County Commissioner

Elected & Appointed by the Colorado Municipal League (CML):

Appointed by the National League of Cities (NLC):

Appointed by the Colorado Counties, Inc. (CCI):

Appointed by the National Association of Counties (NACo):

Broomfield Comprehensive Master Plan Task Force-Community Services and Facilities Sub-Committee Co-Chair, elected to represent the Capital Improvement Program Citizens' Advisory Committee of the City and County of Broomfield, Colorado 2002-2005
- http://www.ci.broomfield.co.us/planning/masterplan/
- Authored and collaborated on the follow sections of Community Services and Facilities:
  1. Justice System
  2. Centralized vs. Decentralized Facilities and Services
  3. Facilities and Service Inventory and Renewal
- Joined City Staff to evaluate 3 companies applying for the Consultant Team job in 2002
- One of 20 members made up of City Council, Chamber of Commerce, Broomfield Economic Development Corporation, major City citizens committees, other community interest groups, and every City and County Department
- Creating, updating, and approving the 10 main sections of the Master Plan with the Diverse members of the community and 20 Broomfield Committees:
  1. Growth, Population & Change
  2. Land Use
  3. Transportation
  4. Community Form & Image
  5. Open Space, Parks, Recreation, and Trails
  6. Economic Development
  7. Community Services & Facilities
  8. Environmental Stewardship
  9. Housing
10. Utilities

- Update and refine Broomfield's community goals and establish a new path for achieving them by reviewing existing documents in the context of current economic trends, growth patterns, and community priorities to ensure a comprehensive and holistic approach in planning for Broomfield's future.
- Personally represented before City Council and Channel 8 (the Public) to promote the Ward Meetings for Citizen Input, 2002.

Broomfield's Capital Improvement Program Advisory Committee, (chair 2004-2005), Broomfield's CIP's $25,000 Small Grant Program, (Chair 2004-2005).
Broomfield's Health and Human Service Advisory Committee, Member of the following Task Forces: Strengthening Families; Ministerial Alliance; Obesity Prevention; and Youth Center, appointed by the City Council of the City and County of Broomfield, Colorado City and County of Broomfield, Colorado 2004

Graduate of Broomfield Citizens' Academy, Broomfield, Colorado 2003-2005
Graduate of Broomfield Police Citizens' Academy, Broomfield, Colorado 2013

Served on 90 Boards, Committees, and Commissions, Broomfield, Colorado 2001-2013

EDUCATION and TRAINING:

Harvard University, Kennedy School of Government; Awarded a certificate of completion for the Senior Executives in State and Local Government program, Cambridge, MA. July 2008

Degree: Master of Divinity, Concordia Seminary, St. Louis, Mo

Business Experience

Gauser Equities, Participating Owner 1972-2009
Marriott Hotel, Hampden and I-25, Landlords 1972-2009
Gauser Corporation, Partner and Vice President of Operations 1972-1996
Yale Park, City of Denver in Arapahoe County, Colorado 1980-1996
Centennial Project, City of Littleton in Jefferson County, Colorado 1985-1988
Sedona Golf Resort, City of Sedona in Yavapai County, Arizona 1984-1992
Racquet World at Inverness, City of Englewood in Douglas County, Colorado 1983-1996
Racquet World at Monaco, City and County of Denver, Colorado 1972-1996
City of Aurora
APPLICATION FOR APPOINTMENT
PLEASE TYPE OR PRINT CLEARLY

Application kept for One Year. May Attach Resume.

Board/Commission Applying For: Planning & Zoning Commission

PERSONAL INFORMATION:

Name: Becky Hogan
How long in Aurora: 17 years

Home Address: 13609 E Cornell Ave. #304
Zip: 80014
Registered to Vote: Yes

e-mail address: [REDACTED]
Home Phone: 303-358-8411
Work Phone: 303-358-8411

EDUCATION:

**Required to verify voter registration

Yrs. Completed: 4 yrs. of the accredited program
Degree(s): Certified Economic Development (CecD)

Colleges: Economic Development Institute-University of Oklahoma

EMPLOYMENT:

Employer Name/Address: Edge Consulting Services
Position: Managing Member
How long?: 5

Work Experience:
Project Due Diligence, Entitlement, and Management
Certifications: CecD

COMMUNITY INVOLVEMENT:

Aurora Sister Cities and Global Fest

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? Yes No

If yes, what position:
Chair-Korea Committee-Aurora Sister Cities

INTERESTS/ACTIVITIES:

Travel, baking, regional government relationships

WHY DO YOU DESIRE THIS APPOINTMENT:

I have over 30 years practical skill sets that would make me uniquely qualified for this appointment. I have a thorough knowledge and understanding of planning processes. I have an expanded knowledge of the City of Aurora and wish to serve my City.

How much time do you anticipate being able to spend on this appointment each month?

Time availability is flexible. I would anticipate 10 to 12 hours a week.

PLEASE GIVE THREE REFERENCES:

Name: Robert (Bob) LeGare
Address: PO Box 441410 Aurora, CO 80044
Phone: 303-819-8617

Name: George (Skip) Noe
Address: 4785 S. Helena Way Aurora, CO 80015
Phone: 303-520-1050

Name: Margee Cannon
Address: 4804 S. Eagle Circle Aurora, CO 80015
Phone: 720-331-6723

I certify that the foregoing information is true and correct.

Becky Hogan
(Volunteer's name printed)

Becky Hogan
(Volunteer's signature)

1.9.2020
(Date)

SEND COMPLETED FORM TO:
CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012
PHONE: 303.739.7094 FAX: 303.739.7320.

(-OVER-)

March 2, 2020 Council Meeting, Page 175
BECKY HOGAN, CEC-D – MANAGING MEMBER

Becky Hogan is the Managing Member of Edge Consulting Services, directing the efforts of project development, with a special focus on site due diligence, planning and entitlement services. Hogan provides oversight to economic development and strategic planning, client service, project development, community partnership building, incentive negotiation and government advocacy.

With over three decades of professional experience in economic development, Hogan has a unique relationship and credibility with cities throughout the metro area. She has managed efforts in primary job creation as well as retail recruitment and retention for Parker, Westminster, Broomfield, Longmont, Wheat Ridge, Bennett, Timnath, Northglenn, Fort Collins, and other area communities. Hogan earned a certified economic developer (CEcD) accreditation in 2001 after completing her studies at the Economic Development Institute through the University of Oklahoma. She has served on numerous boards throughout her career and is past Co-Chair of the International Council of Shopping Centers (ICSC) Alliance Committee.

Hogan’s participation in project management and valued partnerships has streamlined applications, reduced costs of development, and saved time for the clients. Notable clients include:

- King Soopers-Broomfield, Westminster, Brighton, Commerce City, Aurora, Englewood, Colorado Springs
- Arby’s-Green Valley Ranch
- Dunkin Donuts-Aurora
- Redrock Church-Multiple Campuses
- Evergreen Development-Serenity Ridge, Aurora
- Corporex-Fitzsimons Village
- Tri-Gate Development-Westminster, CO
- Promenade Shops at Briargate, Colorado Springs
- Iron Point-Williston, ND
- K2Ventures-Lakewood
- Town of Timnath
- Morning Star Facilities, Multiple States
- H-Mart-Westminster
- Fine Parking-Aurora
- Chambers Industrial Building-Aurora
- Dove Valley Metropolitan District
- Trinity Storage, Arvada
- Korean Retreat Property-CBRE
- Multiple Walmarts
- Wanco-Arvida
- Town of Bennett
- Demo projects in Barstow, Seal Beach and Coronado, CA for the Navy
- Aurora One, Aurora
- Nick’s Garden Center
Date: 12/09/2019
Ward No: 6
Board/Commission Applying For: Planning & Zoning Commission

Name: Johnny Watson
Home Address: 7871 South Duquesne Way
City: Aurora
Zip: 80016
Email: [Redacted]
Date of Birth: [Redacted]
Home Phone: 3039602229
Work Phone:
How Long in Aurora: 16 yr
Register to Vote: Yes

EDUCATION:

Years Completed: 16
Degree(s): Associate Degree
Colleges: Pierce College, Tacoma, Washington

EMPLOYMENT:

Employer Name: Retired
Employer Address:
Position:
How Long?:
Work Experience: Aurora City Councilman Corporate Executive Sales
Certifications:

COMMUNITY INVOLVEMENT:

Involvement: Aurora City Council
Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No
If Yes, what position:

INTERESTS/ACTIVITIES:

Interests/Activities: I want to continue making Aurora the best city in Colorado.

APPOINTMENT:

Why do you desire this appointment? I have City of Aurora Planning Commission and City Council experience. I am familiar with City of Aurora Planning Codes.
How much time do you anticipate being able to spend on this appointment each month?: 120 hours
PLEASE GIVE THREE REFERENCES:

Name: CM David Gruber  
Address: 7935 S. Coolidge Way, Aurora 80016  
Phone: 303 909-4041

Name: George Arellano  
Address: 23400 E. Phillips Pl., Aurora 80016  
Phone: 303 690-1239

Name: Nathan B Kennedy  
Address: 10800 E. Bethany Drive, St. 550, 80014  
Phone: 303 747-4135

Applicant Initials Given? Yes - JW

Date Received: ________________________________

Access Entry Date: 12-12-2019

Initials: ________________________________

Registered Voter: X  Yes ____ No _____ N/A County: Arapahoe

As of: 02-26-20 06-05-2006
JOHNNY WATSON

OBJECTIVE

To obtain a position with the City of Aurora Planning Commission that will allow me to enhance my skills as well as provide input to the process of making Aurora the Gateway to the Rockies. To work with a Commission that is working to transition Aurora to tomorrow’s city that contributes to and benefits the entire Front Range.

EXPERIENCE

Aurora City Council At – Large Member

- Worked other council members to approve the Aurora Places Comprehensive Plan
- Voted to approve the City of Aurora Balanced Budget
- Helped to approve a New Development Ordinance
- Worked to approve an Oil and Gas Operating Agreement

City of Aurora Planning Commissioner

- Responsible for Reviewing the Comprehensive Plan which show the Commission’s recommendation for the development of the City.
- Responsible for reviewing all changes and amendments in Chapter 146 Zoning Code.
- Responsible for receiving from City Council, matters for its recommendation and report on any ordinance, resolutions, or other proposal relating to matters or subjects deemed to warrant or require Commission’s attention.
- As a Commissioner attending fact-finding hearings on any of the matters or subjects referred to it.
- Attending study sessions when necessary to further study or investigate matters properly coming before the Commission. Serving as Chairman of the study session when requested by Planning Commission Chairman.

Eagle Bend Metropolitan District

Director

- Review and approve Agenda for Metropolitan District Board Meetings.
- Review and approve the Minutes from previous Board Meetings.
- Attend monthly public hearings on Metropolitan District Business.
- Responsible for reviewing invoices and check registers for approval.
- Responsible for reviewing Monthly Water Reports and Water Sustainability reports.
- Reviewing all Metropolitan District contracts for approval.
Creekside Eagle Bend HOA

President
- Conduct monthly meetings to discuss HOA business and report to Homeowners HOA Financials.
- Review contracts for Landscape and other business conducted for HOA.
- Set Annual Budget for HOA operations and Vendor Contracts
- Work to maintain community property values through maintenance and up keep of HOA property
- Member of the HOA for 6 years

Iron Mountain Records Management

Account Manager
- Provided total customer service to new and existing customers, assist companies to develop solutions to meet changing corporate standards.
- Managed Special Projects to help maintain customer's records integrity and assist in meeting revenue goals.
- Trained sales representatives on proper customer service and executive level sales techniques.

LASON

Sales Representative
- Sold records management, document and data storage conversion services to major corporations.
- Provided solutions to medical facilities and governmental agencies in Southern Florida.
- Provided solutions for conversion of paper records to digitally scanned and microfilmed customer files for record storage.

Eastman Kodak Company

Account Executive, Business Imaging Division
- Sold document scanning and data storage equipment to Commercial Business and Government Agencies in various regions throughout the U.S.
- Provided training on storage and filing of records on electronic systems and database management.

EDUCATION

Pierce College
Degree in General Studies

Chapman College
Additional College Credits

Lakewood, Washington
REFERENCES

Available upon request
Accomplishments

Municipality of Anchorage

As a Planning Commissioner for the Municipality of Anchorage, I worked with other to allow for Commissioners to review and approve the project for the Sullivan Arena. That facility was the largest Multi-Use Center in the state at the time of approval.

Also, as a Commissioner, my colleagues and I changed the ordinance on allowing overhead power lines to: all new and some exiting power lines must be placed underground. Also worked on the ordinance on developing subdivision in Avalanche areas.

As a planning Commissioner I reviewed the Comprehensive Plan for approval and implementation. During my time on the commission, Anchorage also won the award for being an All-American City. I received an award from Governor Tony Knowles for my work on helping Anchorage to achieve this recognition.

Beaverton

During my time serving on the Planning Commission for Beaverton, Oregon the Light Rail Project for trains moving passengers from Portland to Beaverton was in the planning stages. A stringent review of corridors and Right of Ways for the rail lines access to Beaverton was implemented.

While on the Planning Commission we reviewed zoning changes and decided on growth areas not yet defined. Beaverton had several major corporations who were in the process of expanding. Nike wanted to move from small warehouses city wide to develop a Corporate Headquarters.

Beaverton's growth required a review of residential zoning codes to allow for Multi Family and the use of PUD development.

City of Aurora

Served on City of Aurora Planning Commission during the review and passing of the Aurora Places Comprehensive Plan process. The plan is reviewed every 7 to 10 years. The review is done to determine where development is occurring and where development should happen.
The Changes in the land available for development in Aurora is due to annexations and many other factors. The cost of housing and the availability of more affordable housing in Aurora have put development on the fast track in the city. Residential and Business filings for construction and development have put pressure on Planning Commissioners to spend more time reviewing and visiting sites slated for approval.

We worked with staff and developers to ensure a timely review process and quick response to meeting deadlines. City of Aurora Planning Commissioners are a trained and dedicated group of Citizens.

Eagle Bend Metropolitan District

Served as a Director of the Eagle Bend Metropolitan District. While serving as a Director, we managed finances and projects that the Metropolitan District choose to sponsor. I voted to provide funds to the three HOA's in the Eagle Bend Metropolitan District. The project included fence painting and repair, landscape and flower replacement.

The District also maintained 2 deep water wells used to water the Heritage Eagle Bend Golf Course. The maintenance and up-keep of the wells is a priority. As a Director making decisions to keep the businesses and homeowners aware of the efforts to maintain property values is key to the success of the District.

The Eagle Bend Metropolitan District supported Heritage Eagle Bend in placing a Traffic Light at the entrance to the community. Working with the Ward Council Women to secure funding from the city and the Metro District, that project was a success.

Veteran

As a combat Army Veteran, I understand the needs of our veterans. I support more affordable housing for veterans. I support more assistance for veterans developing businesses in the city of Aurora.

As president of Creekside Eagle Bend HOA I ensured that the community operated within budget requirements and ensured that policies and requirements were followed by the board as well as residents. Maintaining property values of this HOA is very important to me.
Civil Air Patrol

Current officer in the Civil Air Patrol supporting its mission of recruiting and training our youth and young adults for this program. I advocate for advances in technology in air and space travel which is enviable. The Civil Air Patrol and educational programs are charting the path. This technology will create higher paying jobs which in turn will be a benefit for our city and its residents.
# City of Aurora
## Council Agenda Commentary

<table>
<thead>
<tr>
<th>Item Title: Planning &amp; Zoning Commission Candidate Interviews</th>
</tr>
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<tbody>
<tr>
<td><strong>Item Initiator:</strong> Ruger, Stephen - City Clerk - General Management</td>
</tr>
<tr>
<td><strong>Staff Source:</strong> Dahl, Barbara - City Clerk Analyst - General Management</td>
</tr>
<tr>
<td><strong>City Manager/Deputy City Manager Signature:</strong> James Twombly</td>
</tr>
<tr>
<td><strong>Outside Speaker:</strong></td>
</tr>
<tr>
<td><strong>Council Goal:</strong> 2012: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development</td>
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</table>

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- [ ] Approve Item as proposed at Study Session
- [ ] Approve Item with Waiver of Reconsideration
- [ ] Approve Item and Move Forward to Regular Meeting
- [ ] Approve Item as proposed at Regular Meeting
- [X] Information Only

### PREVIOUS ACTIONS OR REVIEWS:

<table>
<thead>
<tr>
<th>Policy Committee</th>
<th>Name: Planning and Economic Development Policy Committee</th>
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<tbody>
<tr>
<td>Meeting Date:</td>
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<tr>
<td>Actions Taken:</td>
<td>[ ] Recommends [ ] Do Not Recommend</td>
</tr>
<tr>
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<td>[X] Minutes Not Available</td>
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### HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Council has identified the five (5) Planning and Zoning Commission applicants it wishes to interview prior to filling the four (4) current vacancies. This will serve as the time to interview the selected applicants and determine who the Council would like to appoint.

### ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The Council will interview five candidates for the open Planning and Zoning Commission seat. The candidates to be interviewed were forwarded under separate cover.

### QUESTIONS FOR COUNCIL

Information only
LEGAL COMMENTS
Appointments by Council
The council shall appoint the officers and all members of the boards and commissions as provided in this Charter. Except as otherwise provided herein, such persons shall serve at the pleasure of council and may be removed at any time, with or without cause. (City Charter 3-11) (Lathers)

It shall be the function and duty of the planning and zoning commission to make and adopt a comprehensive plan for the physical development of the city, including any areas outside its boundaries, subject to the approval of the council, which in the commission’s judgment bears relation to the planning of the city. The commission shall review and consider proposed subdivision regulations and shall forward the proposed regulations to the council recommending acceptance, modification or denial. (City Code Section 106-28). The planning and zoning commission shall consist of seven members appointed by City Council. All members shall be registered electors for at least one year immediately preceding their appointment. (City Code Section 106-29). (Lathers)

Dan Brotzman

PUBLIC FINANCIAL IMPACT *(If Yes, EXPLAIN)*

☐ Yes ☒ No

No

PRIVATE FISCAL IMPACT *(If Significant or Nominal, EXPLAIN)*

☒ Not Applicable ☐ Significant ☐ Nominal

N/A

EXHIBITS ATTACHED:
Consideration to appoint three (3) and Reappoint (1) members to the Aurora Immigrant and Refugee Commission

Item Initiator: Dahl, Barbara - City Clerk Analyst - General Management
Staff Source: Ruger, Stephen - City Clerk - General Management
City Manager/Deputy City Manager Signature: James Twombly

Council Goal: 2012: 1.2--Develop neighborhood and community relationships

ACTIONS(S) PROPOSED (Check all appropriate actions)

☐ Approve Item as proposed at Study Session
☐ Approve Item with Waiver of Reconsideration
☒ Approve Item and Move Forward to Regular Meeting
☐ Approve Item as proposed at Regular Meeting
☐ Information Only

PREVIOUS ACTIONS OR REVIEWS:

Board / Commission Name: Immigrant ans Refugee commission
Meeting Date: ☐ Minutes Attached
☐ Minutes Not Available
Actions Taken: ☐ Recommends ☐ Do Not Recommend
☐ Forwarded without Recommendation
☐ Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The Aurora Immigrant and Refugee Commission has six openings due to terms expiring. The commission is requesting the appointment of:

Mr. Samuel Gebremichael Ward III
Ms. Debora Jimenez Ward III
Mr. Rich Parker Ward V

And the Reappointment of:

Ms. Sabe Kemer Ward IV

If appointed, these terms would expire December 2022.
ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)
Members serve on two year terms and this is an eleven (11) member commission. Current members and their wards and term ending dates are:

Sabe Kemer  Ward IV  Pending
Marlon Erazo  Ward IV  8/2021
Linda Skelley  Ward V  8/2021
Kevin Vargas  Ward III  8/2021
Jackie Zvejnieks  Ward IV  8/2021

QUESTIONS FOR COUNCIL
Does the City Council wish to move this to the formal agenda?

LEGAL COMMENTS
Unless otherwise provided by the Charter, all boards and commissions shall be appointed by the council, shall be advisory in character…and shall have such powers and perform such duties as are provided by the Charter or by ordinance. (City Charter Section 9-1). (Lathers)
Dan Brrotzman

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)
☐ Yes  ☒ No

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)
☒ Not Applicable  ☐ Significant  ☐ Nominal

N/A

EXHIBITS ATTACHED:
AIRC appt memo 1-23-2020.docx
GebreMichael, Samuel_Redacted.pdf
Jimenez, Debora_Redacted.pdf
Kemer, Sabe_Redacted.pdf
Parker, Rich_Redacted.pdf
TO: Mayor Coffman & Members of City Council

THROUGH: Roberto Venegas, Deputy City Manager

FROM: Ricardo Gambetta, Manager Office of International & Immigrants Affairs

DATE: January 23, 2020

SUBJECT: AIRC Appointment

January 23, 2020

Dear Mayor Coffman & Members of City Council,

The Aurora Immigrant and Refugee Commission (AIRC) consists of eleven (11) voting members appointed by the Aurora City Council. AIRC has 6 open positions that need to be filled due to term expiration of previous members. After a series of outreach efforts by AIRC and OIIA, the City Clerk’s office received 9 applications. As the AIRC reviews the applications, two candidates withdrew their applications and two candidates did not come to the scheduled interviews due to family emergency. The AIRC conducted interviews with 5 applicants on January 13, 2020. The AIRC members were very impressed with all applicants but they would like to recommend following diverse and qualified group of people for the current opening.

On behalf of the Chair and Vice Chair of the Aurora Immigrant and Refugee Commission, we are recommending the City Council approve the following action:

1- **Appointment of new members,**

   a- Samuel GebreMichael: Commission members were very content with the involvement that Mr. GebreMichael has with his immigrant community. He is driven to bring community together and educate others the importance of civic duty. He will bring another voice to the commission.

   b- Debora Jimenez: The commission members were very happy to see Ms. Jimenez apply to the commission. Her involvement with family services should be a big asset to the team. The commission is very excited to bring her on board.

   c- Sabe Kemer: The Commission was very impressed with Ms. Kemer's interview. Being a small business owner and serving her immigrant community brings a vital asset to the team. The commission is fortunate to have Ms. Kemer join the commission.
d- Rich Parker: The commission was very impressed with Mr. Parker. Being a veteran and serving the immigrant and refugee community is something we don't see often. His passion to understand and spread the word will be key to the commission. The commission is extremely excited to have Mr. Parker on the team.

There will be still 2 open positions and AIRC & OIIA will diligently look for qualified applicants who could fill those open positions.

Thank you for your consideration and please let me know if you have any questions or concerns.
Date: 11/05/2019
Ward No: || \
Board/Commission Applying For: Immigrant & Refugee Commission

Name: Samuel GebreMichael
Home Address: 861 S Memphis Way
City: Aurora
Zip: 80017
Email: [Redacted]
Date of Birth: [Redacted]
Home Phone: 7203387860
Work Phone: 3033424639
How Long in Aurora: 12
Register to Vote: Yes

EDUCATION:

Years Completed: 4
Degree(s): Computer Science, Graphic Design
Colleges: Addis Ababa University, Community College of Aurora

EMPLOYMENT:

Employer Name: SP Plus Corp  Employer Address: 8400 Pena Blvd, Terminal BLDG Denver CO
Position: Supervisor
How Long?: 8
Work Experience: Graphic Design
Certifications: Networking, Editing, Graphic Design, Dish Technician

COMMUNITY INVOLVEMENT:

Involvement: Colorado Ethiopian Community , Chairman Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If Yes, what position:

INTERESTS/ACTIVITIES:

Interests/Activities: provides individual consultations, training, and conference presentations on topics related to serving Immigrant and refugee children and families. In addition, preparing publications.

APPOINTMENT:

Why do you desire this appointment?
How much time do you anticipate being able to spend on this appointment each month?: 4 hrs
PLEASE GIVE THREE REFERENCES:

Name: Yenealem Gunnings
Address:
Phone: 303 547 0900

Name:
Address: Deacon Yoseph Te'eri
Phone: 720 329 6764

Name: Ayeneshet Gelagay
Address:
Phone: 303 834 5561

Applicant Initials Given? Yes - SG

Date Received: 11-19-19
Access Entry Date: 11-19-19
Initials: 

Registered Voter: X Yes No N/A County: Arapahoe
As of: 10-11-10-09-12
Date: 10/10/2019  
Ward No: [ ] [ ] [ ]  
Board/Commission Applying For: IMMIGRANT & REFUGEE COMMISSION  

Name: DEBORA JIMENEZ  
Home Address: 11855 E KEPNER DR  
City: AURORA  
Zip: [CO]  
Email: [REDACTED]  
Date of Birth: [REDACTED]  
Home Phone: 7205897170  
Work Phone: 3037344376  
How Long in Aurora: 19 Y  
Register to Vote: Yes  

EDUCATION:  

Years Completed: 4  
Degree(s): GRAPHIC DESIGN  
Colleges: SALT LAKE CITY UTAH  

EMPLOYMENT:  

Employer Name: ARAPAHOE COUNTY  
Employer Address: 14980 E ALAMEDA DRIVE, SUITE 007  
Position: PROGRAM SPECIALIST  
How Long?: 8 YEARS OLD  
Work Experience: • 8 years’ experience with the Department of Human Services Agencies specializing in various categories of Assistance Programs. • Excel in resolving employer challenges with innovate solutions, systems and process improvements, customer satisfaction. • Technical proficient in MS Word, Power Point, Excel, Access, Outlook, and Publisher.  
Certifications: Training in Family Centered Practice, Skilled Dialogue, Cultural Mediator. 10 years experience as a District Approved Interpreter for Aurora Public Schools.  

COMMUNITY INVOLVEMENT:  

Involvement: Coordinator of the Ballet Folklorico Queen of Peace  
Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No  
If Yes, what position:  

INTERESTS/ACTIVITIES:  

Interests/Activities:  

APPOINTMENT:  

Why do you desire this appointment?  
How much time do you anticipate being able to spend on this appointment each month?:
PLEASE GIVE THREE REFERENCES:

Name: Diane Myers  
Address: 500 Cameron St, Brush Co 80273  
Phone: 7203755021

Name: Cecilia Escalante  
Address:  
Phone: 720-210-6475

Name: Bizuna Biftu  
Address: 4064 FUNDY ST, DENVER CO 80249  
Phone: 303-396-2741

Applicant Initials Given? Yes - dj

Date Received: [Handwritten: NOV 11, 19]  
Access Entry Date: [Handwritten: NOV 11, 19]  
Initials: [Handwritten: BS]  
Registered Voter: Yes No N/A County: [Handwritten: Arapahoe]  
As of: [Handwritten: 10/11/2012]
Date: 12/01/2019
Ward No:   | √
Board/Commission Applying For: Aurora Immigrant and Refugee Commission

Name: Sabe Kemer
Home Address: 1208 South Carson Way
City: Aurora
Zip: 80012
Email: [Redacted]
Date of Birth: [Redacted]
Home Phone: 303-513-9299
Work Phone: 303-513-9299
How Long in Aurora: 8yrs
Register to Vote: Yes

EDUCATION:

Years Completed: 4yrs
Degree(s): Bachelors degree in Psychology with a Social Work minor
Colleges: Metropolitan State University of Denver

EMPLOYMENT:

Employer Name: Colorado Language Services, inc. Employer Address: 1602 South Parker Rd, Suite 211
Position: CEO
How Long?: 2years
Work Experience: Community advocacy and business owner
Certifications:

COMMUNITY INVOLVEMENT:

Involvement: AIRC member-2yrs & Rocky Mountain Welcome Center board member Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: Yes If Yes, what position: AIRC

INTERESTS/ACTIVITIES:

Interests/Activities: Community advocacy

APPOINTMENT:

Why do you desire this appointment? I have been on the Aurora Immigrant and Refugee Commission for the last two years and I would very much like to continue serving on this important commission.
How much time do you anticipate being able to spend on this appointment each month?: 5-8hrs
PLEASE GIVE THREE REFERENCES:

Name: Shelley Murphy  
Address: 1602 South Parker Rd, Suite 211  
Phone: 720-341-1009

Name: Duniya Yusuf  
Address: 382 South Salem St  
Phone: 720-369-5537

Name: Kulani Osman  
Address: 4000 Walking Stick Blvd, Pueblo, CO 810  
Phone: 719-415-2189

Applicant Initials Given? Yes - SK

Date Received: 12-02-2019

Access Entry Date: 12-03-2019

Initials: [Signature]

Registered Voter: X Yes No N/A County: [Signature]

As of: 10-05-2016

STATISTICAL INFORMATION:

How did you hear about us? Other: I got a mail to re-apply
Date: 11/23/2019
Ward No: 5
Board/Commission Applying For: Immigrant & Refugee Commission

Name: Rich Parker
Home Address: 13901 E. Marina Drive Unit 108
City: Aurora
Zip: 80014
Email: [redacted]
Date of Birth: [redacted]
Home Phone: 720-298-8266
Work Phone:
How Long in Aurora: 30yrs
Register to Vote: Yes

EDUCATION:

Years Completed: 16
Degree(s): Bachelors - Psychology, Business Administration
Colleges: University of Minnesota

EMPLOYMENT:

Employer Name: Retired since 2014. Employer Address:
Position:
How Long?:
Work Experience:
Certifications:

COMMUNITY INVOLVEMENT:

Involvement: VA Community Living Center (nursing home) weekly volunteer since 2012.
Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If Yes, what position:

INTERESTS/ACTIVITIES:

Interests/Activities: I am an Air Force Vietnam Vet, and an American Legion member. Also a member of the Air Force Sergeants Association. I have helped 3 individuals with their Naturalization process and have been at their ceremonies.

APPOINTMENT:

Why do you desire this appointment? While I have seen many immigrants prosper and feel comfortable; I, too, have been aware of those who struggle with the culture, learning English and feeling rejected by many. As a native speaker, and concerned American perhaps I can help someone or a family in our city.
How much time do you anticipate being able to spend on this appointment each month?: 2 or 3 days
PLEASE GIVE THREE REFERENCES:

Name: John Hostetler  
Address: 6911 W. 3rd St. #912  Greeley 80634  
Phone: 720-28-3026

Name: Mr. Girma Zerihun  
Address: 17343 E. Wagon Trail Pkwy Aurora 80015  
Phone: 720-277-5528

Name: Don Shields  
Address: 1919 Quentin St. Aurora 80045  
Phone: 303-341-2745

Applicant Initials Given? Yes - RP

Date Received: 11-25-2019

Access Entry Date: 11-25-2019

Initials: 

Registered Voter: Yes No N/A County: 07-16-1996

As of: 07-16-1996

STATISTICAL INFORMATION:

How did you hear about us? Channel 8 Other: Library information