



NOTICE OF COUNCIL MEETING

MONDAY, July 25, 2022

Members of the public and media are invited to attend in person or remotely through the options listed below. Public comment is welcome for items appearing on the agenda or on any matter of city concern. One hour is dedicated to public comment on non-agenda items at the beginning of every council meeting (Public Invited to be Heard). Each speaker is allotted a maximum of three minutes to speak.

Individuals wishing to comment during 'Public Invited to be Heard' or on an agenda item may register in advance. Online registration begins at 8 a.m. on the Friday before the meeting date, and ends at noon on Monday, the day of the meeting. To register in advance, visit the city's website at www.auroragov.org/PublicComment.

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In-person Participation

Members of the public may participate in-person at the Aurora Municipal Center, Council Chamber, 15151 E. Alameda Pkwy. The building will open at 6:00 p.m. on the day of the council meeting.

- Individuals wishing to comment during 'Public Invited to Be Heard' must submit a speaker slip by 6:30 p.m.
- Individuals wishing to comment on an agenda item must submit a speaker slip before the city clerk reads the title of the item.

Call-in Participation

Call the live public comment line at 855-695-3475 and press *3 to reach the operator. The public call-in line opens at 6 p.m. on the day of the Council Meeting.

- Individuals calling in to comment during 'Public Invited to Be Heard' must call in and be in the queue by 6:30 p.m.
- Individuals calling to comment on agenda items must call in and be in the queue before the City Clerk reads the title of the item. Once the Clerk reads the title, no additional calls for that item will be accepted.

Translation/Accessibility

The city provides closed captioning services on Cable Channels 8 and 880. The Aurora Municipal Center is wheelchair accessible with entry ramps and accessible parking located on the west and east side of the building. Please make your request for accommodations or assistance 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 Monday, July 25th at 9:00 a.m. (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.)



City of Aurora, Colorado

MONDAY, July 25, 2022

REGULAR MEETING OF THE AURORA CITY COUNCIL

(Open to the Public)

CITY COUNCIL CHAMBERS

6:30 p.m.



AGENDA

Regular Meeting of the Aurora City Council

Monday, July 25, 2022

6:30 p.m.

City Council Chamber
15151 E. Alameda Parkway
Aurora, CO 80012

Pages

1. CALL TO ORDER
2. ROLL CALL
3. INVOCATION/MOMENT OF SILENCE
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES
 - 5.a. June 27, 2022 Council Minutes 7
 - 5.b. July 11, 2022 Meeting Minutes 42
6. PROCLAMATIONS OR CEREMONIES
 - 6.a. Swearing-in Ceremony of Interim Fire Chief
Shawn Day, Presiding Judge
7. PUBLIC INVITED TO BE HEARD
(non-agenda related issues only)
8. ADOPTION OF THE AGENDA

9. CONSENT CALENDAR

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

- 9.a. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Brannan Construction Co., Denver, CO in the amount of \$5,572,788.00 for the 2022 Water System Improvement Project, Project No. 5873A.** 63

Dean Bedford, Principal Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.b. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to AGS Construction, Inc., Englewood CO in the amount of \$109,975.00 for the Peoples Building Damage Repair; Project 5883A.** 68

John Perkins, Senior Project Manager, Public Work / Dave Lathers, Senior Assistant City Attorney

- 9.c. **Consideration to AWARD CHANGE ORDER #4 TO THE COMPETITIVELY BID CONTRACT to Pinnacle Data Systems LLC, Birmingham, AL, in the amount of \$50,000.00 for Water Billing Services through May 31, 2023.** 72

Jo Ann Giddings, Deputy Director Business Services, Water / Ian Best, Assistant City Attorney

- 9.d. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls Inc., Denver, Colorado in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through June 30, 2023.** 78

Brian Kelly, Lieutenant, Police Department / Dave Lathers, Senior Assistant City Attorney

- 9.e. **Additional Fuel Funding** 84

Consideration for additional funds in the amount of \$2,100,000.00 to AUTHORIZE STAFF TO LOCK FUEL PRICES THROUGH A COMPETITIVE PROCESS that will lead to the award of a competitively bid contract to selected vendor(s) in the not-to-exceed amount of \$5,100,000.00 to cover the cost of motor vehicle fuel as required citywide for calendar year 2023.

Ron Forrest, Fleet Manager / Dave Lathers, Senior Assistant City Attorney

- 9.f. **Consideration to EXTEND A COMPETITIVELY BID CONTRACT to EAP Glass, Littleton, Colorado in the not to exceed amount of \$60,000.00 for Glass Replacement and Repair Service for windows throughout the city.** 90

Lynne Center, Deputy Director Public Works / Dave Lathers, Senior Assistant City Attorney

10. RESOLUTIONS

- 10.a. **Resolution for Fare Free August on RTD** 95

R2022-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF ZERO FARE TRANSIT ON RTD FOR THE MONTH OF AUGUST

Sponsor, Mayor Mike Coffman

Michelle Gardner, Senior Assistant City Attorney

- 10.b. **Appointment of Aurora's Poet Laureate** 100

R2022-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO APPROVE THE APPOINTMENT OF A NEW POET LAUREATE

Midori Clark, Director of Library & Cultural Services / Tim Joyce, Assistant City Attorney

- 10.c. **An Intergovernmental Agreement for Wild Horse Reservoir Permit Application Costs** 106

R2022-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT FOR WILD HORSE RESERVOIR PERMIT APPLICATION COSTS

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Ian Best, Assistant City Attorney

10.d. 2022 Private Activity Bond Assignment 171

R2022-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE ASSIGNMENT OF THE CITY’S 2022 PRIVATE ACTIVITY BOND ALLOCATION TO THE HOUSING AUTHORITY OF THE CITY OF AURORA, DBA AURORA HOUSING AUTHORITY

Alicia Montoya, Housing and Community Development Manager / Tim Joyce, Assistant City Attorney

10.e. Establishing the Restaurant Program Criteria 188

R2022-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING STAFF TO USE FUNDS ALLOCATED TO THE CITY UNDER THE AMERICAN RESCUE ACT TO ASSIST FOOD AND BEVERAGE OUTLETS WITHIN THE CITY AND OTHER RELATED MATTERS

Andrea Amonick, Development Services Manager / Rachel Allen, Client Manager

10.f. Amended Intergovernmental Agreement for Voter Service and Polling Centers and Ballot Drop Box Locations 192

R2022-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ARAPAHOE COUNTY AND THE CITY OF AURORA, AMENDING THE STANDING IGA BETWEEN THE PARTIES PERTAINING TO APPROVED VSPC’S FOR THE NOVEMBER 9, 2022 GENERAL ELECTION

Sponsor: Angela Lawson, Council Member

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

10.g. Southeast Recreation Center and Fieldhouse Dedication Plaque 208

R2022-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S APPROVAL OF THE SOUTHEAST RECREATION CENTER AND FIELDHOUSE DEDICATION PLAQUE

Joe Sack, Recreation Services Manager / Tim Joyce, Assistant City Attorney

11. PUBLIC HEARING WITH RELATED ORDINANCE

11.a. Kum and Go Convenience Store and Fueling Station Zoning Map Amendment

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2022-42 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 2.99 ACRES, MORE OR LESS, AT THE SOUTHWEST CORNER OF EAST MISSISSIPPI AVENUE AND SOUTH KENTON WAY FROM MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2) TO MIXED-USE CORRIDOR DISTRICT (MU-C) AND AMENDING THE ZONING MAP ACCORDINGLY (KUM AND GO ZONING MAP AMENDMENT)

Rachid Rabbaa, Planner I / Daniel L. Money, Senior Assistant City Attorney

12. PUBLIC HEARING WITHOUT RELATED ORDINANCE

13. INTRODUCTION OF ORDINANCES

14. FINALIZING OF ORDINANCES

Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.

14.a. E 38th Ave and Helena St - Zoning Map Amendment

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2022-40 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL DISTRICT (R-R) TO BUSINESS/TECH DISTRICT (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE & HELENA STREET ZONING MAP AMENDMENT)

Erik Gates, Planner 1 / Daniel L. Money, Senior Assistant City Attorney

14.b. Windler Zoning Map Amendment 2

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2022-41 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242 ACRES OF LAND, LOCATED WEST OF E-470 AND ALONG THE 48TH AVENUE ALIGNMENT (WINDLER ZONING MAP AMENDMENT)

Aja Tibbs, Senior Planner / Daniel L. Money, Senior Assistant City Attorney

15. PLANNING MATTERS

16. ANNEXATIONS

17. RECONSIDERATIONS AND CALL UPS

18. GENERAL BUSINESS

18.a. Consideration to Appoint One (1) Member to the Historic Preservation Commission

309

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

18.b. Consideration to Appoint One (1) Member to the Building Code, Contractor Appeals & Standards Board

317

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

18.c. Consideration to Appoint Two (2) Members to the Human Relations Commission

325

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

18.d. Consideration to Appoint Two (2) Members to the Arts in Public Places Commission

334

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

19. REPORTS

19.a. Report by the Mayor

19.b. Reports by the Council

20. ADJOURNMENT

MINUTES

Regular Meeting of the Aurora City Council

Monday, June 27, 2022

1. **RECONVENE REGULAR MEETING OF JUNE 27, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for June 27, 2022, at 6:30 p.m.

2. **ROLL CALL**– Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

Public call-in instructions were provided in both English and Spanish.

3. **INVOCATION/MOMENT OF SILENCE**– Mike Coffman, Mayor

Mayor Coffman asked for a moment of silence for the loss of Assistant Chief firefighter John Jaros whose life was tragically taken at I-70 during Fathers' Day Weekend.

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated that during the executive session, the council discussed Comcast franchise renewal and real property interest.

6. **APPROVAL OF MINUTES**

6.a. **June 6, 2022, Meeting Minutes**

Motion by Bergan, second by Murillo, to approve the minutes of the June 6, 2022, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

7. **PROCLAMATIONS OR CEREMONIES**

7.a. **Animal Services - Animal Showcase**

Animal Services introduced a dog named Rio that will be up for adoption on Wednesday.

7.b. **Amazing Auroran Award**

Council Member Gardner presented the Amazing Auroran Award to Vikram Raju.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

Public call-in instructions were provided in both English and Spanish.

Mayor Coffman reminded members of the Council that they can respond to comments or get the speaker's contact information after public invited to be heard or after the speaker is done. Council members must inform the clerk and wait to be recognized.

Council heard public in-person testimony on non-agenda-related items.

9. **ADOPTION OF THE AGENDA**

9.a. **Station 60 Infrastructure Site Plan (Item 13.a.)**

Applicant presentation (permitted under Council Rules) - 15 minutes

Appellant presentation (if approved by Council) - 15 minutes

Motion by Gardner, second by Bergan to amend the agenda to continue item 13a to July 11th.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

10. **CONSENT CALENDAR**

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10.a. **Consideration to award an OPENLY SOLICITED contract To Reynolds Construction, LLC, Denver, Colorado in the amount of \$127,309.00 for the Eastern Utility Pipeline Construction Manager / General Contractor Project, Project No. 5876A**

Dean Bedford, Principal Engineer / David Lathers, Senior Assistant City Attorney

- 10.b. **Consideration to AWARD CHANGE ORDER NO. 2 to a competitively bid contract to Peak Environmental, Denver, Colorado in the amount of \$163,228.26 for the Fitzsimons Barrack Abatement and Demolition Project, Project No. 5850A**

John Perkins, Public Works Senior Project Manager / David Lathers, Senior Assistant City Attorney

- 10.c. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Demco, Inc, Madison, WI in the amount of \$99,590.83 for mobile shelving for the Central Library's lower level**

Linda Smith, Manager of Library & Cultural Services / Dave Lathers, Assistant City Attorney

- 10.d. **Consideration to AWARD A SOLE SOURCE CONTRACT to Polydyne, Inc., Riceboro, Georgia in the not-to-exceed amount of \$360,000.00 for the purchase of the water treatment chemical Poly Electrolyte Cationic Clarifloc C-308P as required through June 30, 2023.**

Bobby Oligo, Manager of Water Treatment, Aurora Water / Dave Lathers, Assistant City Attorney

- 10.e. **Crestone Peak Resources Watkins Holdings LLC**

Consideration to approve an oil and gas lease agreement with Crestone Peak Resources Watkins Holdings LLC, for City-owned mineral rights within Section 24, Township 4 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, containing 103.573 net mineral acres.

Jeffrey S. Moore, Manager Oil & Gas Division / Ian Best, Assistant City Attorney

Jeffrey S. Moore, Manager Oil & Gas Division, provided a summary of the item.

CM Coombs asked for confirmation that the no drilling option is not available for the site due to force pooling. J. Moore confirmed this and said that the wells have been permitted through the state and the city. He added that they are part of the operator agreement signed with ConocoPhillips which was assigned to Crescent Peak Resources. CM Coombs asked what the setback from residential is. J. Moore said that it would be 2,000 feet from residences. Mayor Pro Tem Bergan asked if the money goes into the general fund or to a dedicated fund. J. Moore answered that it goes to the general fund. CM Coombs highlighted that the drilling has to occur due to force pooling and is a concerning aspect of the oil and gas policy in the state and the country.

Motion by Gardner, second by Sundberg to approve item 10e.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.f. **Waste Management Landfill Services**

Consideration to AWARD A SINGLE SOURCE CONTRACT to Waste Management Corporate Services, Incorporated, Greenwood Village, Colorado in the amount not-to-exceed \$455,000.00 for landfill services at the Denver Arapahoe Disposal Site (DADS) through June 30, 2023.

Mike Mills, Manager of Water Main and Ops / Lynne Center, Deputy Director Public Works Operations / David Lathers, Senior Assistant City Attorney

CM Gardner stated that he is abstaining due to a financial conflict of interest.

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

Voting Aye: Bergan, Coombs, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Abstain: Gardner

10.g. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Colorado Electric & Power Systems, Denver CO in the amount of \$1,091,480.00 for the PD HQ Detention Center Generator, UPS, & ATS Replacement; Project No: 5874A.**

A waiver of Reconsideration requested due to material pricing increases and the need for the contractor to lock in the price as quickly as possible.

Haven Cassidy, Public Works Principal Engineer / Dave Lathers, Senior Assistant City Attorney

10.h. **Consideration to AWARD A SOLE SOURCE CONTRACT to Environmental Systems Research, Inc. (ESRI), Redlands, California in the amount of \$115,000.00 for annual maintenance of the city's geographical mapping software through July 12, 2023.**

Scott Newman, Chief Information Officer, IT / Dave Lathers, Senior Assistant City Attorney

10.i. **Consideration to AWARD A SOLE SOURCE CONTRACT to Selectron Technologies, Inc., Portland, Oregon in the amount of \$184,985.00 for the city's Water Customer Billing IVR system**

Jo Ann Giddings, Deputy Director Business Services, Aurora Water / Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano to approve the consent calendar items 10a through 10d, and 10g through 10i.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11. **RESOLUTIONS**

11.a. **Photo Speed Enforcement Pilot Program**

R2022-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF IMPLEMENTING A PHOTO SPEED ENFORCEMENT ONE YEAR PILOT PROGRAM

Carrigan Bennett, Police Lieutenant / Megan Platt, Assistant City Attorney

Outside Presenter: Scott Stewart, Senior Sales Executive of Conduent

Carrigan Bennett, Police Lieutenant, provided a summary of the item.

MPT asked for clarification if they would not issue tickets for 30 days. C. Bennet answered that there would be a 30-day period that would be purely warnings to test the system and inform the public of the new process. MPT said that there should be a longer warning period. She asked the staff when they would be able to recoup costs if they did not issue tickets for 90 days. C. Bennet said that he doesn't have the data ready but based on research, the programs tend to pay for themselves. J. Batchelor mentioned that they could get the question regarding the fiscal impact back to the vendor and relay it to Council.

MPT asked if it would be possible to table the item to get more information on the possibility of a 90-day warning period. Mayor Coffman asked if MPT would have the opportunity to amend it on the second reading. D. Brotzman said that there is only one reading. J. Batchelor said that there would still be a call-up period to get the information to Council. CM Coombs asked if they could continue it to the next meeting instead of tabling the item. D. Brotzman clarified that they could pass the resolution tonight and do a reconsideration later. He added that the other alternative is to move for a continuance.

CM Gardner said that he would prefer not to pass a resolution without having all the information available rather than calling it back up. Mayor Coffman said that staff could report back what the fiscal impact would be for 60 or 90 days. He mentioned that 90 days is excessive. CM Murillo requested staff to provide more information on the fiscal impact and if they are open to a sliding scale for any fines imposed by the system.

Megan Platt asked for clarification if there would also be a motion for continuance for the accompanying ordinance that will allow civilians to review the violations. Staff clarified that there would be a second reading of the ordinance on July 11th. MPT said

that they can pass it tonight and pull it during the second reading. CM Marcano asked if the ordinance would also allow the nonsworn traffic enforcement division to issue speeding violations in the future. C. Bennet clarified that the ordinance is for photo enforcement. He added that it would allow them to witness the violations for photo enforcement to include speed enforcement but not regular tickets.

Motion by Bergan, second by Marcano to move item 11a for a continuance to the July 11th Regular Meeting.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.b. City-Owned Impound Lot Exploration

R2022-112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR DIRECTING STAFF TO INVESTIGATE AND EXPLORE THE CREATION OF AN IMPOUND LOT OWNED AND OPERATED BY THE CITY OF AURORA

Sponsor: Juan Marcano, Council Member

Megan Platt, Assistant City Attorney

Council Member Marcano provided a summary of the item.

MPT stressed the importance of the analysis and said that it will be costly from a capital perspective. CM Sundberg mentioned that with the threat of new competition, current impound lots might lower their costs. He asked if those discussions have been had and if they are willing to bend. CM Marcano said that they worked with APD and negotiated lower rates. He stressed that there were upwards of \$1 million worth of fees to victims of motor vehicle theft in Aurora last year. He mentioned that they can do better than that.

Motion by Marcano, second by Bergan to approve item 11b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.c. Opioid Abatement Intergovernmental Agreement

R2022-113 A RESOLUTION BY THE CITY COUNCIL OF AURORA, COLORADO, TO APPROVE THE INTERGOVERNMENTAL AGREEMENT – OPIOID ABATEMENT TO ESTABLISH THE ARAPAHOE COUNTY REGIONAL OPIOID ABATEMENT COUNCIL

Kerstin Claspell, Budget Program Manager / Kendall Koca, Manager of Special Projects / Isabelle Evans, Litigation Manager

Kendall Koca, Manager of Special Projects, provided a summary of the item.

CM Lawson asked if they would be able to tap into other funding from the state or other counties if they collaborate on other regional projects. K. Koca confirmed this and said that the regional council would decide which local governmental agencies they will work with. CM Lawson asked for clarification on how the representatives will convey collaboration with the Council. K. Koca said that each regional council would have a voting seat and one of the council members will be a participating voting member. She added that MPT volunteered to be the participating member of the Arapahoe County Regional Council.

CM Coombs said that she attended the presentation at CML and there were exciting opportunities including the potential to partner regionally to access additional funds. She highlighted that the issues that they face are regional in nature and she hopes they can take a regional approach. CM Coombs thanked MPT for volunteering. MPT thanked CM Coombs and hoped that CM Coombs will be Aurora's representative for Adams County.

Motion by Coombs, second by Marciano to approve item 11c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

11.d. Red Tape Reduction Committee Development Review Process

R2022-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF FINDINGS OF THE RED TAPE REDUCTION AD HOC COMMITTEE RELATING TO IMPROVING THE CITY'S DEVELOPMENT REVIEW PROCESS

Sponsor: Dustin Zvonek, Council Member

Jason Batchelor, Deputy City Manager / Dan Money, Senior Assistant City Attorney

CM Zvonek and Jason Batchelor provided a summary of the item.

CM Coombs highlighted the importance of addressing staff turnover and retaining staff to accomplish goals of improving the development process. MPT congratulated CM Zvonek for the Red Tape Ad Hoc Committee. She also thanked the staff for collaborating. She mentioned that the public hearings were effective in getting feedback from businesses and developers to improve the city process and eventually have more housing and economic development within the city.

Motion by Zvonek, second by Sundberg to approve item 11d.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

11.e. Support of Widening Gun Club Road, Hwy 30

R2022-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, IN SUPPORT OF WIDENING GUN CLUB ROAD, ALSO KNOWN AS STATE HIGHWAY 30

Sponsor: Françoise Bergan, Mayor Pro Tem / Steve Sundberg, Council Member

Michelle Gardner, Senior Assistant City Attorney

Mayor Pro Tem Bergan provided a summary of the item.

CM Sundberg asked if the staff is familiar with the section at Alameda and Gun Club Road. V. Rachael said that there are improvements from the Murphy Creek Development and would be pending adjacent development on the west side. He mentioned that it would also be in coordination with CDOT up to Hogan Parkway.

CM Sundberg said that the section at Alameda and Gun Club is starting to bottleneck. He mentioned that it is unincorporated in Arapahoe County with some developments like Thunderbird Estates. V. Rachael said that the city is partnering with Arapahoe County for a study to conceptually design and analyze what Gun Club Road would be in its ultimate condition and give residential access. CM Sundberg asked for the time frame of the study. V. Rachael said that they had a public meeting about it two weeks ago and they are continuing to meet with the public. He said that he will get the information to CM Sundberg.

CM Marcano expressed support for widening the area. He asked the staff if there are conversations with metro districts, RTD, or the state regarding providing mass transit options for all the new development. He mentioned that he doesn't want the city to constantly go back and widen roads that do not address the issue. V. Rachael said that there are conversations regarding extending RTD service along the Colfax alignment and continuing it further to the east as development provides connections and additional densities.

CM Coombs said that she supports the resolution. She added that she hopes that they can look at how they are planning and developing the city so capacity projects are not the focus with the infrastructure so that they can have improvements that allow for multimodal transportation and have a positive climate and quality of life impact. She mentioned that even if they widen Gun Club Road, people will still spend time in traffic coming from sprawling areas.

Motion by Bergan, second by Sundberg to approve item 11e.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.f. **Mutual Aid Agreement between Aurora Fire Rescue and Buckley Space Air Force Base**

R2022-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRE AND EMERGENCY SERVICES MUTUAL AID

AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND BUCKLEY SPACE AIR FORCE BASE, COLORADO

Rodney Weber, Aurora Fire Rescue Deputy Chief / Angela Garcia, Senior Assistant City Attorney

Rodney Weber, Aurora Fire Rescue Deputy Chief, provided a summary of the item.

Motion by Gardner, second by Marciano to approve item 11f.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

11.g. Funding of the Aurora Missing Sidewalks Project

R2022-117 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR FUNDING OF THE AURORA MISSING SIDEWALKS PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner, Senior Assistant City Attorney

Matt Kozakowski, Transportation Project Delivery Manager, provided a summary of the item.

CM Marciano expressed support for the resolution and said that he is excited to see Yale being funded. He mentioned that he has received requests for the sidewalk gaps in Yale to be filled. CM Coombs thanked staff for bringing the resolution forward. She highlighted that Aurora has a few missing sidewalks and it is an accessibility issue. CM Murillo mentioned that there are non-ADA-compliant sidewalks in the northwest area. She expressed support for the resolution.

Motion by Gardner, second by Jurinsky to approve item 11g.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

Mayor Coffman called for a brief recess of Council to allow staff to provide call-in instructions.

11.h. Rules of Order and Procedure Amendment: International Travel

R2022-118 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO AMEND THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL REGARDING INTERNATIONAL TRAVEL

Sponsor: Mike Coffman, Mayor

Dan Brotzman, City Attorney

Council heard public call-in line testimony on item 11h.

Mayor Mike Coffman provided a summary of the item.

CM Coombs said that the trip to Paris cost CM Marciano and CM Murillo less than \$3,500 each for six Council Members to go to Washington D.C. for Accelerate Colorado. CM Marciano's expenses were roughly the same. She added that a useful conference could be hosted anywhere. She asked what they are doing to ensure that expenses incurred are reasonable. She mentioned that she is bringing forth an ordinance that expenses on trips must fall within the GSA guidelines. She added that accounting for expenses for Council Members Marciano and Murillo's trip is available. CM Coombs also mentioned that the resolution will not allow all-inclusive trips that do not account for the costs of the trips. She stressed that the actual expenses must be clear and transparent and that does not happen for all-inclusive lump sums such as Accelerate. This ensures that costs are reasonable and learning-oriented.

Mayor Coffman said that this proposal only looks at international travel and he welcomes proposals that would also look at domestic travel. CM Marciano asked why there is a focus on international travel only. Mayor Coffman said that they are locally elected officials and that selecting to go to an international conference is inappropriate. CM Marciano asked why it is inappropriate. Mayor Coffman said he didn't see the value of transferring life in Paris to Aurora. He mentioned that if Sister Cities International or the Office of International and Immigrant Affairs would be willing to support such a program, then it would be brought before Council and voted on.

CM Marciano restated that Mayor Coffman personally did not believe that the conference was valuable, and this then leads him to believe that he should be the arbiter. MPT reminded CM Marciano of the decorum resolution that they are not to address people personally. CM Marciano said that he is only asking for clarification of the Mayor's own words. He again asked if Mayor Coffman believes that he should be the arbiter of what is and isn't valuable information. Mayor Coffman explained that six members have to support international travel.

CM Gardner said that he is less concerned about where the trip goes than the value back to the city. He said that outsourcing the decision to Sister Cities International or the Office of International and Immigrant Affairs is outsourcing policy making to the city. He added that it makes it a partisan political process. He stated that he prefers to see council members make a presentation to Council to show what the value is, what they learned, and what they can bring back to the city from a conference. He mentioned that he just returned from an international conference in Mexico City with Downtown Denver Partnership, and he learned more at that conference than at domestic conferences about the bus rapid transit on Colfax. He mentioned that some conferences may be alcohol-fueled social events. He highlighted the importance of bringing value back to the city.

Mayor Coffman explained that under the resolution, a Council Member cannot simply decide to go to an international conference and the reasons are prescribed by the two organizations. If the program fell under the missions of either organization, it would come before Council. It will preclude you from CM Coombs said that it would not preclude a Council Member from saying that they want to go to New York City for a conference and have the city pay for expensive hotels and flights. Mayor Coffman said that they are locally elected officials and not part of the international stage. He fails to see the nexus of international travel with locally elected officials.

CM Marcano stated that one of the meetings they had was with the Il de France Chamber of Commerce which had no idea that Aurora had a biomedical campus or an inland port. He said that they have local businesses looking to expand to other markets and they were interested to learn that 20% of the city's population is foreign-born. He expressed disappointment in the Mayor's narrow view of building international relationships. He added that they have a tremendous amount to learn from people outside of the US when it comes to urban planning and economic development. He mentioned that the Office of International and Immigrant Affairs and Visit Aurora's purpose is to draw international and national tourism. CM Marcano said that Mayor Coffman decided to go onto social media and accused Council Members. MPT reprimanded CM Marcano's language as personal attacks.

CM Marcano stated that Mayor Coffman made false assumptions about the trip and is now backpedaling due to pushback from people. He said that this is an opportunity to attack political opponents and persecute people because of disagreements. MPT requested Council Members to be respectful and debate on the resolution.

Mayor Coffman said that the city has Fitzsimmons Innovation Community. He asked if that economic development works internationally in the bioscience community. He expressed that he fails to see how going to Mexico City is essential in learning about BRTs since BRTS are ongoing in American cities. He said that he fails to see the value of locally elected officials traveling internationally. He said that there are some warranted circumstances, and they must go to City Council before a vote.

CM Murillo said that the resolution is retaliatory based on travel that is legitimate. The city issued a statement that she and CM Marcano followed all policies and procedures around travel. She added that Mayor Coffman did not decide that it was an issue until the two Latino Council Members decided to travel internationally. She highlighted that Mayor Coffman traveled to El Salvador a year ago and did not move forward with this resolution. She highlighted that CM Gardner went to Mexico City, yet she did not see a social media post from Mayor Coffman saying that it was a taxpayer-funded vacation. She said that she is having a hard time thinking whether it is due to them being Latino or being affiliated with one party. CM Murillo said that she fails to see this as a legitimate conversation. She said that they would be abdicating policy decision-making to staff to decide which conferences to attend. She added that they are making this a partisan situation wherein the conservative majority can decide what they can and cannot do. She added that some Council Members used their travel budget trips and spent \$3,500 on a lobbying trip to Washington D.C. She said that there are Council Members that are ready to address

her statement and will only focus on some comments but not the content or premise of the issue. CM Jurinsky said that she was not offended. She reiterated that CM Murillo said that two Latino Council Members went to the conference. She stated that there are three Latino Council Members. She said that she must react to comments alluding that the Mayor is racist against Hispanics when he speaks more Spanish than any Council Member. CM Marcano responded in Spanish.

CM Gardner said that other cities in the US have BRT systems, but they have poor reputations for ridership and usage. He added that Mexico City is a city with 7 million cars and was able to drastically reduce traffic. He stressed that learning from a successful city rather than Albuquerque or Houston where the system did not work is in the best interest of Aurora. He highlighted that it outsources policy-making decisions to staff making two groups the arbiters for attending international conferences. He said that if one of the two offices does not approve, then it cannot move forward. How the resolution is written does not give Council or the Mayor to override the groups' decisions.

CM Murillo stated that what people decide to get outraged over is very telling. She clarified that she did not reference the third Latino Council Member because he wasn't on the trip. She added that it is not factual that the Mayor speaks the most Spanish. She mentioned that according to budget records, the Mayor decided to use taxpayer dollars to learn a different language. She said that her colleagues are outraged because she excluded a Council Member in her statement but not because what she said was wrong. CM Murillo mentioned that she and CM Marcano attended the same conference in Carmel, Indiana with no issues. She said that there were no statements made about CM Gardner or Mayor Coffman's international trips. She said that the resolution is retaliatory and that they shouldn't be making them based on personal disagreements or trying to win political points.

Mayor Coffman said that he hopes that El Salvador will be the Paris of Central America where local officials will go there for international conferences. He explained that he was asked to go down there because he lobbied with Mayor Hogan to get the Consulate located in the city. He added that the resolution was about transparency. He mentioned that there were no public statements from CM Murillo or CM Marcano before they left for Paris and he only learned now that CM Gardner went to Mexico City.

Motion by Coffman, second by Gardner to call for the question.

Voting Aye: Mayor Coffman, Bergan, Gardner, Lawson, Zvonek

Voting Nay: Coombs, Jurinsky, Marcano, Medina, Murillo, Sundberg

MPT expressed her disappointment about making the resolution partisan. She said that there were constituents that expressed that they were not happy about the

international travel. She said that she would not support it if it were putting a total ban on international travel. She clarified that it would require six votes and Council Members could get support from colleagues if they made a good case. She added that it will clarify the purpose of the trip.

Mayor Coffman offered an amendment wherein the travel proposal need not go through the Office of International and Immigrant Affairs or the Sister Cities Program International, but it must come before Study Session for a vote.

CM Marcano said that the Mayor found out about the conference because he was live-tweeting it just like they did last year. He stated that he was going to give an update on it at his Ward IV meeting before Mayor Coffman spoke a mistruth. He clarified that there was no intent to hide that they went to the conference because they are exceptionally valuable. He agreed that they should be required to give follow-ups after all conferences to demonstrate their value. CM Marcano said that the value to be derived from a conference must not be up to the Council or the Mayor because it will turn into a partisan food fight. He said that it was partisan from the start when the Mayor spoke a mistruth on social media. He clarified that they went to a suburb of Paris, but the Mayor's tweet included a picture of the Eiffel Tower. He said that he is happy to answer any questions about their travel and that all information about their conference is publicly available.

CM Coombs expressed concern about the resolution being partisan. She said that it also involved social media bickering and attacking a Council Member's spouse. She said that through this resolution, the majority can decide whatever they want. She added that people make partisan votes that are not about merits.

Motion by Coffman, second by Gardner to call for the question.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Zvonek

Voting Nay: Marcano, Medina, Murillo, Sundberg

Motion by Coffman, second by Jurinsky to support the Coffman Amendment to R2022-118.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Marcano, Sundberg, Zvonek

Voting Nay: Coombs, Medina, Murillo

CM Murillo expressed concern about colleagues being able to decide what is and isn't useful. She said that Council Members did not elect other Council Members so why should they decide how to use each other's role and budget. She said that they are adding another layer of bureaucracy and making it partisan and a popularity contest.

She stated that she trusts her colleagues to spend their travel budget with discretion. CM Murillo mentioned that they are creating an uncomfortable situation wherein they can easily trade votes. She added that it is inappropriate for Council Members to have subjective opinions and decide what is and isn't valuable for different wards. She expressed opposition to the resolution even as amended. MPT said that vote trading is illegal. She added that she gives her word that she will be looking at international travel proposals objectively.

CM Lawson said she doesn't have a problem with making sure that all conferences are voted on and that relevant reasons are presented for each conference. She mentioned that Accelerate has lots of benefits and a breakdown of expenses for transparency can be provided to ensure accountability. She said that it is disingenuous to say that Council Members will be trading votes. CM Murillo said that she believes her colleagues would make decisions with the best faith, but that is not a guarantee. She said that trading votes are not allowed, but it does happen. She said that she thinks that the resolution will potentially make it worse.

CM Murillo proposed an amendment adding objective criteria of what is a useful or valuable conference to ensure that votes are not simply based on opinion. It would clarify that the conference must meet the city stated goals.

Mayor Coffman said that Council Members will have the opportunity to put forward whatever criteria they think is valid for the trip. Therefore, the criteria are inherently there. He said that people will still make decisions based on whether they feel that the trip is valid. He added that the language is unnecessary. CM Murillo asked if they are making decisions based on how Council Members feel. MPT said no. CM Murillo clarified that she is adding objective criteria that are not explicitly stated. She stated that it is Council's responsibility to ensure that they are passing a well-thought-out policy.

CM Coombs suggested that they use the city's strategic plan to be the document used for the objective criteria. CM Murillo accepted this as a friendly amendment.

Mayor Coffman said that he doesn't think that the trip to Paris was valid and that there will always be a subjective element. He said that there will always be different attitudes in terms of international travel. The presentation as to why the Council Member will participate in the international conference will bring the objective reality and criteria. D. Brozman said that a Council Member will articulate how their travel will meet the criteria based on the goals in the city's strategic plan. CM Marciano said that the amendment makes sense since conferences must tie back to what they are trying to accomplish as a city. He said that he still doesn't think that his colleagues should be able to decide what conferences to go to. He stressed that they are accountable to constituents and not the mayor.

MPT said that the language to put should be so that it directly applies to the city's strategic plan. CM Murillo said the direction would state that "... shall be prohibited unless such travel is approved by six council members/the mayor based on criteria that it applies directly to the city's strategic plan." MPT stated that it further codifies

what is implied in the resolution. She said that she is fine with it. CM Marcano asked if meeting the criteria is in lieu of having a council vote. CM Murillo said that she prefers not having a vote. However, if there is to be a vote, then it should be based on meeting the criteria.

CM Jurinsky said that she doesn't understand the pushback on the resolution since it ensures accountability and transparency. She stated that she is in full agreement with getting city staff out of the decision on making international travel. She added that part of the strategic plan should be attendance regarding missing committee or council meetings due to international conferences. CM Coombs said that accountability to the public is not the same as accountability to a highly partisan body. Accountability to the public is giving presentations and tying the conference to the strategic plan. Mayor Coffman said that the intent is clear even without the amendment. He stated that it was about the efficacy of going to Paris to learn things that one can learn at home.

Motion by Coffman, second by Zvonek to end debate and vote on the Murillo Amendment.

Voting Aye: Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Motion by Murillo, second by Coombs to support the Murillo Amendment.

Voting Aye: Bergan, Coombs, Marcano, Medina, Murillo

Voting Nay: Coffman, Gardner, Jurinsky, Lawson, Sudberg, Zvonek

Motion by Gardner, second by Zvonek to end debate and vote on the resolution as amended.

Voting Aye: Coffman, Bergan, Gardner, Jurinsky, Lawson, Marcano, Medina, Sundberg, Zvonek

Voting Nay: Coombs, Murillo

Motion by Coffman, second by Zvonek to approve item 11h as amended.

Voting Aye: Bergan, Jurinsky, Lawson, Zvonek

Voting Nay: Coombs, Gardner, Marcano, Medina, Murillo, Sundberg

11.i. Rules of Order and Procedure Amendment: Council Dialog

- ◆ *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.*

R2022-119 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO AMEND THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL REGARDING LIMITED COUNCIL DIALOG

Sponsor: Danielle Jurinsky, Council Member

Dan Brotzman, City Attorney

Council Member Jurinsky provided a summary of the item.

CM Coombs expressed her opposition and said that it gives Council Members the last word toward the public despite already having the power of being up on the dais. MPT said that this item went to the Rules Committee, and they discovered that it was already a rule in which you could ask the Mayor to have a discussion following the public invited. She clarified that the resolution will only change the timing to the end of all public invited. CM Jurinsky restated that it is already a rule. She clarified that Council Members could only correct something after all speakers have been heard rather than at any point during public invited to be heard, which is currently allowed. Mayor Coffman expressed support and said that it will make it more organized.

CM Marcano expressed his opposition and restated that they already have the last word at the end of meetings. He mentioned that former council members would use this to claim untruths and snip back at the public. He mentioned that he does not like could the implication of accusing people who testify of speaking untruths. He said that Council Members may respond at the Council Report portion of the meeting. CM Jurinsky said that it is already written in the rules that they can speak back to the public at any time after they have spoken. The resolution is to amend the rule and to hear all the testimonies first before being allowed to speak. CM Marcano clarified that he wants to remove the rule because of instances of abuse in the past.

CM Murillo asked how rules are changed within the Rules Committee. She asked if the only way to change council rules is through a resolution. MPT clarified that the Rules Committee discusses any rules that they would like to change. If the majority wants to move it forward, it moves forward as a resolution to change council rules. She added that there is a prerogative of a Council Member to bypass the Rules Committee and just bring an item straight to the floor.

Motion by Jurinsky, second by Zvonek to approve item 11i.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Marcano, Medina, Murillo

11.j. **Purchase and Sale Agreement from the Union Ditch Company between SB Farms and the City of Aurora**

R2022-120 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE CONTRACT FOR PURCHASE OF UNION DITCH COMPANY STOCK FROM SB FARMS, INC

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Ian Best, Assistant City Attorney

Dawn Jewel, Aurora Water, provided a summary of the item.

CM Coombs asked how comparable \$13,000 per acre-foot is to what they are typically spending on water rights. D. Jewel said that they are currently spending \$18,000 per acre-foot. She added that this new price is negotiated through the seller.

Motion by Gardner, second by Jurinsky to approve item 11j.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.k. Motor Vehicle Theft and Related Offenses

R2022-121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE CITY OF AURORA TO IMPLEMENT A COMPREHENSIVE APPROACH TO COMBAT THE INCREASE IN MOTOR VEHICLE THEFT AND RELATED OFFENSES

Sponsor: Dustin Zvonek, Council Member

Pete Schulte, Public Safety Client Group Manager

Council heard public call-in person testimony on item 11k.

Council Member Zvonek and Pete Schulte provided a summary of the item.

CM Marcano said that he supports elevating victims' voices and creating a victim crime fund. He asked if steeper sentences for failure to appear or mandatory minimum sentences reduce crime. He mentioned that the Cato Institute, the American Legislative Exchange Council, American Civil Liberties Union, and the Marshall Project all agree that mandatory minimum policies do not deter anything but are only good politics. He mentioned that they cost the public more resources to expand jail capacity, spend money on municipal courts, etc. He asked what the fiscal impact would be on the city. P. Schulte stated that the courts are only getting back into the regular business from COVID, and they have not been issuing the second offense of failure to appear (FTA). The courts have been adding fees and other costs to the underlying criminal case and if the defendant can't pay them, they usually get waived. He mentioned that there is no incentive to force the defendants to come to court. He added that their Criminal Division Office will choose whom to apply and file an FTA on. Once it is announced that the defendant is ready for trial, all witnesses and police officers will come to court the next Monday. If the defendant does not show up, they will be issued an FTA. In the case wherein the victim stops coming to court, the case will be dismissed since they have the burden of proof. P. Schulte said that filing FTAs will encourage defendants to show up, so they do not have to constantly reset the trial cases. P. Schulte added that the resolution does not focus

on the increased penalties, and they are just creating a group of departments to come up with a comprehensive plan. He stated that there is a sunset provision on the ordinance to see what the effect is.

CM Marcano said that he is looking for more information than what is provided in the backup. He added that he wants to ensure that people show up, but they are taking a punitive approach and threatening people with FTAs, yet they still don't show up. P. Schulte said there is no period of effect because there is no secondary offense. He mentioned that if they get charged with the FTA, the public defender will defend them. He clarified that the bailiff calls out the defendant's name three times on the day of the trial. If they do not show up, they will be charged with the FTA. If the underlying criminal offense gets dismissed, the charges and fees will be dismissed, but they will still have the FTA. He clarified that it will be in the most extreme jury trial settings because that is what impacts residents the most.

CM Zvonek stated that he is more concerned about the cost of doing nothing than the cost of the ordinance and the plan. He is concerned for the victims. He stressed that they have an obligation to ensure that taxpayer dollars make the community safe.

CM Coombs expressed support for the continual review of sentences and hopes that they extend it beyond motor vehicle theft and FTA, the impact of the sentencing, and the unintended consequences of the sentencing laws. She asked what the city is currently doing to address failures to appear. She mentioned that they don't have systems in place to remind people of their court dates, but she agrees with addressing FTAs. P. Schulte said that a week before the pre-trial, the defendant's counsel can approach the court regarding any potential conflict to a court appearance. He clarified that he is talking about defendants stating that they are ready for the trial on Monday, yet do not show up. He added that they are trying to lessen penalties for FTAs, but they are seeing a vast increase in having to reset trial dates because defendants don't show up.

CM Coombs asked how many cases are dismissed because witnesses and victims don't show up versus defendants not showing up. P. Schulte said that he does not have those numbers. D. Wilson said that they have tracked data for a year and a half. He clarified that the jury status happens on Wednesdays and jury trials on Tuesdays and Thursdays. He stated that the prosecution dismisses charges due to lack of evidence or lack of witnesses 52% of the time. He expressed concern that the FTA statute does not have a mens rea or a culpable mental state. He said it will turn an FTA into a liability crime, which is not constitutional. He added that the FTA reads that if someone is subpoenaed and they do not show up, they will receive an FTA offense, and this would include police officers, victims, and witnesses.

P. Schulte asked how the data is tracked and if it has happened on multiple trial settings. D. Wilson said that he can't say whether it's the first, second, third, or fourth trial setting but he knows that 52% of cases are dismissed. P. Schulte stressed that if a trial is reset multiple times, the victims are less likely to appear. He said that if the public defender wants victims and police officers to be charged for

FTA, then they will be dismissing fewer cases. He stated that if citizens do not want to participate, then they are not going to be forced and charged. He added that their office will make a decision on whom they charge, and it will be individuals that did not give the court any indication of conflict to their court appearance. P. Schulte said that it would be interesting data to find out how many trials get reset.

MPT stressed that motor vehicle theft in Aurora is the highest in the nation. She said that they do not babysit offenders and they need to be tougher on crime. She highlighted that without vehicles, victims can't go to work and lose out on money. She expressed her full support for the resolution. CM Coombs how they address instances wherein defendants do not have counsel and are not there for the trial setting meetings. P. Schulte said that if a person can't afford counsel, they will be represented by a public defender. He mentioned that anyone subject to incarceration is entitled to counsel. He added that they can bring forward any defense as to why they couldn't appear in court. P. Schulte said that their FTA statute has been tried and tested in the appellant courts and is enforceable. He added that the Criminal Division is reasonable and will do what's right. He asked if D. Wilson's office has any resources such as Uber vouchers for defendants. D. Wilson said no unless Council gives them resources. He added that they do not have bus or Uber vouchers or cellphones to check-in.

CM Jurinsky said that the whole point of the ordinance is to start giving victims a voice, yet they are spending a lot of time talking about the victims. She expressed her opposition to giving them Uber vouchers. She added that they committed a crime, and they can walk to court. She stressed that the ordinance would make Aurora the toughest city in the state on crime. Mayor Coffman reiterated that the number one issue for the city is motor vehicle theft and that there are habitual motor vehicle thieves. He stated that it is unfortunate that the state legislature weakened laws in terms of consequences.

D. Wilson said that they are blending the review of sentences and motor vehicle theft. He stated that the public defender should be on the task force since four of the seven items directly impact the confrontation clause, due process, or the ability to have counsel. He added that the resolution is devoid of any defense representation and it's a mistake if it is not added. He expressed concerns about the ordinance. However, he stated that there needs to be a broader look at sentencing in Aurora. He asked if the FTA offense also applies to other crimes, not just motor vehicle thefts. Sheriff T. Brown clarified that the state passed a resolution for an opt-out program for texting to receive information and notification of the trials. He stated that if individuals are not brought to court, then they are not held accountable for their actions. He added that there are individuals that go without a catalytic converter since it is a minimum of \$2,000 and they don't have comprehensive coverage.

CM Coombs said she does not oppose the ordinance nor oppose addressing motor vehicle theft. She mentioned that they don't have a texting program due to the paper nature of the court. She stressed that that basic thing to ensure appearances in court is not done in Aurora. She said that she hopes they can do those things in addition to reviewing sentences. P. Schulte said that the clerk's office emails and calls the

defendants to alert them of their court dates. He explained that they don't have the ability to text defendants, but they are working on it as they move to the electronic system.

CM Marcano asked for clarification on Section 1(f). P. Schulte explained that CM Zvonek wanted language that states that Council is supporting overhauling and looking at procedures done by APD to combat crime.

CM Sundberg said that there was an individual who stole 41 vehicles that parked them in his driveway. He asked what the likelihood is of using stolen vehicles in other crimes. Chief D. Oats said that when there is a violent felony involved, it is becoming a trend that a stolen car is associated with their activity. He mentioned an incident wherein a homicide was tied to a stolen car. He added that he doesn't have the data, but it is not uncommon in Aurora.

CM Coombs proposed an amendment to add the public defender to the list of individuals that will create a comprehensive plan. D. Brotzman clarified that the Public Defender's Commission appoints the public defender, and they are an independent body. He explained that Council does not direct the public defender. CM Zvonek explained that Section 1(a) talks about reviewing sentencing to see if it is working or not. He stated that he welcomes D. Wilson's input at the public safety meetings moving forward. Mayor Coffman reiterated that City Council cannot direct the public defender.

CM Murillo said that she is struggling with Section 3 since it may be encroaching on the FSIR process on taking positions on bills and it is appointing that job to the City Manager. CM Zvonek explained that they can direct the City Manager to come up with a process and a proposal to bring forward to the General Assembly. He added that they need a statewide solution to motor vehicle theft. He mentioned that he has had a conversation with CM Lawson to talk about what that could look like and bring it forward through the Public Safety Committee and to the full Council. CM Murillo said that Section 3 is broad. She mentioned that there are parts of the resolution that could be beneficial, but she doesn't agree with Section 3. CM Zvonek said that it was intentional that they did not lay out specifics of the plan yet. He said that if both the resolution and ordinance pass, they will inform the type of penalties that they would encourage the state legislature to consider. The section being vague allows for an opportunity to have a conversation about specifics about their recommendations at a later date. He said that he assumes it would be increased penalties which would lower motor vehicle theft.

P. Schulte explained that they don't know what bills will get filed in the next legislative session. Section 3 will let city management know that if the Council votes for an ordinance, the Council wants the city managers to talk to lobbyists and elected officials about the importance of those bills to Aurora citizens. He explained that it does not tell the legislature that Council automatically supports bills on increasing penalties for motor vehicle thefts. CM Marcano stated that there are provisions to the resolution that he likes, but some that he has issues with. He mentioned that Chief D. Oates said that the goal is to improve public safety and the perception of public

safety. He said that those provisions do the latter but not the former. He stated that the United States has more people in jail than any other country and is not safer for it. He expressed that it is a failed national experiment and an expensive endeavor. He stated that addressing the inequality in society will reduce crime based on evidence-based approaches. Giving the state direction to increase penalties will not accomplish this. He added that people who have little to lose do not care about a penalty and there will always be someone else in a precarious situation that will lead them to harm the community. He, however, expressed support for the Victims Assistance Fund.

Mayor Coffman said that every day a habitual car thief is behind bars is a day of them not stealing a vehicle. MPT said that she has spoken to APD about motor vehicle theft and expressed concern about repeat offenders. She expressed support for harsher penalties. CM Marcano said that they agree that stealing cars is bad and illegal and they share a common goal of reducing crime and motor vehicle theft. He said that what they disagree on is where the evidence directs them. He said that this will cost citizens more public resources and not generate the wanted results. He explained that there will always be someone else that will commit a crime because the underlying conditions in the community are not addressed. CM Zvonek said that history and evidence suggest that CM Marcano is incorrect. He stated that around 2004 or 2005, Aurora's penalties became stricter and car theft went down. He believes that come October or November, there will be a decline in car theft because of the ordinance, the comprehensive plan, and the actions of the APD.

Motion by Jurinsky, second by Bergan to call for the question.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Motion by Zvonek, second by Jurinsky to approve item 11k.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.1. YVPP Community Prevention Funding Resolution - A1 Boxing

R2022-122 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - A1 Boxing Fitness Academy Outreach Program

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Christina Amparan, Youth Violence Prevention Program Manager, provided a summary of the item.

Motion by Lawson, second by Bergan to approve item 11l.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.m. YVPP Community Prevention Funding Resolution - Aurora Housing Authority

R2022-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Aurora Housing Authority

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Motion by Bergan, second by Coombs to approve item 11m.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.n. YVPP Community Prevention Funding Resolution - Aurora Public Schools

R2022-124 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Aurora Public Schools

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Motion by Murillo, second by Medina to approve item 11n.

Voting Aye: Coombs, Marcano, Medina, Murillo

Voting Nay: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

11.o. YVPP Community Prevention Funding Resolution - Aurora Sister Cities

R2022-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Aurora Sister Cities International

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Mayor Pro Tem Bergan said that she voted no since the city already funds Aurora Sister Cities.

Motion by Coombs, second by Marcano to approve item 11o.

Voting Aye: Mayor Coffman, Coombs, Gardner, Marcano, Medina, Murillo

Voting Nay: Bergan, Lawson, Jurinsky, Sundberg, Zvonek

11.p. **YVPP Community Prevention Funding Resolution – Driven By Our Ambitions (DBOA)**

R2022-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Driven By Our Ambitions (DBOA)

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Motion by Bergan, second by Lawson to approve item 11p.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.q. **YVPP Community Prevention Funding Resolution - Denver Area Youth for Christ**

R2022-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Denver Area Youth for Christ

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

CM Coombs pointed out that this resolution will use taxpayer dollars to support a religious organization that is already tax-exempt. Mayor Pro Tem Bergan clarified that it is a nonprofit. C. Amparan confirmed this. Mayor Pro Tem Bergan mentioned that it said Denver. She asked if it is broad-based around the cities of the greater metro area. C. Amparan said yes and added that they are currently working with several Aurora Public Schools and charter schools. CM Jurinsky agreed with CM Coombs that they have to be consistent in not funding churches. Mayor Pro Tem Bergan highlighted that this was referred by the judicial detention.

Motion by Lawson, second by Medina to approve item 11q.

Voting Aye: Bergan, Coombs, Gardner, Lawson, Marcano, Murillo, Sundberg, Zvonek

Voting Nay: Jurinsky, Medina

11.r. **YVPP Community Prevention Funding Resolution - Rise 5280**

R2022-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - RISE 5280

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Motion by Coombs, second by Murillo to approve item 11r.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Marcano, Medina, Murillo

11.s. **YVPP Community Prevention Funding Resolution - Rocky Mountain Welcome Center**

R2022-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - Rocky Mountain Welcome Center

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

CM Medina mentioned that he is abstaining because he sits on the Rocky Mountain Board.

Mayor Pro Tem Bergan asked if they have a welcome center as part of the Office of International Affairs. C. Amparan said she is not sure, but the programming is specific to females. R. Venegas clarified that they do not have a welcome center. He stated that they partner with organizations but do not have a formal welcome center as part of their office.

Mayor Pro Tem Bergan said that she thought that it was in the strategic plan received from the Office of International Affairs. R. Venegas clarified that this is to support welcoming centers, but there is none yet stood up as part of the Office of International Immigrant Affairs. What will be created is a spinoff from the original welcome center iteration by the Aurora Public Schools. He highlighted that the Office of International Immigrant Affairs does work with Welcome Centers and nonprofits that provide services for immigrants and refugees. He mentioned that the Rocky Mountain Welcome Center is one that they have worked with in the past.

Motion by Coombs, second by Lawson to approve item 11s.

Voting Aye: Bergan, Coombs, Gardner, Lawson, Marcano, Medina, Murillo Sundberg, Zvonek

Voting Nay: Jurinsky

11.t. **YVPP Community Prevention Funding Resolution - Salvation Army**

R2022-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING RECOMMENDATION - The Salvation Army Aurora Corps

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia, Senior Assistant City Attorney

Motion by Bergan, second by Jurinsky to approve item 11t.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo
Sundberg, Zvonek

11.u. YVPP Community Prevention Funding Resolution - Struggle of Love

R2022-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING
RECOMMENDATION - Struggle of Love Foundation

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia,
Senior Assistant City Attorney

Motion by Coombs, second by Lawson to approve item 11u.

Voting Aye: Coombs, Marcano, Medina, Murillo

Voting Nay: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

11.v. YVPP Community Prevention Funding Resolution - Urban Nature Impact

R2022-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADOPTING THE YOUTH VIOLENCE PREVENTION PROGRAM FUNDING
RECOMMENDATION - Urban Nature Impact

Christina Amparan, Youth Violence Prevention Program Manager / Angela Garcia,
Senior Assistant City Attorney

CM Jurinsky said that based on information from C. Amparan, the organization's nonprofit status is pending. However, when she reached out to the organization, they said that they've been fully approved. C. Amparan clarified that they've been fully approved and they're a registered business in Aurora. She clarified that the resolution would enable them to start programming and support them as a startup organization. CM Jurinsky said that C. Amparan mentioned to MPT that the organization does not have nonprofit status. C. Amparan said that the organization has not worked within Aurora in the past and the resolution would provide start-up funding to support their programming.

MPT said that the organization has a letter that gives them tax exemption status with the IRS, and she spoke to CM Gardner about it. She asked if you could have a tax exemption status without starting your nonprofit. C. Amparan said that those are the first steps to take to become a nonprofit organization and those are things that the organization has already done to become a registered business within Aurora. MPT said that she feels that they are not yet ready to be a startup since their concept, although good, is not yet fully fleshed out. She asked C. Amparan for the panel discussion. C. Amparan said that the organization originally requested a larger lump sum and the panel had concerns about it being a startup organization and not having historical collaboration with other criminal justice organizations, schools, and key

partners. In addition, there were also concerns that they don't have the history or know-how of doing intervention work.

CM Lawson asked if the \$7,500 would give them an establishment of an established organization. She added that they are not yet fully established, and their ideas are not yet fleshed out. She asked if they were not going to be successful in providing measurements. C. Amparan explained that the organization requested intervention funding and YVPP is moving forward with the recommendation for them to receive prevention funding in partnership with another organization more focused on the startup of prevention efforts. MPT clarified that she only asked if they were a nonprofit and C. Amparan said that they were not yet established. C. Amparan clarified that they are a registered nonprofit with all the documentation, but they are not operational. She added that they are currently not providing service to youth directly. She stated that the funding would help them start providing service to youth in Aurora.

Motion by Medina, second by Murillo to approve item 11v.

Voting Aye: Bergan, Coombs, Jurinsky, Lawson, Marciano, Murillo, Sundberg, Zvonek

Voting Nay: Gardner, Medina

Mayor Coffman called for a brief recess of Council to allow staff to provide call-in instructions.

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

13.a. **Station 60 Infrastructure Site Plan**

A PUBLIC HEARING WITHOUT RELATED ORDINANCE TO CONSIDER AN APPEAL BY AN ABUTTING PROPERTY OWNER OF THE PLANNING AND ZONING COMMISSION APPROVAL OF THE STATION 60 INFRASTRUCTURE SITE PLAN

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant City Attorney

Item 13a was moved to be continued on July 11th, 2022.

14. **INTRODUCTION OF ORDINANCES**

14.a. **Amendment to the Unified Development Ordinance - Multifamily Building Length**

2022-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 146-3.3.2.H AND 146-4.8.5.D OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ADDRESS BUILDING LENGTH STANDARDS OF MULTIFAMILY BUILDINGS

Brandon Cammarata, Planning Manager / Daniel Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Brandon Cammarata, Planning Manager, provided a summary of the item.

Mayor Coffman closed the public hearing.

CM Coombs mentioned that every time there is a request for a variance on this item in the UDO, it will get approved. She stated that the 250-foot maximum length may not be meeting the building lengths that are being developed in the city.

Motion by Coombs, second by Marciano to approve item 14a.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

14.b. Qualification of Elective Officers of the City

2022-33 FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE STATEWIDE GENERAL ELECTION COORDINATED WITH A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022, A PROPOSAL TO AMEND ARTICLE 3-3 OF THE AURORA CHARTER TO CONFORM THE QUALIFICATIONS OF ELECTIVE OFFICERS OF THE CITY WITH THE PROVISIONS OF THE COLORADO CONSTITUTION

Sponsor: Angela Lawson, Council Member

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

Kadee Rodriguez, City Clerk, provided a summary of the item.

CM Gardner asked what the approximate cost is of doing a special election. He mentioned that he recalled it being \$250,000. K. Rodriguez said she does not have the cost and will get back to CM Gardner. CM Gardner said that it would be a special election because it's not a regular municipal election. He asked if there is a cost associated with placing the item on the ballot. K. Rodriguez said yes.

CM Gardner said that someone with a felony record can run for City Council, and they don't necessarily need to do this item as a special election. He asked if they could put it on the regular November 2023 ballot and not pay. D. Lathers said that they need to put it forward this year because of a district order that they had to present it as a vote to the people. He added that they need to make it consistent with the constitution. CM Gardner asked what would happen if the voters voted no. He asked if the court compelled them to put it on the ballot. D. Lathers said that the court compelled them to do so. He mentioned that the court does recognize the possibility of it not passing.

Motion by Lawson, second by Coombs to approve item 14b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

14.c. Amusement Device License Repeal

2022-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING CHAPTER 10 OF THE AURORA CITY CODE AND, REPEALING THE REQUIREMENT FOR AMUSEMENT ENTERPRISE LICENSES, AMUSEMENT DEVICE DISTRIBUTOR'S LICENSES, AMUSEMENT DEVICE VENDOR'S LICENSES, AND AMENDING CHAPTER 26 RELATING TO SELF-SERVICE DEVICES

Sponsor: Curtis Gardner, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Senior Assistant City Attorney

CM Gardner provided a summary of the item.

Motion by Gardner, second by Jurinsky to approve item 14c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

14.d. Reducing Distance Restriction between Liquor Stores and Drugstores

2022-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.3.5.R OF THE CITY CODE PERTAINING TO DISTANCE RESTRICTIONS BETWEEN RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUGSTORES

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Tim Joyce, Assistant City Attorney

CM Zvonek and Trevor Vaughn provided a summary of the item.

Motion by Zvonek, second by Jurinsky to approve item 14d.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

14.e. 2022 Certificates of Participation (COPs) – Roadway Improvement Projects

2022-36 FOR AN ORDINANCE AUTHORIZING THE USE OF LEASE-PURCHASE FINANCING FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS PURSUANT TO THE TERMS OF A LEASE-PURCHASE AGREEMENT BY AND BETWEEN AURORA CAPITAL LEASING CORPORATION, AS LESSOR, AND THE CITY OF AURORA,

COLORADO, AS LESSEE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY; AND RELATED MATTERS

Sponsor: Dustin Zvonek, Council Member

Teresa Sedmak, City Treasurer / Hanosky Hernandez, Senior Assistant City Attorney

CM Zvonek provided a summary of the item.

CM Coombs highlighted the importance of having roads that are safe to drive on and well maintained. She mentioned that the situation is due to the unmitigated metro district-funded suburban sprawl. She added that she hopes they will look at different ways to develop that, improve quality of life, reduce sprawl, and become cognizant of the climate disaster. MPT said that they have a large road maintenance deficit because of the 2008 recession and the council at the time did not fund all the road maintenance. Due to this, they ended up with a larger deficit year after year. She highlighted the importance of looking into the future and the impacts of decisions to cut the budget within the city. CM Marcano hopes that they are repaving streets and adding traffic calming improvements and ensuring that the environment does not facilitate or encourage the use of unsafe speeds.

MPT asked how soon they would be able to address residential roads. She mentioned that she is getting major complaints from Saddle Rock North. Lynne Center said that they could start construction on the paving program in the spring of 2023. She added that they will start with concrete works in neighborhoods in the fall. MPT asked if they could do a mill and overlay in the spring of 2023. L. Center said that they need time to get contracts out.

CM Marcano asked what the total cost factoring interest into the bonds would be. T. Sedmak said that interest rates have moved up. If issued today, they are looking at a 4.25% interest rate which would be \$2.65 million a year over 20 years.

Motion by Zvonek, second by Bergan to approve item 14e.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

14.f. Motor Vehicle Theft and Vehicle Parts Code Changes

2022-37 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF THE CITY CODE PERTAINING TO MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES IN THE AURORA MUNICIPAL CODE AND OTHER AMENDMENTS TO THE CITY CODE TO COMBAT THE INCREASE IN MOTOR VEHICLE THEFT AND RELATED OFFENSES

Sponsor: Dustin Zvonek, Council Member

Matthew Novak, Sergeant / Pete Schulte, Public Safety Client Group Manager

Council heard public call-in line testimony for item 14f.

CM Zvonek and Pete Schulte provided a summary of the item.

CM Coombs asked what percentage of motor vehicle thefts are currently heard in the municipal court. She asked if this would change and to what degree will the change be as a result of the proposed ordinance. P. Schulte clarified that the vast majority are filed in municipal court because there is faster justice for victims. He mentioned that they are seeing better sentences in municipal court which is the same at the county level.

CM Marcano asked if they could reference state statute instead of a number, so they don't have to keep updating it if there are changes. P. Schulte said that it was in the mid-2000s that it was last changed, and it doesn't happen often. He mentioned that referencing a state statute may be problematic if the section changes into something they did not intend for the ordinance. He mentioned that it makes sense to leave the number as what the jurisdictional limit is and change it as it comes.

CM Lawson asked if the ordinance is amenable to being changed if things are not working or if there are gaps throughout or before the sunset period. She mentioned that data must be collected and reported to the Public Safety Committee. CM Zvonek said that it would take six votes to amend it. He stated that he wants to watch the trends in motor vehicle theft to determine if they are lowering. If it is not, they must do something else. He mentioned that it will incur costs but the cost of doing nothing outweighs the cost of taking action. P. Schulte mentioned that regardless of what Council decides to do over the next two years, the ordinance must come back, or it will expire. He added that if they can bring it forward on another ordinance to amend it.

CM Coombs asked if the cases wherein crimes are committed using the stolen vehicle are heard in municipal court. P. Schulte said that it will be split. He stated that felony offenses that are committing violent crimes must be filed with the District Attorney's Office in district court. CM Coombs what the ordinance's impact will be the time it will take to prosecute and the impact on other nonmotor vehicle cases given that more cases may go to trial due to the mandatory minimum sentence. P. Schulte said that if sentencing is consistent such that if you go to trial and are convicted, you go in front of the judge on an agreed plea bargain, you will get the first offense and get 90, 120, or 150 days from the court. He mentioned that there will be more cases set for trial at the beginning which is expected to happen due to mandatory minimums. He added that if there are issues with the case, there are ways to get the cases moving so they're not stagnant on the trial docket. He stated that they are bound by the speedy trial law. He stressed that the criminal justice system of the civil court must get to work. CM Coombs asked if there is a risk that they would not meet the speedy trial obligations because of a significant number of cases going to trial. P. Schulte said that there is a possibility that it would happen. However, it is unlikely due to the number of courts and judges available. He mentioned that it will be handled by court management and court administration. He added that there are avenues for the prosecutors to resolve the cases.

Motion by Zvonek, second by Bergan to approve item 14f.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Medina, Sundberg, Zvonek

Voting Nay: Coombs, Marciano, Murillo

14.g. **Photo Speed Enforcement**

2022-38 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 134-451 OF THE CITY CODE PERTAINING TO AUTOMATIC VEHICLE IDENTIFICATION CITATIONS

Megan Platt, Assistant City Attorney

Megan Platt, Assistant City Attorney, provided a summary of the item.

Motion by Bergan, second by Marciano to approve item 14g.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

14.h. **Ordinance Permitting Mobile Ice Cream Vehicles Within the City**

2022-39 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 26-346 AND 26-347 AND REPEALING SECTION 26-348 TO ALLOW MOBILE ICE CREAM VEHICLES WITHIN THE CITY

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Sr. Assistant City Attorney

CM Zvonek and Trevor Vaughn provided a summary of the item.

CM Lawson asked if HOAs would need to approve ice cream trucks coming through HOA-regulated neighborhoods and private roads. T. Vaughn clarified that they are authorized on city streets. However, HOAs may regulate ice cream trucks on private roads. Mayor Pro Tem Bergan asked if the hours of operation are after sunset and before 10 AM. T. Vaughn confirmed this.

Motion by Zvonek, second by Gardner to approve item 14h.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

15. **FINALIZING OF ORDINANCES**

Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related

- ◆ *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.*

ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.

15.a. **Aurora One Zoning Map Amendment**

2022-31 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE APPROXIMATELY 15.4 ACRES OF LAND FROM AIRPORT DISTRICT (AD) TO MIXED-USE REGIONAL (MU-R), LOCATED ALONG STEPHEN D. HOGAN PKWY. AND WEST OF VALDAI ST (AURORA ONE ZONING MAP AMENDMENT)

Aja Tibbs, Senior Planner / Daniel L. Money, Senior Assistant City Attorney

Motion by Gardner, second by Marciano to approve item 15a.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

16. **PLANNING MATTERS**

17. **ANNEXATIONS**

18. **RECONSIDERATIONS AND CALL UPS**

19. **GENERAL BUSINESS**

19.a. **Consideration to Reappoint Four (4) Members to the Oil and Gas Advisory Board**

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Marciano to reappoint Brad Pierce, Marc Cooper, Philip Holmes, and James Spehalski to the Oil and Gas Advisory Committee.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Marciano, Medina, Murillo, Sundberg, Zvonek

19.b. **Consideration to Reappoint One (1) Member to the Historic Preservation Commission**

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

Mayor Pro Tem Bergan asked where Ward VIII is. She said that it might be a mistake.

Motion by Bergan, second by Marcano to reappoint Barbara Henk to the Historic Preservation Commission.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Marcano, Medina, Murillo, Sundberg, Zvonek

20. **REPORTS**

20.a. **Report by the Mayor**

None.

20.b. **Reports by the Council**

CM Lawson reported that the earmark requests for both the MLK Library and Aurora Water made it into the House Appropriations Bill. Senators have submitted both projects to the Senate Appropriations Committee. However, the Senate is yet to share a confirmed timeline for the release of their bill. CM Lawson reported that she attended the Accelerate trip to D.C. She asked questions to congressmen and senators regarding transportation and how to utilize funding and move forward to grow infrastructure to ensure that the city can handle its population growth. She thanked all Senators Hickenlooper and Bennet and Congressman Crow for putting the city's earmarks in place. CM Lawson mentioned that she sits on the CML Executive Board and the Policy Committee and attended that in Breckenridge. She was part of the Let's Talk from Conflict to Conversation panel. She attended the session on lifelong Colorado preparedness for the aging population. She stressed the importance of considering the aging population when building out infrastructure. CM Lawson also attended the session on cybersecurity attacks and trends in building energy codes. She mentioned that the CML Policy Committee Executive Board had an election of smaller, larger, and medium-sized cities. CM Lawson reported that she also attended an Executive Board Meeting.

CM Jurinsky announced that Aurora's First Responder Celebration Day will be on July 16th from 12 noon to 4 PM at the AMC Lawn Memorial.

CM Murillo announced the cancellation of her July Town Hall.

CM Sundberg reported that he attended CML. He attended the water seminar and heard a presentation from the city's International and Immigrant Affairs Office. He met with James Eklund and Marshall Brown regarding water and water issues in Colorado. He commended APD and Major Crimes Unit for their work on John Jaros' murder on I-70.

CM Marcano announced that the next Ward IV meeting will be on July 14th at 6:30 PM at Colorado Early Colleges with Chief Oates as the guest speaker. They will talk about crime trends, strategies to improve response and department culture, strategies to rebuild public trust, strategies to improve the PAR program, and the strategies to search for a permanent chief.

CM Coombs reported that she attended the session on the aging population at CML. She reached out to DRCOG regarding a boomer bond initiative and to see the services and programs available for the aging population. She also attended sessions on the role of libraries in building resilient and connected communities, public safety in response to people experiencing Dementia, the opioid settlement process, and DOLA programs for cities and municipal corporations. She also participated in the Breckenridge Fun Run. CM Coombs is also participating in the Water Education Colorado Water Fluency Workshop which will have one in-person session in Gunnison during the second week of July. During the last DRCOG meeting, they discussed the Transportation Improvement Program (TIP) and how it will be impacted by the greenhouse gas reduction targets from the state legislature, and how the city will consider land use when planning and asking for TIP funds.

Mayor Pro Tem Bergan mentioned that she attended the Accelerate Colorado trip in D.C. to advocate for Colorado for federal policy issues. She lobbied for Buckley Air Force Base and had discussions on oil and gas, alternative energy, and behavioral health. She asked questions to Senators Hickenlooper and Bennet regarding accountability and partnerships with different distributions. There were discussions on access to capital for small businesses, water, environmental issues, transportation, and I-70. Mayor Pro Tem Bergan attended the Development Review Workshop and the procurement session. She recently attended the Community Spirit Award held at the Aurora Reservoir and nominated Jen Dubrow who was awarded. She extended condolences to John Jaros' family and commended the APD detectives.

Council Members Gardner, Medina, and Zvonek had no reports.

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.

MIKE COFFMAN, MAYOR

DRAFT

ATTEST:

KADEE RODRIGUEZ, CITY CLERK

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

MINUTES

Regular Meeting of the Aurora City Council

Monday, July 11, 2022

1. **RECONVENE REGULAR MEETING OF JULY 11, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for July 11, 2022, at 6:30 p.m.

2. **ROLL CALL**– Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

Public call-in instructions were provided in both English and Spanish.

3. **INVOCATION/MOMENT OF SILENCE**– Mike Coffman, Mayor

Mayor Coffman asked for a moment of silence for the tragedy in Highland Park, Illinois.

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **APPROVAL OF MINUTES**

5.a. **June 27, 2022, Meeting Minutes**

Mayor Pro Tem Bergan said that some of her comments during the report were very condensed. She asked if that would be how it would reflect in the minutes moving forward. K. Rodriguez said that they can elaborate more on the reports. She mentioned that they usually just give a condensed synopsis of what was said during council reports. Mayor Pro Tem Bergan added that the report simply mentioned that she went to Accelerate Colorado but did not state the details she expounded on.

Mayor Coffman asked if Mayor Pro Tem Bergan needs to offer a specific amendment to change the language or if she could just provide instructions. D. Brotzman said that they can just provide instructions.

Mayor Pro Tem Bergan requested to change the minutes. K. Rodriguez said that they can change the minutes to make it more elaborate for the June 27 minutes and

those moving forward. CM Lawson said that she also wants the full context of her report to be stated. CM Coombs stated that it would go for all council members to include the details that they provided in their reports. K. Rodriguez said that they will make sure to include detailed reports for all council members.

Motion by Sundberg, second by Lawson, to approve the minutes of the June 27, 2022, City Council meeting, as presented.

SUBSTITUTE MOTION

Motion by Bergan, second by Murillo, to table the minutes of the June 27, 2022 meeting, until the next Regular Meeting of the Aurora City Council.

VOTE ON SUBSTITUTE MOTION

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

6. **PROCLAMATIONS OR CEREMONIES**

6.a. **Amazing Auroran Award**

Mayor Pro Tem Bergan presented the Amazing Auroran Award to Daniel 'Danny' Goodwin.

7. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

Council heard public in-person testimony on non-agenda-related items.

8. **ADOPTION OF THE AGENDA**

8.a. **Consideration to Remove Item 12.a. from the Agenda**

Motion by Gardner, second by Zvonek to adopt the agenda and remove item 12a.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

9. **CONSENT CALENDAR**

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

- 9.a. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Jacobs Engineering Group, Inc., Englewood, Colorado in the amount of \$248,743.00 for engineering services associated with Phase 2 of the Binney Water Purification Facility (WPF) Ultraviolet Advanced**

Elizabeth Carter, Principal Engineer, Aurora Water / David Lathers, Senior Assistant City Attorney

- 9.b. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to T&M Construction, LLC, Sedalia, Colorado in the amount of \$1,056,106.00 for the Smoky Hill and Buckley Intersection Improvement; Project 5878A.**

Matt Kozakowski, Transportation Project Delivery Manager / Dave Lathers, Senior Assistant City Attorney

- 9.c. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Galls LLC, Denver, Colorado in the not-to-exceed amount of \$236,510.50 for uniforms for the Aurora Fire Department through October 31, 2023.**

Mathew Wasserburger, Assistant Director of Fire Management Services, Fire / Dave Lathers, Senior Assistant City Attorney

- 9.d. **Nicoletti Psychological Counseling**

Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Nicoletti-Flater Associates, Lakewood, Colorado in the not to exceed amount of \$80,500.00 to provide psychological counseling services (secondary contractor) for the Aurora Police Dept. through July 31, 2023.

John Schneebeck, Manager Of Business Services, Police / Dave Lathers, Senior Assistant City Attorney

- 9.e. **Consideration to AWARD A SINGLE SOURCE CONTRACT to SWS VidmarLista, Pittsburgh, PA, in the not-to-exceed amount of \$135,440.00 for purchase and installation of a tire carousel for Fleet Services.**

Ronnie Forrest, Fleet Manager, Public Works / Dave Lathers, Senior Assistant City Attorney

- 9.f. **2022-2023 GE Switchgear and Motor Control Centers Maintenance**

Consideration to AWARD A SINGLE SOURCE CONTRACT to Integrated Power Services, Denver, Colorado in the not-to-exceed amount of \$100,000.00 for GE switchgear and Motor Control Centers maintenance and repair at various Water facilities as required through July 31, 2023

Marena Lertch, Manager of Water Service, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.g. **Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland, Colorado in the not-to-exceed amount of \$312,540.00 for the purchase of water quality monitoring equipment and supplies for the Water Department as required through June 30, 2023**

Bobby Oligo, Manager of Water Treatment, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.h. **Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$269,500.00 to provide psychological counseling services (primary vendor) for the Aurora Police Dept. through June 30, 2023.**

John Schneebeck, Manager of Business Services, Police / Dave Lathers, Senior Assistant City Attorney

- 9.i. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Colorado Audio Video, Centennial, Colorado in the amount of \$71,142.04 for Emergency Operations Center audio and video upgrades.**

Scott Newman, Chief Information Officer, IT / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Jurinsky to approve the consent calendar items 9a through 9i.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10. **RESOLUTIONS**

10.a. **Photo Speed Enforcement Pilot Program**

R2022-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF IMPLEMENTING A PHOTO SPEED ENFORCEMENT ONE-YEAR PILOT PROGRAM

Carrigan Bennett, Police Lieutenant / Megan Platt, Assistant City Attorney

Outside Presenter: Scott Stewart, Senior Sales Executive of Conduent

Carrigan Bennett, Police Lieutenant, provided a summary of the item.

Mayor Pro Tem Bergan mentioned she previously asked about doing a 60 or 90-day warning period. She said she gets a lot of complaints from her constituents about speeding. She said she is more concerned about letting the public know about the program. She asked if they would have time to do the educational campaign to the public if they opt for the 30-day warning period. She also asked if the fine would be \$40.00. C. Bennet confirmed the fine amount.

♦ *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.*

Mayor Pro Tem Bergan asked if they are talking about cars that are going more than 10 miles per hour. C. Bennet said that is not determined yet and it would be a policy decision. Mayor Pro Tem Bergan said that this would not apply to highways since they are not under the city's jurisdiction. C. Bennet confirmed this.

CM Zvonek asked if there are other vendors that provide the same service. C. Bennet said yes. CM Zvonek asked why they did not do an RFP for the pilot. C. Bennet said they would put in the RFP after the pilot and added that the vendor they are using is the same one that provided services for the photo red light program. CM Zvonek asked what measures will be used to determine the success of the program. C. Bennet explained the measurements.

CM Jurinsky asked for clarification on whether the vans will stay in the same place for 12 months or if they will move according to where traffic complaints are received. C. Bennet said the vans will be moved but will be repeatedly put in the same places. CM Jurinsky asked if they would do a 30-day warning every time those are moved. C. Bennet said no because they will do a citywide 30-day warning before the 12 months of enforcement. CM Jurinsky said that she is not agreeable to anything more than 30 days of warning given that speeding is already against the law. She mentioned that the tickets during the photo red light were \$75. She asked why speeding tickets in residential areas are only \$40. C. Bennet said that the fine is the maximum set by the Colorado Revised Statutes.

CM Lawson asked if they are doing outreach and gathering data for certain schools. She mentioned that there have been complaints about speeding in school zones. She asked how they will address this issue. C. Bennet answered that it would be a similar process where complaints are forwarded from City Council, Access Aurora, etc. and they will collect data to look at target spots.

Mayor Pro Tem Bergan said she is okay with the 30-day warning period as long as educational campaigns leading up to it will be done. C. Bennet agreed.

CM Coombs asked if there will be considerations for traffic calming measures when analyzing the data. C. Bennet confirmed this.

CM Gardner expressed his opposition to the program. He mentioned that previously, 70% of voters in Aurora voted against the photo red light program. He expressed concern that they are using the revenue generated from the proposed program to fund other needs in the city just as they did with the photo red light program. When voters got rid of the photo red light, the funding for the programs also went away. He stressed law enforcement and public safety should not be used as revenue generators. He also expressed concerns about the civil liberties aspect of introducing more cameras to the public. He urged other council members to vote no.

Mayor Pro Tem Bergan explained that the excess funds for the Nexus program were from the surcharges on top of the photo red light tickets. However, there will be no tickets for this program. C. Bennet confirmed this. Mayor Coffman highlighted that

the resolution is for the pilot program, and it will come back to Council for authorization before being made into a permanent program.

CM Jurinsky said it was the will of the voters to get rid of the photo red light as well as to ban pit bulls in the city. She mentioned that the council also took that away from voters to overrule it. She stated there were more fees with the photo radar, which is how they got funding for extra programs, compared to this proposed program. She mentioned there are not a lot of fees associated with this and is hopeful that costs will be covered. She stressed that the APD is not manned enough to enforce all the traffic laws and violations. She expressed support for the program but added that she will not sign off on it permanently at this point as she still wants to see the data from the pilot program.

CM Gardner stated there is a long history of government that takes on a program and raises fees to fund other programs. He mentioned they raised marijuana sales tax revenue several times to fund other projects. He stressed that to say the same will not happen with this proposed program is disingenuous. He added this will be a reason to not hire more police officers because they are putting robots out on the street. He highlighted that his preference would be to see more police officers and not cameras.

CM Sundberg stressed there have been numerous pleas for help and council requests. He mentioned Aurora has a 54% increase in fatalities, with a 16% increase in Colorado, and a 7% increase nationally. He stressed there is a backlog of equipment the city needs such as speed cushions and speed bumps that cost \$5,000 each. He also stressed there are issues with staffing. He said the proposed program comes with a warning sign in advance and is simply a pilot program and they are not committing to it yet. He asked for proposals to specifically answer the residents' calls for help if not through this program. He urged other council members to vote yes.

CM Gardner mentioned that based on data from staff presentation to the Transportation Committee, the average cost of traffic calming measures was \$17,000. Factoring in inflation, it would be \$34,000 per item. With 55 backlogs, it would total \$1.8 million. He mentioned that with half a billion dollars, they can fully fund the traffic calming elements. Mayor Coffman said it is not a traffic problem, but a recruiting problem. He mentioned they currently have 34 vacancies. He added that CM Zvonek and the Public Safety Committee are working hard in terms of recruiting qualified officers and filling the vacancies.

CM Marcano agreed that motor vehicles contribute to a tremendous number of fatalities in the United States. However, the pilot program is not a solution but will hopefully have a deterring effect in the short term. He mentioned there is evidence that when people are fined, there is a short-term change in their behavior. The ultimate solution would still be to change the built environment by introducing traffic calming measures such as speed cushions, reworking surface lanes and streetscapes, and making streets safer. He mentioned there was a vehicle going 60 miles per hour in a 25-mile-per-hour area. He expressed support for the pilot. He said they will see if it has a short-term effect while they get the strategies and resources necessary for

reworking the built environment. CM Zvonek said he is heartened to hear colleagues agree that increased penalty results in deterrence. He said voters did not want red lights and that there are other alternatives that can better address this issue. He said it is their responsibility to find the best solution. He expressed his opposition to the proposal.

Mayor Pro Tem Bergan mentioned there was a constituent that talked to her about his regrets about voting against the red lights that came about due to the escalation in traffic fatalities and concern for his daughter who is a driver. She expressed interest in seeing the data from the pilot program. She added that she receives requests to enforce measures against speeding. She said she tells them that the city does not have enough police officers to take care of a city of 400,000 people. CM Jurinsky mentioned she is one of the voters that voted to remove the photo red light because of the blinding lights caused by it at night. She stressed it was extremely unsafe. She highlighted that for the vans in the proposal, there will be a warning and a quick flash. She stressed it will not light up the entire intersection like the photo red light.

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

Voting Aye: Bergan, Coombs, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg,

Voting Nay: Gardner, Zvonek

10.b. **Grant Application for a Bureau of Reclamation for the North Campus Radial Collector Well.**

R2022-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF A BUREAU OF RECLAMATION GRANT FOR THE NORTH CAMPUS RADIAL COLLECTOR WELL DROUGHT RESILIENCY INITIATIVE

Sponsor: Angela Lawson, Council Member

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Rachel Allen, Manager of Client Services, City Attorney

Staff provided a summary of the item.

Motion by Lawson, second by Sundberg to approve item 10b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.c. **The Salvation Army Safe Outdoor Space Operational General Funds Agreement**

R2022-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY WITH GENERAL FUNDS FOR THEM TO

OPERATE PALLET SHELTERS AT THE RESTORATION CHRISTIAN MINISTRIES SAFE
OUTDOOR SPACE TO PROVIDE A SHELTER OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance
City Attorney

Staff provided a summary of the item.

CM Jurinsky asked if the pallet homes at the Salvation Army house one or two people. Staff explained that the shelters can fit up to two people. Staff added they do not put two people from separate camps into one shelter to avoid issues. CM Jurinsky asked how it would cause an issue. Staff stressed that putting two strangers together in tight spaces typically does not go well. CM Jurinsky said she is not okay with having no guarantee of two people together per shelter. She said that beggars can't be choosers and they must get a lot of people off the street. She highlighted that it would be better to help more people. She said they are not allocating funds for each of them to have their own pallet home. She asked if they will still have the motivation to move out if they have their own pallet homes.

CM Jurinsky asked what the state limit is. Staff answered that it is seven days with the ability to stay longer if they are actively working with case management. Mayor Coffman asked where the 25 pallet shelters are and when they'll be in. Staff answered that all 30 shelters with 20 on one side and 10 on the other will be getting in by the week of August 15.

Motion by Sundberg, second by Jurinsky to approve item 10c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo,
Sundberg, Zvonek

10.d. **The Salvation Army Safe Outdoor Space Construction General Funds Agreement**

R2022-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, TO FUND THE SALVATION ARMY WITH GENERAL FUNDS TO PREPARE
THEIR SAFE OUTDOOR SPACE FOR PALLET SHELTERS TO PROVIDE A SHELTER
OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance
City Attorney

Motion by Jurinsky, second by Bergan to approve item 10d.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo,
Sundberg, Zvonek

10.e. **Restoration Christian Ministries Safe Outdoor Space Construction General Funds Agreement**

R2022-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND RESTORATION CHRISTIAN MINISTRIES WITH GENERAL FUNDS TO PREPARE THEIR SAFE OUTDOOR SPACE FOR PALLET SHELTERS TO PROVIDE A SHELTER OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance City Attorney

Motion by Coombs, second by Jurinsky to approve item 10e.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.f. **Colorado Science + Technology Park Urban Renewal Area Intergovernmental Agreements**

R2022-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF AGREEMENTS BY AND BETWEEN THE AURORA URBAN RENEWAL AUTHORITY, THE CITY OF AURORA, AND THE TAXING JURISDICTIONS OF RECORD WITHIN THE COLORADO SCIENCE + TECHNOLOGY PARK ("CSTP") URBAN RENEWAL AREA, REGARDING TAX INCREMENT REVENUES GENERATED IN A SECOND TAX INCREMENT FINANCING AREA

Andrea Amonick, Development Services, AURA Manager / Chad Argentar, Senior Development Project Manager / Rachel Allen, Client Services Manager

Chad Argentar, Senior Development Project Manager, provided a summary of the item.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.g. **Special Assistant to the United States Attorney Intergovernmental Agreement**

R2022-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF COLORADO AND THE CITY OF AURORA REGARDING THE APPOINTMENT OF A SPECIAL UNITED STATES ATTORNEY

Jason Batchelor, Deputy City Manager / Peter Schulte, Public Safety Client Group Manager

Peter Schulte, Public Safety Client Group Manager, provided a summary of the item.

Motion by Zvonek, second by Jurinsky to approve item 10g.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Mayor Coffman called for a brief recess of Council to allow staff to provide call-in instructions.

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

11.a. **E 38th Ave and Helena St - Zoning Map Amendment**

2022-40 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL DISTRICT (R-R) TO BUSINESS/TECH DISTRICT (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE & HELENA STREET ZONING MAP AMENDMENT)

Erik Gates, Planner 1 / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Erik Gates, Planner 1, provided a summary of the item.

Peter Wall, the applicant, thanked Erik and their staff for their professionalism.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Jurinsky to approve item 11a.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.b. **Windler Zoning Map Amendment 2**

2022-41 A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242 ACRES OF LAND, LOCATED WEST OF E-470 AND ALONG THE 48TH AVENUE ALIGNMENT (WINDLER ZONING MAP AMENDMENT)

Aja Tibbs, Senior Planner / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Brandon Cammarata provided a summary of the item.

CM Marcano pointed out that the change leapfrogs different uses that will be sandwiched between the airport district. He asked why the areas were chosen and what the vision is for the area. He said he thought that it was supposed to be a front door to the city. B. Cammarata said the existing MUA zone district permits industrial uses as conditional approvals. CM Marcano said that they would be moving to primarily industrial use as opposed to allowing the light industry to get conditional use permits. He asked if they are sacrificing other mixed-use as a result of this. B. Cammarata explained that the existing zoning was MUA for the entire area is mixed-use zoning that permits conditional industrial and residential zoning.

Mayor Coffman closed the public hearing.

Motion by Sundberg, second by Jurinsky to approve item 11b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

12.a. **Station 60 Infrastructure Site Plan**

A PUBLIC HEARING WITHOUT RELATED ORDINANCE TO CONSIDER AN APPEAL BY AN ABUTTING PROPERTY OWNER OF THE PLANNING AND ZONING COMMISSION APPROVAL OF THE STATION 60 INFRASTRUCTURE SITE PLAN

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant City Attorney

Item 12a was removed from the agenda.

12.b. **Colorado Science + Technology Park Urban Renewal Plan Amendment**

R2022-139 A PUBLIC HEARING FOR A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE COLORADO SCIENCE + TECHNOLOGY PARK URBAN RENEWAL PLAN BY CREATING A SECOND TAX INCREMENT FINANCING AREA

Andrea Amonick, Development Services, AURA Manager / Chad Argentar, Senior Development Project Manager / Rachel Allen, Client Services Manager

Mayor Coffman opened the public hearing.

Chad Argentar, Senior Development Project Manager, provided a summary of the item.

Council heard public in-person testimony.

Mayor Pro Tem Bergan asked if the Bioscience V Building is anticipating 9,000 jobs to be created with the new areas. C. Argentar confirmed this.

CM Gardner asked for more information on the community benefit fund. C. Argentar said that the community benefit fund will be funded through incremental revenues in the future.

CM Gardner said he is not in favor of the AURA Board managing the money and would prefer seeing something community driven with some involvement of the Council. He asked how they decided to have AURA manage the money instead of a third-party foundation. A. Ammonick said there is no money until the increment collects. CM Gardner asked if they would engage with Adams County and APS. He asked if the board could decide to allocate money to a third-party foundation. A. Ammonick said there are certain statutory regulations and staff needs to ensure that money is being spent appropriately per the statute.

CM Gardner proposed the amendment that 100% of the property tax increment derived from the Colorado Science and Technology Park Metropolitan District shall be allocated to the authority for the purposes and activities outlined in the stated plan.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Lawson to approve the amendment proposed by CM Gardner that 100% of the property tax increment derived from the Colorado Science and Technology Park Metropolitan District be allocated to the authority for the purposes and activities outlined in the stated plan

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

Motion by Gardner, second by Lawson to approve item 12b as amended.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

13. **INTRODUCTION OF ORDINANCES**

14. **FINALIZING OF ORDINANCES**

Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.

14.a. **Amendment to the Unified Development Ordinance - Multifamily Building Length**

2022-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 146-3.3.2.H AND 146-4.8.5.D OF THE UNIFIED

DEVELOPMENT ORDINANCE (UDO) TO ADDRESS BUILDING LENGTH STANDARDS OF MULTIFAMILY BUILDINGS

Brandon Cammarata, Planning Manager / Daniel Money, Senior Assistant City Attorney

14.b. **Qualification of Elective Officers of the City**

2022-33 FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE STATEWIDE GENERAL ELECTION COORDINATED WITH A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022, A PROPOSAL TO AMEND ARTICLE 3-3 OF THE AURORA CHARTER TO CONFORM THE QUALIFICATIONS OF ELECTIVE OFFICERS OF THE CITY WITH THE PROVISIONS OF THE COLORADO CONSTITUTION

Sponsor: Angela Lawson, Council Member

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

14.c. **Amusement Device License Repeal**

2022-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING CHAPTER 10 OF THE AURORA CITY CODE AND, REPEALING THE REQUIREMENT FOR AMUSEMENT ENTERPRISE LICENSES, AMUSEMENT DEVICE DISTRIBUTOR'S LICENSES, AMUSEMENT DEVICE VENDOR'S LICENSES, AND AMENDING CHAPTER 26 RELATING TO SELF-SERVICE DEVICES

Sponsor: Curtis Gardner, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Senior Assistant City Attorney

14.d. **Reducing Distance Restriction between Liquor Stores and Drugstores**

2022-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.3.5.R OF THE CITY CODE PERTAINING TO DISTANCE RESTRICTIONS BETWEEN RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUGSTORES

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Tim Joyce, Assistant City Attorney

14.e. **2022 Certificates of Participation (COPs) – Roadway Improvement Projects**

2022-36 FOR AN ORDINANCE AUTHORIZING THE USE OF LEASE-PURCHASE FINANCING FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS PURSUANT TO THE TERMS OF A LEASE-PURCHASE AGREEMENT BY AND BETWEEN AURORA CAPITAL LEASING CORPORATION, AS LESSOR, AND THE CITY OF AURORA,

COLORADO, AS LESSEE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY, AND RELATED MATTERS

Sponsor: Dustin Zvonek, Council Member

Teresa Sedmak, City Treasurer / Hanosky Hernandez, Senior Assistant City Attorney

14.f. **Photo Speed Enforcement**

2022-38 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 134-451 OF THE CITY CODE PERTAINING TO AUTOMATIC VEHICLE IDENTIFICATION CITATIONS

Megan Platt, Assistant City Attorney

14.g. **Ordinance Permitting Mobile Ice Cream Vehicles Within the City**

2022-39 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 26-346 AND 26-347 AND REPEALING SECTION 26-348 TO ALLOW MOBILE ICE CREAM VEHICLES WITHIN THE CITY

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Sr. Assistant City Attorney

Motion by Gardner, second by Bergan to approve items 14a through 14g.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

14.h. **Motor Vehicle Theft and Vehicle Parts Code Changes**

2022-37 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF THE CITY CODE PERTAINING TO MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES IN THE AURORA MUNICIPAL CODE AND OTHER AMENDMENTS TO THE CITY CODE TO COMBAT THE INCREASE IN MOTOR VEHICLE THEFT AND RELATED OFFENSES

Sponsor: Dustin Zvonek, Council Member

Matthew Novak, Sergeant / Pete Schulte, Public Safety Client Group Manager

CM Zvonek and Pete Schulte provided a summary of the item.

CM Marcano asked what other jurisdictions have similar failure-to-appear penalties with associated jail time. P. Schulte responded. CM Marcano restated that P. Schulte said they have not done research into other jurisdictions that have mandatory

minimum jail time for FTA charges. P. Schulte confirmed. CM Marcano asked for the language used in other cities' FTA ordinances. He mentioned that in Colorado, they have statements such as "knowingly or intentionally" that they use to qualify whether they can charge an individual. He asked why these are not present in the proposed ordinance. P. Schulte clarified.

CM Marcano asked why there was no adequate research or due diligence done. CM Zvonek stated they were trying to address the increasing number of motor vehicle theft when they drafted the ordinance. He explained they experience challenges when the defendant does not show up. When the victim or witnesses don't show up, there is no penalty. He stressed motor vehicle theft is a serious crime as it affects people's livelihood. He stated there should be a strict penalty for defendants who do not appear for their court dates. He explained the mandatory minimum was placed to further meet the goal of becoming harsher on motor vehicle theft in Aurora. CM Marcano said that CM Zvonek did not answer his question. He asked again why due diligence was not done. CM Zvonek said they are doing something unique and leading the action to drive down motor vehicle theft and ensure people show up for their court dates.

Mayor Pro Tem Bergan said that if they don't have a good reason for not appearing in court, then they should be jailed. She stressed that the number of motor vehicle theft in the city is increasing, and they need to let people know they do not tolerate it in Aurora. CM Marcano mentioned the ordinance applies to more than motor vehicle theft FTA charges with the way it was written.

CM Marcano offered an amendment to add a mens rea clause to the FTA provision. He said the ordinance applies outside of motor vehicle thefts which is above and beyond what is reasonable. He said they might get sued over the provision since it is not well defined. He mentioned the Public Defender's Office already expressed concerns about the ordinance. Mayor Coffman said they must first finish all questions and have a motion on the floor before they can entertain amendments.

CM Coombs asked what the percentage is of FTA charges on motor vehicle thefts versus FTA charges on other crimes. P. Schulte responded. CM Coombs asked if there is prosecutorial discretion given the mandatory minimum. P. Schulte said that the Criminal Division of the City Attorney's Office will set those parameters.

CM Sundberg asked if a jury is already in place when the defendants can be charged for FTA due to skipping their court appearances. P. Schulte explained that there is a pre-trial setting wherein defendants, plaintiffs, and witnesses say that they are ready. CM Sundberg said it would then be a waste of people's time and throws a wrench in the process. Mayor Pro Tem Bergan said if defendants don't show up, then the victims' time is wasted. She said she does not have sympathy for offenders, and they must make the effort to get to court.

CM Medina asked what happens if the victim or witnesses do not appear. P. Schulte said FTAs could be filed against witnesses to force them to come to court so that cases do not get dismissed.

CM Coombs asked if there is any way to guarantee the legislative intent that only those who do not appear in their trials for motor vehicle theft are charged. P. Schulte said that this does not include traffic violations but will include most offenses under municipal code that are subject to the general violation penalty.

CM Zvonek asked if suspects are given notice that failure to appear could lead to a criminal penalty. P. Schulte said that when they are issued a summons, they are then required to be in court. CM Zvonek asked if the need for the mens rea clause is negated since they are given notice through the summons and their defense attorneys. P. Schulte said CM Zvonek is correct.

CM Coombs asked D. Wilson to comment on the mens rea, legislative intent, and application of FTA charges. D. Wilson did so.

Mayor Pro Tem Bergan asked what the consequence is of not doing FTA charges. She mentioned that repeat offenders are not going to jail because cases are dismissed, and they end up revictimizing people.

CM Marcano offered an amendment that states that "A mandatory minimum jail sentence of ten days shall be imposed for an intentional or knowing failure to appear for an alleged violation of motor vehicle theft".

Mayor Pro Tem Bergan asked CM Zvonek's thoughts on the amendment making the ordinance only for motor vehicle theft. CM Zvonek said he does not prefer the amendment. He clarified the City Attorney's Office already suggested that it is not necessary to ensure the intent of the ordinance. He said if there are other FTAs charged outside of motor vehicle theft, then it would be for bad crimes. CM Marcano said other jurisdictions include a mens rea clause and make them as clear as possible. He expressed his opposition to the ordinance and stated that the minimum jail sentence for FTA is going to be a cruel and unusual punishment. He strongly cautioned against it. CM Coombs said the number one crime charged in court is trespassing while the number two is petty offense. She said the FTA charges will not be for bad crimes.

Mayor Pro Tem Bergan restated that the summons starts the process. She asked what happens if they do not show up for the initial summons. P. Schulte said a warrant would then be issued as long as there is documentation and proof.

Mayor Pro Tem Bergan then said that while this is going on, they could have stolen more vehicles. She asked if they will not send people to jail if they have a legitimate reason for not appearing in court. P. Schulte said that currently, if defendants can explain to the judge why they were not in court, then they do not get fined.

CM Jurinsky said they have been sitting and debating on the topic for a long time and are simply delaying it while there could already be more cars stolen. She said the bigger issue is that they stole a vehicle in the first place. She stressed if they do not want to be in that predicament, then they should not steal a car in Aurora.

CM Coombs asked why there is no fiscal note. She stressed that they do not know what the impact will be on the prosecution, defense, court, and jails. She highlighted that they are also understaffed. She said it is fine to say that they want to make sure that people are prosecuted for their crimes. But they cannot just say they are going to find money no matter how much money it is or that they are going to get creative no matter what while having understaffed departments. She suggested continuing the item to the next council meeting pending a fiscal note signed by all departments.

CM Marcano asked why they are afraid of discussing the merits of the idea. CM Jurinsky clarified they are not afraid of discussing the merits; however, he wants to discuss something criminal-friendly. She said she will continue to call for the question.

Motion by Zvonek, second by Jurinsky to approve item 14h.

Motion by Marcano, second by Coombs to approve the amendment proposed by CM Marcano - *Failure to Appear. A mandatory minimum jail sentence of 10 days shall be imposed for an intentional failure to appear for an alleged violation of motor vehicle theft. The Court shall not set aside or suspend this minimum sentence with the first 3 days to be served at the Aurora Detention Facility and the remaining days to be served at the applicable county jail in the county where the offense occurred.*

Motion by Jurinsky, second by Zvonek to call for the question on the Marcano Amendment.

Voting Aye: Coffman, Bergan, Gardner, Jurinsky, Lawson, Medina, Sundberg, Zvonek

Voting Nay: Coombs, Marcano, Murillo

Motion by Marcano, second by Coombs to approve the amendment proposed by CM Marcano - *Failure to Appear. A mandatory minimum jail sentence of 10 days shall be imposed for an intentional failure to appear for an alleged violation of motor vehicle theft. The Court shall not set aside or suspend this minimum sentence with the first 3 days to be served at the Aurora Detention Facility and the remaining days to be served at the applicable county jail in the county where the offense occurred.*

Voting Aye: Coombs, Marcano, Medina, Murillo

Voting Nay: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Motion by Coombs, second by Marcano to continue the discussion on item 14b to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

Motion by Jurinsky, second by Zvonek to call for the question on Coombs' motion to continue the item to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

Voting Aye: Coffman, Bergan, Gardner, Jurinsky, Lawson, Medina, Sundberg, Zvonek

Voting Nay: Coombs, Marciano, Murillo

Motion by Coombs, second by Marciano to continue the discussion on item 14b to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

Voting Aye: Coombs, Marciano, Medina, Murillo

Voting Nay: Coffman, Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Motion by Jurinsky, second by Zvonek to call for the question on Item 14.h.

Voting Aye: Coffman, Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Marciano, Medina, Murillo

Motion by Zvonek, second by Jurinsky to approve item 14h.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Marciano, Medina, Murillo

15. **PLANNING MATTERS**

16. **ANNEXATIONS**

17. **RECONSIDERATIONS AND CALL UPS**

18. **GENERAL BUSINESS**

18.a. **Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado, and the Fraternal Order of Police for the years 2023-2024**

Jason Batchelor, Deputy City Manager / Kim Skaggs, Assistant City Attorney

Jason Batchelor, Deputy City Manager, provided a summary of the item.

Motion by Bergan, second by Medina to approve item 18a.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

18.b. **Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado, and the International Association of Fire Fighters for the years 2023-2024**

Jason Batchelor, Deputy City Manager / Kim Skaggs, Assistant City Attorney

Jason Batchelor, Deputy City Manager, provided a summary of the item.

Motion by Gardner, second by Bergan to approve item 18b.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

19. **REPORTS**

19.a. **Report by the Mayor**

Mayor Coffman reported that he had two town halls at the MLK Library last July 9, 2022, with one in English and one in Spanish.

19.b. **Reports by the Council**

CM Lawson reported the state's interim committees are currently meeting and the FSIR Committee is watching for potential impacts on the city. Later in July, they will reach out to departments for the state and federal legislative priorities to begin planning for next year. The city's earmark requests for Aurora Water and the MLK Library are still moving through the process. The House bill is expected to move next week with both projects included. Senators also included both projects to the Senate Appropriations Committee which has not yet begun marking up their bill. They are expected to do so next week.

CM Jurinsky announced that Chief Gray of AFR will have his last day of service on July 15, 2022. She thanked him for his service and wished him well on his next venture. She announced they will have the First Responders Event for APD, AFR, and Aurora911 dispatchers on July 15 at the Great Lawn from 12 noon to 4 PM.

CM Zvonek announced he joined Mayor Coffman in discussions with business owners along the Havana BID to talk about retail theft. He stated he will work with the Public Safety Committee and the APD to bring forward a plan to address retail theft in the city.

CM Murillo announced her July town hall is canceled. She said she hopes people will take that time to rest for the summer break. She announced the 7/20 Aurora

Theater Shooting 10th Anniversary Memorial is coming up next week starting on July 19th. There will also be a 5K race, reflection ceremony, and community event which will be held at the Aurora Municipal Center Campus. She encouraged everyone to attend and have a space to reflect and heal with the community. She mentioned she needed to renew her membership in the NAACP Aurora Chapter. She added that those who want to learn more about the work they do for equity and civil rights in Aurora may reach out to her.

CM Sundberg mentioned a minor league baseball team expressed interest in Ward II. He mentioned they met with Elon Musk's company to learn about technologies for creating tunnels the south of DIA. He announced he will have a Ward II meeting on July 21st co-hosted by CM Jurinsky. They will talk about the financial state of the city with Greg Hays as a presenter. They will also talk about where the shopping is in Ward II. He mentioned there are reasons why it's held up like the Mile High Flood District.

CM Marcano announced the 3rd Family Safety Check will be on July 16 from 11 AM to 3 PM at 2888 South Heather Gardens Way. This is a program held together with the Community Relations Division with APD to provide steering wheel locks, cat seat installations, and material support to families. These are hosted in areas that have been a high target for motor vehicle thefts. The next Ward IV meeting will be on July 14th starting at 6:30 PM at the Colorado Early Colleges with Chief Oates as the speaker.

CM Coombs announced her town hall will be on July 19th at the Central Recreation Center. It will be a hybrid meeting with topics on broadband infrastructure services, available opportunities, and the bipartisan infrastructure law. She announced that DRCOG had a board work session last week that discussed the impact of the greenhouse legislation and the state-level greenhouse gas reduction targets. She highlighted this is the second time they passed an ordinance without a fiscal impact. She mentioned the last time they did this, it had a cost of around \$25 million a year plus interest.

Mayor Pro Tem Bergan mentioned the E-470 Roadway Committee reviewed the road widening project from I-70 to 56th Avenue and costs have increased due to supply chain issues and inflation. The Central Maintenance Facility costs also went up from \$26 million to \$36 million. Her town hall will be on July 20th from 6 to 8 PM at CAPSTC to talk about the budget. There will also be a presentation from AmeriCorps. She addressed CM Sundberg and said that shopping is in Ward VI.

Council Members Gardner and Medina did not have reports.

20. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.

DRAFT

MIKE COFFMAN, MAYOR

ATTEST:

KADEE RODRIGUEZ, CITY CLERK

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



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to AWARD A COMPETITIVELY BID CONTRACT to Brannan Construction Co., Denver, CO in the amount of \$5,572,788.00 for the 2022 Water System Improvement Project, Project No. 5873A.

Item Initiator: John Bruneau

Staff Source/Legal Source: Dean Bedford, Principal Engineer, David Lathers, Senior Assistant City Attorney

Outside Speaker: N/A

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

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

Dean Bedford, Principal Engineer, Aurora Water / Dave Lather, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ 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 award of an OPENLY SOLICITED CONTRACT in the amount of \$511,374.00 with Stantec Consulting Services, Inc., Broomfield, Colorado, for engineering services for the 2022 Water System Improvement Project, Project No. R-2080, was reported on the Weekly Report To Council dated June 14, 2021.

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

This Project is an annual water system improvement project that entails rehabilitation/replacement of water lines within areas that were identified by Aurora Water Operations as high priority areas where frequent water breaks have occurred and high failure risks are possible. The pipeline issues could be related to asset age, expansive soils, corroded pipe and/or defective appurtenances.

Scope

The 2022 Water System Improvement Project will furnish all labor, materials, equipment, tools and supplies to install approximately 14,000 feet of waterline improvements replacing/rehabilitating 6", 8" and 12" diameter water lines within four commercial complexes including (N Dillon Way, Plaza at Aurora Mall, Granada Park & the AMC Loop.) and Sunridge West Subdivision. See attached map for more detailed locations.

Bidder Prequalification

Six (6) pre-qualified general contractors (American West Construction LLC; Brannan Construction; BTC Construction, Inc.; Global Underground; Iron Woman; and Reynolds Construction, LLC) were selected under Statement of Qualifications SOQ-22-5873A for bidding on the construction of the 2022 Water System Improvement 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 / project team with similar work
- Technical competence of recommended project team
- Organization and completeness of SOQ

Four of the six (6) pre-qualified general contractors submitted bids for this Project.

Bid Results

Bids were opened by Purchasing Services on June 30, 2022. The results of the bid opening were as follows:

American West Construction LLC	\$6,392,107.00
Brannan Construction	\$5,572,788.00
BTC Construction, Inc.	\$7,526,704.00
Iron Woman	\$6,440,410.00

No Aurora firms submitted pre-qualification proposals or bids for this project.

The engineer's estimate for this project was \$7,500,000.00 to \$8,000,000.00. City staff has reviewed and verified Brannan Construction Co.'s bid for the project and considers their overall bid to be fair and reasonable. The bid acceptance period expires August 29, 2022.

Based on the above, staff recommends awarding a competitively bid contract to Brannan Construction Co. Denver, Colorado in the amount of \$5,572,788.00 for the 2022 Water System Improvement Project, Project No. 5873A. In addition, a 10% contingency (\$557,000.00) based on the total award amount

cited above is requested. (A 10% contingency is being requested due to the underground unknowns related to dry utilities, connecting and working around older infrastructure and possible material procurement inflation and delivery delays.) This contingency will be withheld from the contract with Brannan Construction Co. and accessed only as needed and through a change order to the contract.

QUESTIONS FOR COUNCIL

Does City Council approve the award of a COMPETITIVELY BID CONTRACT to Brannan construction Co., Denver, Colorado in the amount of \$5,572,788.00 for the 2022 Water System Improvement Project, Project No. 5873A?

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)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: Funding for this award will be from the Capital Improvement Program, Water Fund, in the amount of \$5,572,788.00.

ORG: 52954 (Line Replacement WA)

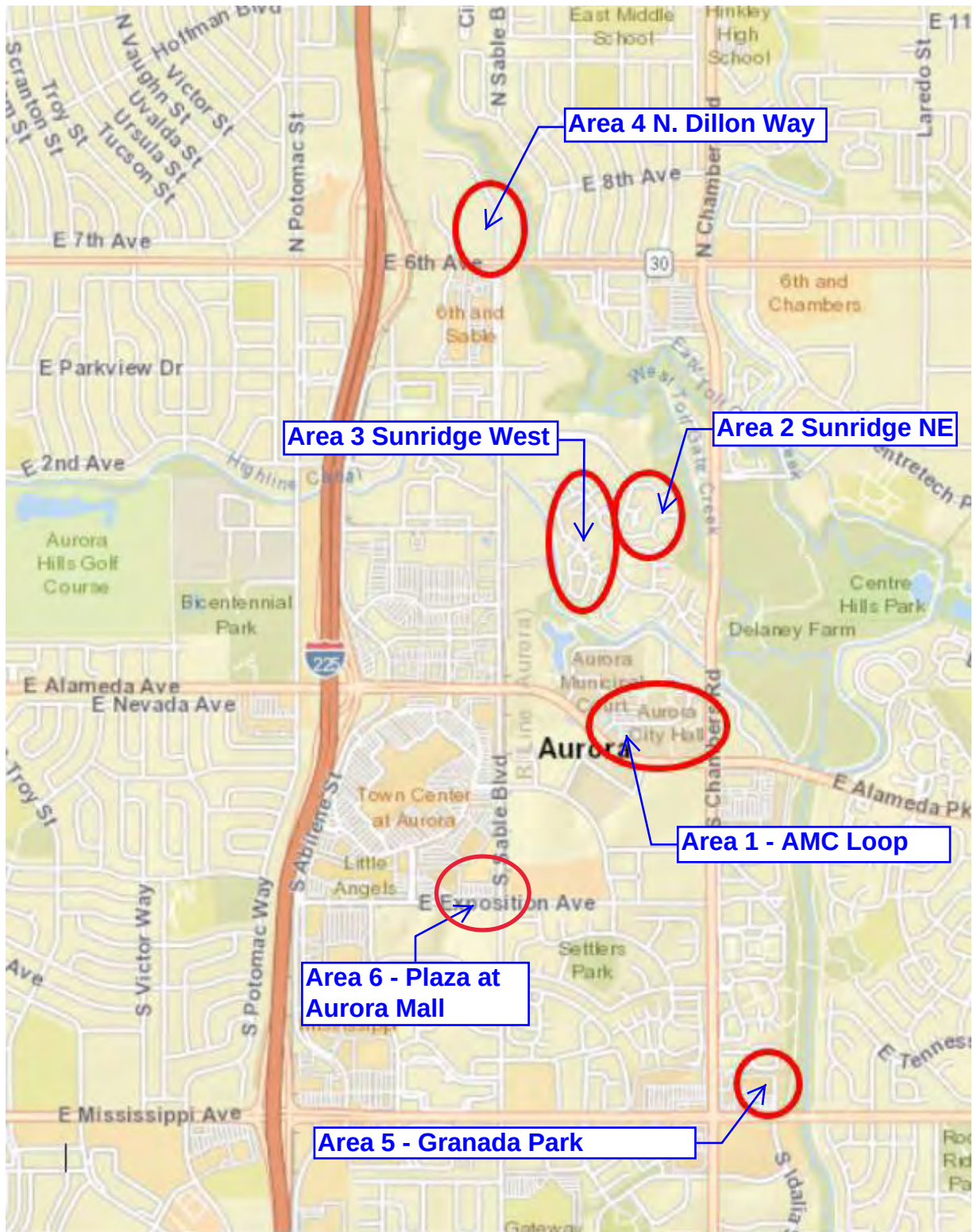
PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

COMPANY	DESCRIPTION OF AWARD	AWARD AMOUNT	BID / RESULTS
STANTEC CONSULTING SERVICES, INC. BROOMFIELD, CO Dept: Water	Award an openly solicited contract to Stantec Consulting Services, Inc. for Engineering Services for the 2022 Water System Improvement 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. Jacobs was selected as the top-ranked firm out of the eight (8) firms that responded. All of the firms were evaluated based on the following criteria contained in the RFP: 1. Specialized experience and technical competence; 2. Project approach; 3. Overall impression of proposal. As a result, a detailed scope of work, project schedule and price proposal in the not-to-exceed amount of \$511,374.00 were negotiated with Stantec Consulting Services. The proposed hourly labor rates are the same as their MESA VII agreement. Based on the above, the price proposal for providing the proposed services is considered to be fair and reasonable. <i>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)</i>	\$511,374.00	R-2080 Advanced Engineering and Environmental Services, LLC (AE2S) Burns & McDonnell Engineering Company IMEG Corp. Johnson, Mirmiran & Thompson, Inc. Kennedy / Jenks Consultants, Inc. PSI, LLC RG and Associates Stantec Consulting Services, Inc.

2022 Water System Improvement Project





CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to AWARD A COMPETITIVELY BID CONTRACT to AGS Construction, Inc., Englewood CO in the amount of \$109,975.00 for the Peoples Building Damage Repair; Project 5883A.

Item Initiator: Kristin Chewiwi, Procurement Supervisor - Finance

Staff Source/Legal Source: John Perkins, Sr. Project Manager / Dave Lathers, Sr. Assistant City Attorney

Outside Speaker: N/A

Council Goal: 2012: 3.1--Develop and implement infrastructure maintenance and replacement plans

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

John Perkins, Sr. Project Manager, Public Work / Dave Lathers, Sr. Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |

☐ Minutes Attached

☐ Minutes Not Available

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.)*

N/A

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

In October 2021, the People's Building was struck by a vehicle causing extensive damage. This project consists of structural repairs to restore the building to a safe and operational occupancy.

Construction is expected to be completed within one hundred eighty (180) calendar days, plus ten (10) days for mobilization from issuance of Notice to Proceed.

An Invitation for Bid (IFB) was publicly advertised through the Rocky Mountain E-Purchasing System on May 11, 2022. Bids were opened by Purchasing Services on June 3, 2022. Two (2) bids were received and the results are as follows:

Name of Bidder	Base Bid
AGS Construction, Inc.	\$109,975.00
D and J Johnson/Performance Construction	\$115,744.26

The estimated cost for this project was \$80,000.00 to \$140,000.00. The price from AGS Construction is considered to be fair and reasonable when compared to the engineer's estimate.

Council approval is requested when less than three bids are received during the competitive bid process.

Bid acceptance period expires on August 2, 2022.

Based on the above, staff recommends awarding a competitively bid contract to AGS Construction, Inc. in the amount of \$109,975.00 for the People's Building Damage Repair; Project 5883A.

QUESTIONS FOR COUNCIL

Does Council approve the award to AGS Construction, Inc., Englewood, CO in the amount of \$109,975.00 for the People's Building Damage Repairs; Project 5883A.

LEGAL COMMENTS

Awards worth \$50,000 or more require City Council approval if formal competitive bidding has not produced at least three responsive bids (City Code § 2-672(a)(3)(b)). (Lathers)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: Funding for this contract in the amount of \$109,975.00 will be allocated from the following ORG (49873-Bldg Repair Special Project) and ACCT (68410-CIP Construction Cost):

49873/68410 \$109,975.00

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



BID TABULATION SHEET

Project Name: People's Building Damage Repair
 Project / Bid #: 5883A
 Engineer's Estimate: \$80,000 to \$140,000

Date: 6/3/2022 Time: 10:00 AM
 Project Manager: J. Perkins
 Opened by: K. Chewiwi KC

No.	Name of Bidder	Addendum No. 1	Bid Bond	Base Bid	Alternate Bid(s)			Total Alternate Amt.	Total Bid	Notes
					1	2	3			
1	AGS Construction, Inc.	Yes	Yes	\$ 109,975.00	N/A	N/A	N/A	\$ -	\$ 109,975.00	
2	D and J Johnson / Performance Construction	Yes	Yes	\$ 115,744.26	N/A	N/A	N/A	\$ -	\$ 115,744.26	
3								\$ -	\$ -	
4								\$ -	\$ -	
5								\$ -	\$ -	
6								\$ -	\$ -	
7								\$ -	\$ -	
8								\$ -	\$ -	
9								\$ -	\$ -	
10								\$ -	\$ -	

Note: All bidding documents are subject to review and evaluation.



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to AWARD CHANGE ORDER #4 TO THE COMPETITIVELY BID CONTRACT to Pinnacle Data Systems LLC, Birmingham, AL, in the amount of \$50,000.00 for Water Billing Services through May 31, 2023.

Item Initiator: Cyndi Winner – Procurement Agent - Finance

Staff Source/Legal Source: Jo Ann Giddings - Deputy Director Business Services, Water/Ian Best – Assistant City Attorney

Outside Speaker: N/A

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

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

Jo Ann Giddings, Deputy Director Business Services, Water / Ian Best, Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration | |
| Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|--|--|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
|--|--|

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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 approved the previous award for this requirement to Pinnacle Data Systems in the not-to-exceed amount of \$121,000.00 on June 22, 2020, Agenda Item #9i.

Change Order #1 was for a term extension only.

Change Order #2 for \$90,000.00 was reported on the Weekly Report to Council dated November 1, 2021.

Change Order #3 was for a term extension only.

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

This proposed Change Order #4 is needed to continue services through the contract period ending in May 2023. The Water Department has an ongoing need for Pinnacle Data Systems to process water bills. The services include data processing via PDF electronic files from Pinnacle to the City's payment processor (Paymentus) as well as mailing the bills.

This purchase order started in 2020 with change orders to continue the contract for bill printing services. Change Order #2 covered 2021. This change order is to cover the remaining cost of the current water billing services through May 31, 2023. The funding required is based on the vendor's original 2020 proposal of approximately \$110,000 annually. Therefore, the vendor's pricing is considered to be fair and reasonable.

The amount of all change orders to this contract total \$140,000.00. Council approval is required for all change orders of \$100,000.00 or more (cumulative).

Based on the above, staff recommends that the City award Change Order #4 to Pinnacle Data Systems, Birmingham, AL in the amount of \$50,000.00 for Water Billing Services through May 31, 2023.

QUESTIONS FOR COUNCIL

Does City Council approve Change Order #4 to the competitively bid contract with Pinnacle Data Systems, Birmingham, AL in the amount of \$50,000.00 for Water Billing Services through May 31, 2023?

LEGAL COMMENTS

Any change order or amendment that would cause the **cumulative** total of all change orders to a contract to exceed \$100,000 requires City Council approval (City Code § 2-676(II)(b)(3)). (Lathers)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: Funding for this change order will be from the Water and Wastewater operating budgets in the amount of \$50,000.00

ORGs: 52011 (Customer Service Billing-Water), 52012 (Customer Service Billing-Sewer), 52013 (Customer Service-Storm)

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

9. **CONSENT CALENDAR**

General Business

- a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Dewberry Engineers, Inc., Denver, Colorado in the amount of \$153,492.00 for providing construction phase services for the 60-inch Gun Club Pipeline from E. 6th Ave. to I-70, Phase I. Project, R-1838.
Presenter: Steven Fiori, Project Delivery Svcs Mgr - Aurora Water/Dave Lathers, Senior Assistant City Attorney
- b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Kennedy/Jenks Consultants, Inc., Lakewood, Colorado in the amount of \$1,226,238.00 for professional engineering services for the North Campus Well Field Expansion - Former Thornton Property Project, RFP R-2019.
Presenter: Steven Fiori, Project Delivery Svcs Mgr - Aurora Water/Senior Assistant City Attorney
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Duran Excavating, Inc. Greeley, Colorado in the amount of \$2,296,881.25 for the 2020 Water System Improvement Project, Project No. 5767A.
Presenter: Dean Bedford, Principal Engineer - Aurora Water/Dave Lathers, Senior Assistant City Attorney
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Environmental Systems Research Inc. (ESRI), Redlands, California in the amount not to exceed \$111,133.97 for annual maintenance of the City's geographical mapping software system through July 12, 2021.
Presenter: Scott M Newman, Interim Chief of I.T. - Information Technology/Dave Lathers, Senior Assistant City Attorney
- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Tetra Tech, Inc., Denver, Colorado in the amount of \$2,298,532.00 for professional engineering services for Engineering Services for the Feasibility Design for Wild Horse Dam and Reservoir, RFP R-2030. **(Staff Requests a Waiver of Reconsideration)**
Presenter: John Clark, Principal Engineer, Aurora Water/Dave Lathers, Senior Assistant City Attorney
- f. Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland, Colorado in the not-to-exceed amount of \$195,000.00 for the purchase of water quality monitoring equipment and supplies for the Water Department as required through June 30, 2021.
Presenter: Bobby Oligo, Manager of Water Treatment - Aurora Water/Dave Lathers, Senior Assistant City Attorney
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to Waste Management of Colorado, Incorporated, Englewood, Colorado in the amount not-to-exceed \$374,000.00 for landfill services at the Denver Arapahoe Disposal (DADS) site through June 30, 2021.
Presenter: Mike Mills, Manager of Water Operations and Maintenance, Aurora Water/Dave Lathers, Senior Assistant City Attorney

Motion by Gruber, second by Marcano, to approve item 9g.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Johnston, Lawson, Marcano, Murillo

Abstaining: Hiltz

- h. Consideration to AWARD A SINGLE SOURCE CONTRACT for professional consulting services to ICON Engineering, Inc, Centennial, CO in the amount of \$53,092.00.
(Staff Requests a Waiver of Reconsideration)
Presenter: Tracy Young, - Manager of PROS Plan, Desn, Cons - Parks, Recreation & Open Space/Dave Lathers, Senior Assistant City Attorney
- i. Consideration to award a SINGLE SOURCE CONTRACT to Pinnacle Data Systems, LLC, Phoenix, Arizona in the amount not-to-exceed \$121,000.00 for water bill processing which includes data processing, printing and mailing services.
Presenter: Jo Ann Giddings, D/D Water Financial Admin - Aurora Water/Dave Lathers, Senior Assistant City Attorney
- j. Consideration to AWARD A COMPETITIVELY BID CONTRACT to S-Comm Fiber Inc., Watkins, CO in the total amount of \$58,970.00 for services to install locking racks for IT equipment in facilities citywide. (B4519).
Presenter: Scott M Newman, Interim Chief of I.T. - Information Technology/Dave Lathers, Senior Assistant City Attorney

Motion by Gruber, second by Gardner, to approve items 9a – 9f and 9h – 9j with waivers of reconsideration on items 9e and 9h.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

Final Ordinances

- ♦ k. **2020-17** Consideration of AN ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, Amending Various Sections of Chapter 130 Of the City Code Related to Marketplace Sellers and Marketplace Facilitators
Presenters: Trevor Vaughn, Manager of Tax and Licensing, Finance/Hans Hernandez Perez, Assistant City Attorney II
- ♦ l. **2020-18** Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, vacating a Portion of the Public Right-Of-Way for South Andes Circle, A Developed Street Located Between South Tower Road and East Colorado Drive, City of Aurora, County of Arapahoe, State of Colorado (South Andes Circle Street Vacation)
Presenter: Ryan Loomis, Senior Planner, Planning & Development Services/Dan Money, Senior Assistant City Attorney
- ♦ m. **2020-19** Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, to Approve the Amended and Restated Service Plan for the Aurora Crossroads Metropolitan Districts Nos. 1, 2 and 3 and Authorizing the Execution of an Intergovernmental Agreement between the City of Aurora and the Districts.
Presenter: Vinessa Irvin, Manager of Development Assist, General Management/Brian Rulla, Assistant City Attorney I

Motion by Marciano, second by Bergan, to approve items 9k – 9m.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

- ♦ ***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.***

CHANGE ORDERS and AMENDMENTS \$25,000.00 to \$99,999.99 subject to call-up where the cumulative total of all change orders or amendments to the contract does not exceed \$100,000.00:

COMPANY/ DESCRIPTION OF CHANGE ORDER	CHANGE ORDER NUMBER	CHANGE ORDER AMOUNT	PREVIOUS CHANGE ORDERS	TOTAL TO DATE	AWARD NUMBER
PINNACLE DATA SYSTEM BIRMINGHAM, AL Change order to a single source contract to provide bill processing services for the Water Department. This change order is needed to continue services through the contract period ending in May 2022. Services include data processing and mailing. The funding required is based on the vendor's original 2020 proposal. Therefore, the vendor's pricing is considered to be fair and reasonable. <i>This Change Order is within the original scope of the contract and is appropriate for consideration under the City code.</i> 2-676 Dept: Water	2	\$90,000.00	\$0.00	\$211,000.00	20P0762



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls Inc., Denver, Colorado in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through June 30, 2023.

Item Initiator: Cyndi Winner – Procurement Agent - Finance

Staff Source/Legal Source: Lt. Brian Kelly, Police Dept. / Dave Lathers, Senior Assistant City Attorney

Outside Speaker: N/A

Council Goal: 2012: 1.1--Reduce crime rates

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

Lt. Brian Kelly, Police Dept. / Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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 approved the previous award for this requirement to Galls in the not-to-exceed amount of \$500,000.00 on April 12, 2021, Agenda Item #10H.

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

The Aurora Police Department has an ongoing need for Police Uniforms, related apparel and tailoring services as required for officers. A purchase requisition in the amount of \$500,000.00 has been submitted for expenses through June 30, 2023.

In the Denver Metro area, Galls is the local provider and authorized distributor for many apparel brands used by the Aurora Police Department (APD). In addition, location proximity allows timely completion of necessary tailoring for the items. APD has standardized on specific uniform brands to ensure similar fit and appearance.

Galls has proposed renewal pricing with an increase of 2.9% over the previous award. The Municipal Cost Index (MCI) is up 12.45% year-to-year ending May 2022. Therefore, the vendor's proposed pricing is considered to be fair and reasonable.

Based on the above, it is staff's recommendation to award a single source contract to Galls Inc., Denver, Colorado in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through June 30, 2023.

QUESTIONS FOR COUNCIL

Does City Council approve the single source award to Galls Inc. in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through June 30, 2023?

LEGAL COMMENTS

Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when closer location, more advantageous time allowances, or similar variable factors can reduce the total cost of the product or service (City Code § 2-674(6)). (Lathers).

PUBLIC FINANCIAL IMPACT

☒ YES

☐ NO

If yes, explain: Funding is available in the 2022 General Fund, Police Dept. and will be paid from: Organization 55017 (Equipment & Facility Section) and Account 60400 (Supplies-Gen. Operating)

PRIVATE FISCAL IMPACT

☒ Not Applicable

☐ Significant

☐ Nominal

If Significant or Nominal, explain: N/A

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10. CONSENT CALENDAR

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

10.a. Discussion of New Aurora Fire Rescue Fees Added to the 2021 Budget

Mathew Wasserburger, Assistant Director Fire Management Services / Isabelle Evans, Assistant City Attorney

10.b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Myers & Sons Construction, LLC, Sacramento, California in the amount of \$3,324,112.68 for the Tollgate and Sand Creek Interceptor Diversion Structures Rehabilitation Phase 2 Project, Project No. 5809A.

Andrea Long, Senior Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 10b.

Council Member Coombs requested staff provide a brief presentation of the item for the benefit of the public.

Marshall Brown, Director, Aurora Water, did so.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Populous Group LLC, Kansas City, Missouri in the amount of \$381,941.00 for additional architect & engineering services associated with the Southeast Recreation Center Project, R-1953.

John Perkins – Senior Project Manager / Dave Lathers – Senior Assistant City Attorney

10.d. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Englewood, Colorado in the amount of \$162,000.00 to provide additional engineering services during construction and construction inspection services for the Griswold Water Project.

Elizabeth Carter, Principal Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 10.e. Consideration to AWARD A SOLE SOURCE CONTRACT to Intergraph Corp., dba Hexagon Safety & Infrastructure, Madison, Alabama in the amount of \$395,804.30 for annual support of the Computer Aided Dispatch (CAD) software and interfaces through May 31, 2022.

Scott Newman, CIO, IT / Dave Lathers, Senior Assistant City Attorney

- 10.f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to WESCO, Pueblo, CO in the total amount not to exceed \$75,000.00 to provide Eaton/Cutler Hammer Electrical Parts as required for Water Treatment and Pumping Repairs through April 2022. (B-4584)

Marena Lertch, Manager Water Service Operations, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 10.g. Consideration to AWARD A SINGLE SOURCE CONTRACT to BFI Tower Road Landfill (Republic Services), Commerce City, Colorado, in the not-to-exceed amount of \$73,300.00 for landfill services at the Tower and Foothills Landfill through April 30, 2022.

Lynne Center – Deputy Director PW Operations / Dave Lathers – Senior Assistant City Attorney

- 10.h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls Inc., Denver, Colorado in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through February 1, 2022.

Lt. Brian Kelly, Police Dept. / Dave Lathers, Senior Assistant City Attorney

- 10.i. Consideration to AWARD A SOLE SOURCE CONTRACT to Johnson Controls Inc., Littleton, Colorado in the amount of \$1,144,900.00 to replace HVAC Controls for the City's Metasys System at four sites.

Lynne Center, Deputy Director of Public Works Operations / Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Lawson, to approve items 10c – 10i.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

- 10.j. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Brannan Sand and



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls Inc., Denver, Colorado in the amount of \$500,000.00 for Police Uniforms and Tailoring Services as required through June 30, 2023.

Item Initiator: Cyndi Winner – Procurement Agent - Finance

Staff Source /Legal Source: Lt. Brian Kelly, Police Dept./Dave Lathers, Senior Assistant City Attorney

Outside Speaker: N/A

Council Goal: 2012: 1.1--Reduce crime rates

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☐ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: N/A

Regular Meeting: 7/25/2022

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

The staff source and approver's name did not have existing user account in eScribe and that is what held up the workflow process.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Cyndi Winner
Agenda Item Initiator Name

Cynthia Winner 7/11/2022
Agenda Item Initiator Signature Date

Jason P. Batchelor
Late Submission Approver Name

Jason P. Batchelor 07/11/22
Late Submission Approver Signature Date



CITY OF AURORA

Council Agenda Commentary

Item Title: Additional Fuel Funding
Item Initiator: Cyndi Winner – Procurement Agent - Finance
Staff Source/Legal Source: Ron Forrest – Fleet Manager / Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

Consideration for additional funds in the amount of \$2,100,000.00 to AUTHORIZE STAFF TO LOCK FUEL PRICES THROUGH A COMPETITIVE PROCESS that will lead to the award of a competitively bid contract to selected vendor(s) in the not-to-exceed amount of \$5,100,000.00 to cover the cost of motor vehicle fuel as required citywide for calendar year 2023.

Ron Forrest, Fleet Manager / Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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 approved the previous award to lock fuel prices for 2023 in the not-to-exceed amount of \$3,000,000.00 on January 10, 2022, Agenda Item #10K.

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

The Fleet division has the responsibility to lock the best prices for fuel in the up and coming year, which is 2023 in this context. We requested \$3 Million from City Council on January 10, 2022, which is what was needed at that time. However, since then the following economic events have taken place:

- Russia invaded Ukraine
- The East Coast has lost a total of six refineries over the past few years
- Supply chain issues, driver shortage, staffing shortages
- COVID-19 lock down lifted

Even though other refineries are operating above 90% utilization, the demand is exceeding the production. Therefore, there is a need to request an additional \$2.1 for the 2023 fuel budget (i.e. \$5.1 Million total) in anticipation of higher than normal oil prices, moving into the fall of 2022. The fall of 2022 is the target time frame to entertain locking 2023 fuel prices for the City of Aurora. We will still piggyback off the City of Colorado Springs fuel contract, however they are also targeting the fall of 2022 to lock fuel prices for 2023. The following economic events in the fall should help oil prices decline:

- Memorial Day travel past
- Summer travel demands past
- European Union deal to sanction Russian oil completed
- Russia and Ukraine war ends

Based on the above, it is staff's recommendation to approve additional funds in the amount of \$2,100,000.00 to authorize staff to lock fuel prices through a competitive process that will lead to award of a competitively bid contract in the not-to-exceed amount of \$5,100,000.00 with selected vendor(s) to cover the cost of motor vehicle fuel for calendar year 2023.

QUESTIONS FOR COUNCIL

Does City Council approve additional funds in the amount of \$2,100,000.00 for authorization for staff to lock fuel prices through a competitive process in the not-to-exceed amount of \$5,100,000.00 for calendar year 2023?

LEGAL COMMENTS

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)

COOPERATIVE PURCHASES: The Purchasing Manager may join with other units of government in cooperative purchasing and contracting plans when the best interests of the City are served thereby (City Code § 2-679). (Lathers)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: A supplemental will be necessary for this expenditure.

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

7. **PROCLAMATIONS OR CEREMONIES**

7.a. Dr. Martin Luther King, Jr. Day

Mayor Coffman read the proclamation declaring January 17, 2022, Dr. Martin Luther King, Jr. Day.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard call-in public testimony on non-agenda related items.

Council Member Lawson asked staff who was responsible for terminating the Morning Star Program and why Council was not consulted in that regard.

Mayor Coffman noted that was significant enough of an issue to put on the next study session agenda.

Council Member Lawson concurred.

Council Member Marcano asked for the reasoning behind why recreation centers were being closed to be added to the study session as well.

Mayor Coffman concurred.

9. **ADOPTION OF THE AGENDA**

9.a. Enclave at Saddle Rock Site Plan Presentations (Item 13.a.)

Appellant presentation (if approved by Council)

Applicant presentation (permitted under Council Rules)

Motion by Bergan, second by Zvonek, to adopt the agenda as amended to allow for the appellant of item 13a to make a 15-minute presentation.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10. **CONSENT CALENDAR**

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

10.g. Workday Enterprise Resource Planning Software System Implementation

Consideration to AWARD CHANGE ORDER 1 to Collaborative Solutions, Reston, VA in the total amount of \$1,026,040.00 to provide software implementation services for the Workday Enterprise Resource Planning (ERP) software system implementation for the City's Finance and Human Resource Departments. (R-2070)

Scott Newman, CIO and Terri Velasquez, Finance Director / Dave Lathers, Sr. Assistant City Attorney

10.h. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Energy Management Corp., Denver, CO in the not-to-exceed amount of \$254,210.00 for annual motor inspection and repair services in the Aurora Water facilities through December 31, 2022. (R-2135)

Mike Mills, Manager of Water Main and Ops, Aurora Water / Ian Best, Assistant City Attorney

10.i. On-call Support and Consulting Services on the Water Department's Customer Billing Software

Consideration to EXTEND A SINGLE SOURCE CONTRACT to Shibumi Consulting Services LLC, Tempe, Arizona in the not-to-exceed amount of \$175,000.00 for on-call support and consulting services on the Water Department's customer billing software through December 31, 2022

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Ian Best, Assistant City Attorney

10.j. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC, Lake Mary, Florida in the amount of \$90,075.00 for annual software support on the Water billing system through October 31, 2022.

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Ian Best, Assistant City Attorney

10.k. Fuel Pricing Lock

Consideration to AUTHORIZE STAFF TO LOCK FUEL PRICES THROUGH A COMPETITIVE PROCESS that will lead to the award of a competitively bid contract to selected vendor(s) in the not-to-exceed amount of \$3,000,000.00 to cover the cost of motor vehicle fuel as required citywide for calendar year 2023

Staff requests a waiver of reconsideration due to current volatility in the fuel market.

Ronnie Forrest, Public Works Fleet Manager / Ian Best, Assistant City Attorney

- 10.l. Consideration to EXTEND A SINGLE SOURCE AWARD for the annual subscription of golf point of sale software in the not-to-exceed amount of \$69,000.00 to Golf Now, Chicago, IL through December 31, 2023.

Doug McNeil, Manager of Golf / Ian Best, Assistant City Attorney

- 10.m. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Goodland Construction, Inc. in a not-to-exceed amount of \$316,846.00 for Colfax Streetscape Improvements; Project 5861A the.

Philip Nachbar, Planning and Development Services Project Manager / Dave Lathers, Senior Assistant City Attorney.

Motion by Bergan, second by Marcano, to approve items 10a – 10m.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

- 10.n. Consideration to AWARD A SINGLE SOURCE Contract to the Aurora Economic Development Council (AEDC), Aurora, Colorado in an amount not to exceed \$550,000 for services to retain, expand, and attract companies and employment within the City of Aurora.

Frank Butz, Project Manager, Planning & Development Services / Christine McKenney, Manager of Client Services

Frank Butz, Project Manager, Planning & Development Services, provided a summary of the item.

Mayor Coffman asked if jobs paying a livable wage could be audited. Mr. Butz stated they complied in that regard.

Council Member Marcano stated he pulled the item out because of the audit results. He asked staff to speak to how far along the City was in the process of following best practices because there were many areas where the City was only slightly complying or not complying at all with leading practices. He expressed concerns related to approving an agreement where best practices were not being followed and meaningful metrics were not being provided. Mr. Butz stated staff had frequent conversations with the AEDC to ensure they were diligently satisfying the audit recommendations. He noted some of those were ongoing and staff had monthly meetings with the AEDC where they discussed these concerns.

Andrea Amonick, Planning & Development Services, stated some of the metrics were based on an annual report AEDC provided that would be reviewed with staff in January and then reported back to Council. She stated staff would be happy to provide a full report once the data was reviewed.



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to EXTEND A COMPETITIVELY BID CONTRACT to EAP Glass, Littleton, Colorado in the not to exceed amount of \$60,000.00 for Glass Replacement and Repair Service for windows throughout the city.

Item Initiator: Cyndi Winner – Procurement Agent - Finance

Staff Source/Legal Source: Lynne Center – Deputy Director PW /Dave Lathers – Senior Assistant City Attorney

Outside Speaker: N/A

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

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

Lynne Center, Deputy Director PW / Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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 approved the previous award for this requirement to EAP Glass in the not-to-exceed amount of \$60,000.00 on August 23, 2021 #10G.

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

Public Works has an ongoing requirement for Glass Replacement and Repair Service for windows throughout the city.

EAP Glass has proposed renewal pricing with an increase of 8.24% over the previous award. The Municipal Cost Index (MCI) is up 12.45% year-to-year ending May 2022. Therefore pricing is fair and reasonable.

Council approvals require for awards greater than \$50,000.00 when less than three bids received.

Based on the above, it is staff's recommendation to award an extension of a competitively bid contract to EAP Glass, Littleton, Colorado in the not to exceed amount of \$60,000.00 Glass Replacement and Repair Service.

QUESTIONS FOR COUNCIL

Does City Council approve the extension of competitively bid contract to EAP Glass in the not to exceed amount of \$60,000.00 for Glass Replacement and Repair Service for windows throughout the city?

LEGAL COMMENTS

Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when a vendor offers to extend an existing contract under the same conditions and at the same or lower price (adjusted for inflation), and such extension is in the best interests of the City (City Code § 2-674(2), and City Code Section 2-672(a)(4)). Purchase orders and contracts worth \$50,000 or more not awarded pursuant to formal competitive bidding require City Council approval (City Code § 2-672(a)(3)(b)). (Lathers)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: The Glass Replacement and Repair Service was budgeted and will be paid from Org 99016

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

7.a. Dr. Zelda M. DeBoyes

Mayor Coffman read the proclamation recognizing Dr. Zelda M DeBoyes on her retirement.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard public call-in testimony on non-agenda related items.

8.a. Public Invited to Be Heard on the 2022 Budget

Greg Hays, Budget Officer

None

9. **ADOPTION OF THE AGENDA**

Motion by Gruber, second by Coombs, to adopt the agenda as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

10. **CONSENT CALENDAR**

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

10.a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Enginuity Engineering Solutions LLC, Littleton, Colorado in the amount of \$153,590 for providing additional engineering services under the South Platte Bank Stabilization Project.

Sarah Young, Deputy Director Water Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

10.b. Sand Creek Water Reclamation Facility Improvements Amendment for Additional Services.

Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Littleton, Colorado in the amount of \$213,500.00 for blower control design

- ♦ *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.*

and additional engineering services during construction for project integration for the Sand Creek Water Reclamation Facility Improvements Project.

Elizabeth Carter, Principal Engineer, Aurora Water / Ian Best, Assistant City Manager

- 10.c. Award an OPENLY SOLICITED CONTRACT to Desman, Inc. in the amount of \$113,170.00 for Professional Design and Contract Document Services for the Aurora Municipal Center Parking Garage; R-2090.

Kasi Province, Project Manager – Public Works / Ian Best, Assistant City Attorney

- 10.d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to TMT Solutions Inc., San Marcos, TX in the total amount of \$113,295.00 for equipment and services to upgrade the Public Safety Intercom System. (B-4616).

Scott Newman, CIO, IT/Ian Best, Assistant City Attorney

- 10.e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ferguson Enterprises, Aurora, Colorado in the not-to-exceed amount of \$100,000.00 for the purchase of plumbing supplies as required by Facilities Management through July 31, 2022. (B-4608).

Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney

- 10.f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to ARS Companies, Wheat Ridge, Colorado in the amount of \$652,404.00 for the 2021 Full Depth Reclamation Program, Project No. 5832A.

Tom McMinimee – Streets Operation Manager / Brian Rulla, Assistant City Attorney

- 10.g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to EAP Glass, Littleton, Colorado in the not to exceed amount of \$60,000.00 for Glass Replacement and Repair Service as required by Facilities Management Operations through July 31, 2022.

Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney

- 10h. Consideration to AWARD A SOLE SOURCE CONTRACT to Accela Inc., San Ramon, California in the total amount of \$347,512.73 to provide annual maintenance and licensing for the Workflow Process Software System through September 29, 2022.

Scott Newman, CIO, IT Dept./Kim Skaggs, Assistant City Attorney

- ◆ *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 Bergan, second by Berzins, to approve items 10a – 10h.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

11. **RESOLUTIONS**

11.a. Resolution to Enter Lease-Purchase Agreement for Software Renewal

R2021-91 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE PURCHASE AND ACQUISITION THROUGH A LEASE-PURCHASE AGREEMENT OF VMWARE SOFTWARE LICENSING

Scott Newman, Chief Information Officer / Kim Skaggs, Assistant City Attorney

Scott Newman, Chief Information Officer, provided a summary of the item.

Motion by Gruber, second by Marcano, to approve item 11a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.b. (CDOT) Havana Street Transit Improvements

R2021-94 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR HAVANA STREET TRANSIT IMPROVEMENTS

Carlie Campuzano, Traffic Manager / Michelle Gardner, Senior Assistant City Attorney

Carlie Campuzano, Traffic Manager, provided a summary of the item.

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

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.c. A Resolution to Approve the Aesthetic Enhancements for the Nine Mile Pedestrian Bridge.

R2021-95 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,

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



CITY OF AURORA

Council Agenda Commentary

Item Title: A Resolution for Fare Free August on RTD
Item Initiator: Mike Coffman, Mayor
Sponsor/Legal Source: Mike Coffman, Mayor; Michelle Gardner, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

- A Resolution for Fare Free August on RTD
- Mayor Mike Coffman, Sponsor
- Michelle Gardner, Senior Assistant City Attorney
- 15 Minutes

Sponsor, Mayor Mike Coffman

Michelle Gardner, Senior Assistant City Attorney

Presentation Time 20 Mins

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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.)*

N/A

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

With funding from SB22-180, RTD will provide free service on all buses and trains all day, every day in August. Metro Mayor's Caucus's Transit and Mobility Committee is asking metro area local governments to help promote Zero Fare for Better Air passing a resolution of support and using the linked resources from RTD to encourage all residents to ride transit for free in August.

QUESTIONS FOR COUNCIL

Does Council wish to move this Resolution forward to the next Regular Council meeting?

LEGAL COMMENTS

The Council shall have all legislative powers of the city and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by the Charter. (City Charter 3-9). Council has the authority to place items on the Study Session agenda. Each such item shall indicate the party requesting the item. (City of Aurora City Council Rule of Order and Procedure Section B.2(a)). (M. Gardner)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☐ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2022- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT OF
ZERO FARE TRANSIT ON RTD FOR THE MONTH OF AUGUST

WHEREAS, good air quality is essential to quality of life and a vibrant economy; and

WHEREAS, the Denver region, which includes Aurora, is on the precipice of designation as an area of “severe” non-attainment of health-based standards for ozone pollution with significant potential for federal intervention; and

WHEREAS, ground-level ozone triggers asthma attacks, worsens existing respiratory illnesses, and makes breathing difficult particularly for the very young, elderly and those exercising outdoors; and

WHEREAS, emissions from cars, trucks, vans, and motorcycles are some of the largest contributors to ground level ozone in the metro Denver area; and

WHEREAS, using transit instead of a personal vehicle for trips is one effective way to reduce ground level ozone; and

WHEREAS, SB22-180 made funding available for free transit statewide during the summer ozone season; and

WHEREAS, the Regional Transportation District “RTD”, which provided nearly 106 million passenger trips in 2019, plans to provide zero fare transit during the month of August all day, every day, on all buses and trains across the region; and

WHEREAS, the City of Aurora is committed to supporting collaborative approaches to reducing air pollution and expanding mobility options for residents of Aurora and our neighbors in the region regardless of their age, income, or abilities.

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

Section 1. The Resolution in Support of Zero Fare Transit on RTD for the Month of August is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute and deliver the Resolution 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 _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Michelle Gardner *RLA*

MICHELLE GARDNER, Sr. Assistant City Attorney



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: A Resolution for Fare Free August on RTD
Item Initiator: Mike Coffman, Mayor
Staff Source/Legal Source: Mike Coffman, Michelle Gardner, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Mayor Coffman requested to have this item moved forward ASAP to ensure it is able to be publicized and shared with the community prior to the Fare Free August efforts take place.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Mike Coffman

Agenda Item Initiator Name

Late Submission Approver Name

Mike Coffman

Date

07/12/2022

Late Submission Approver Signature

Date



CITY OF AURORA

Council Agenda Commentary

Item Title: Appointment of Aurora's Poet Laureate (Resolution)
Item Initiator: Midori Clark, Director of Library & Cultural Services
Staff Source/Legal Source: Midori Clark, Director of Library & Cultural Services / Tim Joyce, Assistant City Attorney
Outside Speaker: None.
Council Goal: 2012: 4.2--Communicate Aurora's vision, quality of life, economic development successes, and business climate

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

Midori Clark, Director of Library & Cultural Services / Tim Joyce, Assistant City Attorney
Estimated time: 15 mins

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Public Relations, Communications, Tourism, Libraries, Boards and Commissions & Citizen Groups

Policy Committee Date: 5/31/2022

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|--|
| ☒ Recommends Approval | ☐ Does Not Recommend Approval |
|---|--|

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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.)*

City Council created a Poet Laureate position by approving Resolution R13-62. A Poet Laureate is an active advocate in the community for poetry, literacy and literature by participating in readings and other events at venues such as schools, libraries, literary festivals and official events. The City has had two previous Poet Laureates.

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

Six applicants applied for the position of the City's Poet Laureate. A judging panel composed of Colorado's Poet Laureate Bobby LeFebre, Aurora's first Poet Laureate Jovan Mays, Aurora's second Poet Laureate Asseton Xango, Council Member Jurinsky, Midori Clark, and Library Board Member Paula Vargas conducted auditions and interviews of the applicants. The panel recommends Ahja Fox to be the next Poet Laureate. This item went to the PR+ committee on May 31, 2022 who approved moving this item forward.

QUESTIONS FOR COUNCIL

Does Council wish to approve this item and move forward to the next Regular meeting?

LEGAL COMMENTS

The Director of Library and Cultural Services has the responsibility to inaugurate the latest practices in the area of the library and cultural services, such as the position of Poet Laureate, when the practice appears to be of benefit to the City and to the public. The Director of Library and Cultural Services is also responsible for the effective administration of her departments and may work with the Poet Laureate to promote poetry and literature within the City. (City Code sec. 2-142) The Library Board has the authority to advise City Council on all matters relating to the library and may make a recommendation to City Council for the designation of a Poet Laureate. (City Charter, art. IX, sec. 9-4). The City has the powers that are necessary, requisite, or proper for the government and administration of its local and municipal matters. (City Charter, art. I, sec. 1-3). Council shall act by ordinance, resolution, or motion. (City Charter, art. V, sec. 5-1). Council has the authority to do what is deemed necessary and proper to promote the prosperity, improve the order, comfort and convenience of the City and its inhabitants. (City Code sec. 2-32). City Council shall act by ordinance, resolution, or motion. (City Charter, art. V, sec. 5-1). (Tjoyce)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: Type explanation here or enter N/A if no public financial impact.

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: Type explanation here or enter N/A if no private fiscal impact.

DRAFT – Subject to Approval

PUBLIC RELATIONS, COMMUNICATIONS, TOURISM, LIBRARIES, BOARDS & COMMISSIONS
AND CITIZEN GROUPS POLICY COMMITTEE
May 31, 2022

Members Present: Council Member Alison Coombs, Chair
Council Member Juan Marcano, Vice-Chair
Council Member Ruben Medina

Others Present: Brooke Bell, Midori Clark, Joe Sack, Stephanie Swan, Tristen Sheptock, Lara Ray,
Cecilia Zapata, Adrian Botham, Katherine Green, George Koumantakis, Kim
Skaggs, Bruce Dalton, Midori Clark, Jeannie Davis, Ronald Roulhac, Sandy Thomas

CALL TO ORDER

Council Member (CM) Coombs called the meeting to order and welcomed everyone.

REVIEW/APPROVAL OF MINUTES

The March 23, 2022 and April 27, 2022 meeting minutes were approved as written.

NEW ITEMS

APPOINTMENT OF POET LAUREATE

Ms. Clark, Director of Library & Cultural Services, spoke of the process they went through and introduced the Committee to the candidate that the judging panel selected to recommend as the next Poet Laureate for the city of Aurora.

They put out a call for poet laureates and had six applicants for the position. They held an audition/interview process on March 31. They were really excited as they had a superstar judging panel composed of Colorado's Poet Laureate Bobby LeFebre, Aurora's first Poet Laureate Jovan Mays, and Aurora's second Poet Laureate Assetou Xango. Also on the panel were CM Jurinsky, Library Board Member Paula Vargas, and herself. During the audition/interview they had the candidates go to a couple of different stations and answer different questions that were designed to determine whether or not they would be great as Aurora's next Poet Laureate and they all convened back into the room for a performance where all of the candidates performed their original poetry. The Committee recommended Ahja Fox to be the next Poet Laureate. Ms. Clark stated that Ahja was selected for, she believes, her very strong poetry performance as well as her excellent writing. She is currently a teacher's assistant at Fletcher Elementary and has been involved with professional writing and poetry since 2015. She has been published a number of times and she also helped promote poetry throughout the pandemic. With that, she would love for this Committee to recommend Ahja Fox as the third Poet Laureate and she's happy to take any questions.

CM Coombs said that is wonderful and she's very excited about this as she had been asking about it throughout the pandemic, when are we going to appoint somebody new. Thank you for taking that on and moving that forward and she certainly gives her support. CM Coombs asked for any questions or comments from the other members.

CM Marcano said that looking through her back-up he thinks she's extremely talented and he is excited to see her represent the city.

CM Coombs said that it looks like we have unanimous approval for moving the Poet Laureate forward.

Ms. Clark had one more thing to add that she was supposed to mention. In the back-up they have an old document talking about the term limits. She stated that the document shows the old term of 2 years listed and it was actually updated to a 4-year term and that she didn't make that change in the documentation. Moving forward it will be a

DRAFT – Subject to Approval

four-year appointment for the poet laureate. CM Coombs asked if there were any concerns with that from the other members. Seeing none, we'll go ahead and move that forward as a four-year term.

Outcome:

There was consensus among the Committee members to move this item forward to Study Session.

Follow-up:

Staff will move the item forward to the next Study Session.

ADJOURNMENT

The meeting was adjourned at 12:32 p.m.

Approved: _____
Council Member Alison Coombs, Chair

Date

RESOLUTION NO. R2022 _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
TO APPROVE THE APPOINTMENT OF A NEW POET LAUREATE

WHEREAS, the study of literature forms a vital part of our shared and diverse culture;
and

WHEREAS, poetry expresses personal and public stories in an art form accessible to all;
and

WHEREAS, poetry forms an important part of our children's education about culture and
history; and

WHEREAS, studies have shown that children who read poetry show improvements in
vocabulary, critical analytical skills and reading comprehension; and

WHEREAS, reading and writing poetry give children and adults alike an outlet for their
feelings, experiences, and questions about the world; and

WHEREAS, City Council created a Poet Laureate position by approving Resolution 13-
62; and

WHEREAS, the designated Poet Laureate will not be an employee of the City; and

WHEREAS, the Poet Laureate shall serve without compensation but shall be paid a
stipend in the discharge of their official duties; and

WHEREAS, a committee with former Poet Laureates, Council Member Jurinsky, Midori
Clark, and Library Board Member Paula Vargas auditioned and interviewed six applicants; and

WHEREAS, the committee recommends the appointment of Ahja Fox to be the next City
Poet Laureate; and

WHEREAS, City Council will determine if Ahja Fox will be the new Poet Laureate for
the City of Aurora, Colorado to advocate and promote poetry and literature within the City.

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

Section 1. The City Council hereby approves the appointment of Ahja Fox as the Poet
Laureate for the City of Aurora, Colorado.

Section 2. All resolutions or parts of resolutions of the City in conflict with this
resolution are hereby rescinded.

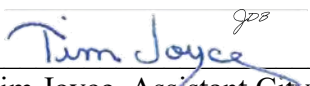
RESOLVED AND PASSED this ____ day of _____, 2022.

MIKE COFFMAN Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM



Tim Joyce, Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: An Intergovernmental Agreement for Wild Horse Reservoir Permit Application Costs. (Resolution)
Item Initiator: Richard Vidmar, Water Resources Manager, Aurora Water
Staff Source/Legal Source: Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Ian Best, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Ian Best, Assistant City Attorney
Estimated time: 5 mins

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ 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 May 9, 2016, the City Council of the City of Aurora approved a resolution regarding the option exercise and purchase and sale agreement between the City and Hartsel Springs Ranch of Colorado, Inc., concerning Wild Horse Reservoir

On September 11, 2017, the City Council of the City of Aurora approved the adoption of an ordinance to exercise the power of eminent domain for acquisition of certain property in Park County, Colorado for a water reservoir project.

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

Beginning in 2011, Aurora Water began developing a new water storage facility known as Wild Horse Reservoir which will provide Aurora additional storage up to 93,000 acre-feet. The site is located approximately six miles south and west of Spinney Mountain Reservoir. The location of this reservoir is desirable due to the proximity to the Otero Pipeline (approximately 1.5 miles). All of Aurora's Colorado River Basin and Arkansas River Basin water supplies are brought into the South Platte Basin through the Otero Pipeline which is jointly owned by Aurora and Colorado Springs. Water for Wild Horse Reservoir would be conveyed through a new pipeline connecting the existing Otero Pipeline to a designed inlet at the new reservoir. Outlet facilities from Wild Horse Reservoir will be conveyed through a pipeline into Spinney Mountain Reservoir.

In August 2016 the city acquired the majority of the privately owned land necessary for the Wild Horse Reservoir project. While the City has acquired the majority of the private property required to complete the project, there are two parcels owned and managed by the U.S. Bureau of Land Management (BLM). To complete the reservoir, the City must obtain a Right of Way (ROW) grant from the BLM. The project site also contains large areas of split estate property where the City owns the surface property, but the minerals are owned by the federal government. The current reservoir design requires both inundation and constructing facilities on these federal surface parcels and inundation of federal mineral estate.

Since the project includes interest in federal property, the project must comply with federal policies including but not limited to the National Environmental Policy Act of 1969, Endangered Species Act of 1973, and National Historic Preservation Act of 1966. This compliance requires rigorous environmental evaluation and analysis. The BLM is the lead agency on the environmental analysis and has requested that the City reimburse the cost of administration and staff time for the project. This is a standard practice for federal agencies.

BLM has provided an estimated cost of \$230,657.11 for administrative and staff costs to complete the required analysis, policy compliance, and grant the ROW. This agreement commits Aurora Water to reimburse the BLM up to the estimated \$230,657.11.

QUESTIONS FOR COUNCIL

Does the City Council of the City of Aurora APPROVE A RESOLUTION to approve an Intergovernmental Agreement between the City of Aurora acting by and through its Utility Enterprise and the United States of America, Department of the Interior, Bureau of Land Management for Wild Horse Reservoir Permit Application Costs?

LEGAL COMMENTS

City Council may, by resolution, enter into intergovernmental agreements with other governmental units or special districts for the joint use of buildings, equipment or facilities, and for furnishing or receiving commodities or services. (City Charter §10-12). (Best)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: Funding for this contract will be from the Capital Improvement Program, Water Fund, in the amount of \$230,657.11.

Org:52396 Acct: 63500 JLC 520905

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2022- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT FOR WILD HORSE RESERVOIR PERMIT APPLICATION COSTS

WHEREAS, the City of Aurora, acting by and through its Utility Enterprise (“Aurora”) and the United States of America, Department of the Interior, Bureau of Land Management (“BLM”) desire to enter a cost reimbursement agreement (“Agreement”) for costs associated with right of way permit review for Aurora’s Wild Horse Reservoir; and

WHEREAS, costs to be reimbursed through this Agreement include, but are not limited to: coordination, administration and approval of any necessary environmental analyses including the preparation of an Environmental Assessment or Environmental Impact Study; consultation with appropriate Federal, State, Tribal, and local officials; preparation of the administrative record and resolving any protests, appeals and litigation that might result from the proposal, preparation of all decisions and authorizations resulting from those decisions; monitoring the construction, operation and termination of any resultant authorization; and other necessary processing actions consistent with a final decision; and

WHEREAS, Aurora will reimburse BLM for costs that should not exceed two-hundred and thirty thousand six hundred and fifty-seven dollars and eleven cents (\$230,657.11); and

WHEREAS, the BLM is authorized to enter the Agreement pursuant Section 304(b) and 504(g) of the Federal Land Policy and Management Act, 43 U.S.C. 1734(b) and 1764(g), as amended and 43 CFR Subpart 2804; and

WHEREAS, Section 10-12 of the City Charter authorizes the City by resolution to enter into contracts or agreements with other governmental units, including special districts, for the joint use of buildings, equipment or facilities or for furnishing or receiving commodities and services.

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

Section 1. The Agreement between Aurora and BLM for costs associated with Wild Horse Reservoir right of way permits is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

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

RESOLVED AND PASSED this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Ian J Best RLA

IAN BEST, Assistant City Attorney

COST REIMBURSEMENT AGREEMENT

APPLICANT: City of Aurora, acting by and through its Utility Enterprise

LEAD BLM OFFICE: Royal Gorge Field Office

I. AUTHORITY: Section 304(b) and 504(g) of the Federal Land Policy and Management Act (FLPMA) [43 U.S.C. 1734(b) and 1764(g)], as amended and 43 CFR Subpart 2804.

II. PURPOSE: This Agreement between the above referenced Applicant and BLM, establishes procedures to reimburse BLM for costs incurred to process a right-of-way application serial number(s) *COC-080710*. If a decision is made to authorize a right-of-way this Agreement shall be utilized to reimburse BLM for costs incurred to monitor construction and initial reclamation.

III. PROVISIONS OF AGREEMENT

A. In accordance with Section 304(b) of FLPMA and 43 CFR 2804.19, Applicant agrees to reimburse BLM for the costs incurred by BLM for processing the Application, and should a right-of-way be approved, costs for issuing a right-of-way grant and monitoring the construction and initial reclamation. Further, in accordance with 43 CFR 2804.14(f), Applicant waives consideration of reasonable costs, as would be determined under 43 CFR 2804.20 and 2804.21, and agrees to pay all actual costs incurred by the BLM related to the processing of this Application subject to paragraphs F and G of Attachment 1 to this Agreement.

B. This Agreement is subject to the Reimbursable Cost Provisions and the Descriptions of Direct and Indirect Costs contained in Attachment #1, the Work Plan contained in Attachment #2, and the Financial Plan contained in Attachment #3. This cost estimate may be amended should actual costs exceed estimated costs.

C. Applicant will be advised as to the nature and extent of all major studies needed to complete the Environmental Impact Statement (EIS). BLM will prepare a separate Memorandum of Understanding (MOU) to which this Agreement may be attached and incorporated therein for any project requiring preparation of an EIS.

IV. EFFECTIVE DATE: This Agreement shall be effective *(as of the latter date of its execution by both parties)*. Unless terminated earlier, it shall continue until the BLM authorized officer has accepted completion of construction and initial reclamation.

V. SIGNATURES OF AGREEMENT

For Bureau of Land Management

For City of Aurora, acting by and through its Utility
Enterprise

Signature

_____[see signature page
below]_____
Signature

Cathy Cook
Typed Name

District Manager
Typed Title

Date

Mike Coffman
Typed Name

Mayor
Typed Title

Date

Attachment #1

REIMBURSABLE COST PROVISIONS

A. BLM agrees to process the Application to the extent funding under the Agreement permits. Processing will include, but not be limited to, the following: coordination, administration and approval of any necessary environmental analyses including the preparation of an EA or EIS; consultation with appropriate Federal, State, Tribal, and local officials; preparation of the administrative record and resolving any protests, appeals and litigation that might result from the proposal, preparation of all decisions and authorizations resulting from those decisions; monitoring the construction, operation and termination of any resultant authorization; and other necessary processing actions consistent with a final decision.

B. BLM agrees to timely notify the Applicant, in writing, of any changes to the indirect rate. Refer to the Definition of Direct and Indirect Costs below.

C. Applicant agrees to fund and utilize third party assistance contractors to expedite processing the application. Third party assistance contractors may include, but are not limited to, contractors for preparation of National Environmental Policy Act (NEPA) documents, cultural resource inventories, biological inventories and surveys, engineering and design surveys, clerical staff support, NEPA adequacy reviews, resource specialist reviews, persons to aid in assembling the case file record, and compliance inspectors.

D. BLM shall monthly review case processing and costs incurred. When BLM determines there are insufficient funds remaining for the next period of planned work, it shall inform the Applicant of the work proposed to be done and request a further deposit. Deposits must be received prior to BLM incurring costs.

E. Quarterly statements of BLM expenditures will be furnished to Applicant within 30 days of the close of the quarter (March 31, June 30, September 30, and December 31).

F. Applicant shall have the right to conduct, at its own expense, reasonable audits of the books, records, and documents of BLM relating to the items on any particular accounting statement provided by BLM. Applicant shall have 90 days after receipt of the quarterly statement to raise objections to or dispute any particular entry of cost item.

G. BLM shall provide full justification of any disputed entry or cost item within 30 days of receipt of the objection or will delete the entry or cost item. If Applicant still objects to the entry or cost item, an appeal to the State Director may be made within 30 days of receipt of BLM justification. The State Director's decision is the final administrative decision.

H. Reimbursable funds, once obligated by BLM, are not refundable and will not be made refundable by termination of the Project, withdrawal of the Application, or non-issuance of a right-of-way grant.

I. In accordance with 43 CFR 2804.27(a), if BLM denies the Application, Applicant must

reimburse BLM for all costs BLM incurred in processing the Application. If the Applicant withdraws the application, Applicant will reimburse BLM for processing costs incurred by BLM in closing its review of the Application and which cannot reasonably be avoided after BLM receives written notice of withdrawal of the Application.

J. Nothing herein shall be deemed to require BLM to maintain books, records, or documents other than those usually maintained by them, provided that such books, records, and documents reasonably segregate and identify the costs for which reimbursement is required and comply with generally accepted accounting practices for such documentation.

K. The designated points of contact with whom each party to this Agreement will communicate concerning any aspect of this Agreement are as follows:

BLM	Applicant
Name: <u>John Smeins</u>	<u>Lauren</u> <u>Maggert</u>
Address: <u>3028 E. Main St.</u>	<u>15151 E Alameda Parkway</u>
Phone No.: <u>719-269-8581</u>	<u>830-534-</u> <u>8601</u>
Fax No.: _____	_____
Email: <u>jsmeins@blm.gov</u>	<u>lnance@auroragov.org</u>

Either party may designate a different point of contact by notifying the other party in writing of such change.

Definition of Direct and Indirect Costs

Direct costs are those costs which can be specifically identified with the Application and which are incurred for the benefit of said applicant in that the costs would not have been incurred but for the Application and are appropriate in order for BLM to process the Application. Examples of direct costs include, but are not limited to, personnel costs in the form of wages paid to BLM personnel working on the Application, with allowances provided for fringe benefits and leave surcharge rate and any overtime associated with processing the Application; travel expenses; purchased services, if necessary, such as printing, automated data processing services and photographic reproduction; and any miscellaneous supplies and equipment of a specialized nature, the use of which is directly applicable to processing the Application.

Indirect costs are those which cannot be specifically identified with the Application. These indirect costs have been calculated at a rate of 21.1% percent of direct costs. The indirect costs

are subject to change annually. This percentage figure has been developed in accordance with Department of the Interior procedures and represents those administrative and program costs, excluding management overhead, which can be attributed to processing the Application. Indirect costs include a portion of the costs for capitalized and non-capitalized equipment; space rental; telephone services; postage; personnel transfer costs; budget and program development; administrative and clerical support; training; safety management; public information, inquiries and reports; cartography and basic series mapping; aviation management; telecommunications; maintenance of equipment and tools; and systems design and implementation.

Excluded from indirect costs are costs for managerial work; evaluations of field office activities; program coordination; technical program direction; environmental education; interagency planning; studies and research; preparation of environmental documents relating to general program planning; law enforcement and firefighting.

Attachment #2

Work Plan

Schedule of Major Milestones

This work plan identifies only major milestones. A more detailed project schedule and/or Gantt chart will be attached.

<u>TASK</u>	<u>DATE</u>	<u>TIME REQUIRED</u>	<u>RESPONSIBLE PARTY</u>
Review Application and Plan of Development			
Establish reimbursable account	8/5/2022		
Public Notification	2/28/2023		
Notify agencies/tribes	5/13/2022		
Agency/tribal meetings	6/17/2022		
Scoping Meetings	4/10/2023		
Initiate field work/data collection	5/1/2023		
Review administrative draft EA/EIS	9/27/2024		
Review Final EA/EIS	3/28/2025		
Conclude agency/Tribal consultations	5/30/2025		
Issue Decision Record/FONSI or Record of Decision	10/1/2025		
Review/approve surety bonds	10/1/2025		
Issue Grant(s)	12/1/2025		
Pre-construction meeting(s)	1/2026-3/2026		
Issue Notice(s) to Proceed	3/2026		

Attachment #3

Financial Plan					
Project	Wild Horse Reservoir	Geographic Name			
Subact		BLM Case File	COC-080710		
Project	John Smeins	Worksheet Date	4/20/2022		
Office	RGFO	Funds Available -			
Labor Cost Estimate					
Title or Name	Hours	Hourly Cost to Government	Estimated Cost	Estimated Workmonths	Comment
Field Office Staff					
Field Manager	80	\$100.00	\$8,000.00	0.46	
Renewable Resources AFM	40	\$75.00	\$3,000.00	0.23	
Non-Renewable Resources AFM	40	\$75.00	\$3,000.00	0.23	
Recreation AFM	80	\$80.00	\$6,400.00	0.46	
Environmental Coordinator	120	\$85.00	\$10,200.00	0.69	covered by PM
Realty Specialist	40	\$62.00	\$2,480.00	0.23	Partial coverage by PM
Wildlife Biologist	40	\$70.00	\$2,800.00	0.23	
Archeologist	200	\$75.00	\$15,000.00	1.16	
Field Support- Law Enforcement	0	\$75.00	\$0.00	0.00	
Soil-Water-Air Specialist	120	\$85.00	\$10,200.00	0.69	covered by PM
Fisheries Biologist	40	\$68.00	\$2,720.00	0.23	
Minerals Specialist	0	\$75.00	\$0.00	0.00	
Outdoor Recreation Planner	3	\$63.00	\$189.00	0.02	
Wilderness Coordinator	0	\$80.00	\$0.00	0.00	covered by rec. AFM
Cadastrel	20	\$74.00	\$1,480.00	0.12	
Administrative Staff	20	\$46.00	\$920.00	0.12	LLE, etc.
Project Manager	920	\$85.00	\$78,200.00	5.32	
District Office Staff					
P&EC	20	\$82.00	\$1,640.00	0.12	
Engineering	20	\$82.00	\$1,640.00	0.12	
PAO	12	\$72.00	\$864.00	0.07	
ADM	8	\$75.00	\$600.00	0.05	
DM	12	\$110.00	\$1,320.00	0.07	
			\$0.00	0.00	
State Office Staff	175	\$100.00	\$17,500.00	1.01	
TOTALS	2,010		\$168,153.00	11.62	
LABOR COSTS	AMOUNT		Notes		
Labor Cost Est	\$168,153.00		Cost are estimates based on current information. Actual costs could increase based on additional information such as Tribal consultations, protests, etc.		
Surcharge			Indirect Rate - All Projects		
Labor - Subtotal	\$168,153.00		21.10%		
Operating Cost	EST.		Project		

Travel	5,000.00		Labor - Subtotal	\$168,153.00
Supplies			Other - Subtotal	\$5,000.00
Vehicles	0.00		Indirect Cost Est.	\$36,535.28
Contracts	0.00		Contingency - 10%	\$20,968.83
Equipment				
Misc. Costs			TOTAL	\$230,650
TOTAL	\$5,000.00			

City of Aurora, Colorado
Acting by and through its
Utility Enterprise

Mike Coffman, Mayor

Date

Attest:

Kadee Rodriguez, City Clerk

Date

Approved as to form for Aurora:

Ian J Best

[Ian J Best \(May 31, 2022 16:15 MDT\)](#)

Ian Best, Assistant City Attorney

May 31, 2022

Date

22039183

ACS #

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: _____

(Seal)

Council Member Richardson asked if it was correct that the pet surcharge did not go to animal shelter at all but went into the general fund.

Jason Batchelor, Deputy City Manager, answered affirmatively, noting the ordinance increased the amount of offenses that the surcharges were applied to and City Council set the surcharge programs by ordinance.

Presiding Judge Shawn Day, Judicial, concurred, noting the funds went to a designated Nexus program.

Council Member Richardson asked if any of the Nexus programs had anything to do with animals. Judge Day answered no, noting the funds went to the five beneficiaries designated by Council.

Council Member Cleland pointed out City Council made those designations and they could choose to remove the funds from Nexus to be used elsewhere.

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

Voting Nay: Berzins, Richardson

♦ **b. 2017-33**

Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the 2009 Aurora Comprehensive Plan by including the North East Plains-Central East Strategic Area. STAFF SOURCE: Karen Hancock, Planning Supervisor, Planning & Development Services

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

Council Member Cleland stated by not doing it would hamper the future of the City of Aurora. She stated her understanding that the annex discussion was for the future and her hope was that it would be decided to be advantageous for Aurora.

Duane Senn, President, Laredo Highline Homeowners Association and Margaret Sobey, President, MCGC Neighbors, spoke in opposition to the item.

Council Member Bergan stated she would not support the item. She noted she was not anti-growth but believed it was important to have smart measured growth. She pointed out consultants for the City did a study that cost \$500k which indicated the City would have a \$15M deficit to the general fund, therefore she stated it was important to look at the impact to current residents and the services they needed. She stated her understanding that this was a boundary issue, noting however, she was not naïve and understood it was also about accepting petitions for annexation. She pointed out the City still had a lot of undeveloped land and the study indicated it could take up to 50 years to absorb the actual development the City had available to them.

Mayor Pro Tem Lawson concurred, noting her concern as a citizen and policymaker that a \$500k study was not being considered at all in this instance.

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

Voting Nay: Bergan, Lawson, Mounier

♦ **c. 2017-34**

Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, acting by and through its Utility Enterprise, to exercise the power of eminent domain for acquisition of certain properties in Park County, Colorado for a

water reservoir project. STAFF SOURCE: Alexandra Davis, Deputy Director Water Resource, Aurora Water

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

Council Member Mounier asked who absorbed the costs associated with eminent domain.

Marshall Brown, Director, Aurora Water, stated the costs came out of the project budget which was funded through two revenue sources, noting 65% came from connection fees and 35% from water rates, which included everyone's water bill.

Council Member Mounier asked Mr. Brown to clarify section 6. Mr. Brown did so, noting it related to allowing the City to use eminent domain if it could not acquire the property by other means. Council Member Mounier asked how the City of Aurora and other counties outside of Park County could invoke eminent domain. Mr. Brown explained the City's water system expanded over a much greater area than the City proper and that type of authority could be exercised to ensure the public benefitted from having reliable sustainable water supplies in the future. Council Member Mounier asked if Wild Horse was one of three reservoirs the City was looking at. Mr. Brown answered affirmatively, noting all three were located outside of the City. Council Member Mounier asked if there were alternatives. Mr. Brown answered affirmatively, noting those options were expensive and were also located outside of the City.

Council Member Cleland stated the process with the federal government for the other two would take longer because of where they were located.

Mr. Brown concurred, noting they were decades out from being pursued.

Council Member Cleland stated Wild Horse would provide the City with the opportunity to store water.

Mr. Brown concurred, noting water rights and storage went hand-in-hand.

Council Member Cleland asked for an explanation of eminent domain. Mr. Brown did so, noting eminent domain gave the City the ability to pay the fair market value for the property. Council Member Cleland stated the property owner, the City and a third party assessed the valuation on the property which made it fair to the property owner.

Council Member Richardson asked if East Reservoir was in trouble. Mr. Brown agreed there were significant challenges with the East Reservoir. Council Member Richardson asked if those challenges included other parties in the water business putting unacceptable conditions on the City's acquisition of the East Reservoir. Mr. Brown concurred. Council Member Richardson stated eminent domain actions would be brought up in Park County because that was where the property was and the landowner could choose a jury of Park County residents or panel of Park County property owners to determine the amount of compensation so they would be appropriately compensated.

Council Member Roth discussed the many good things the City has done in the past that went above and beyond to be a good neighbor with regards to water. He stated he would not support the item because he had a philosophical problem with the City going into Park County and exercising eminent domain.

Council Member Bergan stated she would support the item because while she supported property rights and was not generally in favor of eminent domain, this was a unique opportunity where a reservoir was positioned to meet the City's future needs for water storage. She pointed out it was to the benefit of future citizens of Aurora and other jurisdictions.

Council Member Cleland stated the land was basically open range.

Mr. Brown concurred.

Council Member LeGare discussed the correlation between the right of eminent domain as it related to public projects such as local roads and state highways. He stated this was different than turning land over to a developer for commercial use, noting he would support the item because it related to public infrastructure and roads.

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

Voting Nay: Berzins, Mounier, Roth

13. **RECONSIDERATIONS AND CALL-UPS**

None

14. **GENERAL BUSINESS**

- a. Consideration to appoint one (1) member to the Veterans Affairs Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Richardson, second by Bergan, to appoint Christopher Crandall to the Veterans Affairs Commission.

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

Council Member Berzins noted Robert O'Reilly lived in Ward II.

- b. Consideration to reappoint two (2) and the appointment of three (3) members to the Art in Public Places Commission. STAFF SOURCE: Linda Blackston, City Clerk, General Management

Motion by Pierce, second by Cleland, to reappoint Amy Cheslin and Rachel Granrath and appoint Tarilynn Moore, Julie Weinheimer and Nicole Schaeur to the Arts in Public Places Commission.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Hogan discussed the 2001 9/11 attacks and pointed out Americans should never forget those who gave their lives in the attack or saving those impacted by the attack. He noted it was the Ethiopian New Year and wished a Happy New Year to Aurora's sister city.

- b. Reports by the Council

Mayor Pro Tem Lawson noted the importance of recognizing the families impacted by 9/11.

LAND PURCHASE AND SALE AGREEMENT

This Land Purchase and Sale Agreement ("Agreement") is made and entered into this 10th day of June, 2016, between the City of Aurora, Colorado, a municipal corporation acting by and through its Utility Enterprise ("Aurora" or "Buyer") whose address is 15151 East Alameda Parkway, Aurora, Arapahoe County, Colorado 80012, and Hartsel Springs Ranch of Colorado, Inc., a Colorado corporation ("HSR" or "Seller") whose address is 4255 South Buckley Road, Suite 314, Aurora, Arapahoe County, Colorado 80013. Aurora/Buyer and HSR/Seller are referred to herein as "Party", and collectively as "Parties".

WHEREAS, HSR represents that on December 19, 2012, it filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Code"), Case No. 12-35502 ABC ("Case") in the United States Bankruptcy Court for the District of Colorado ("Bankruptcy Court"), and since that date has operated its business as a debtor-in-possession; and

WHEREAS, the Buyer has conducted certain investigations concerning this matter pursuant to that certain Option Agreement, Non-exclusive Temporary Easements In Gross Agreement and Access Agreement executed between the Buyer and Seller on May 29, 2014 ("Option Agreement"), which Option Agreement was approved by the Bankruptcy Court; and

WHEREAS, the Seller represents that subject to the provisions of this Agreement it is the fee owner, and subject to the approval of the Bankruptcy Court, can convey clear and marketable fee simple absolute title including all interests and estates to the Buyer regarding approximately 2,700 acres of real property situate in Park County, Colorado, more specifically described in the attached **Exhibit A** which real property includes *inter alia* the lands described in the attached **Exhibit B** (Reservoir Site and Buffer Zone Property), **Exhibit C** (Inflow & Outflow Channels Property) (the descriptions of these properties having been refined as a result of investigations under the Option Agreement) and the intangible and personal property described herein including but not limited to the reports described in Section 12 (collectively hereinafter "Subject Property"); and

WHEREAS, the Seller represents the Subject Property is currently undeveloped; and

WHEREAS, the Buyer is a Utility Enterprise of a municipal corporation, within the State of Colorado, and desires to purchase the Subject Property for purposes of construction and use of a water supply reservoir facility for purposes of supplying water for municipal and other uses to the inhabitants of the City of Aurora and to those other persons, firms, corporations, etcetera, desiring water and water supplies from that City's Utility Enterprise.

NOW THEREFORE, in consideration of the foregoing recitals, the covenants and agreements contained herein, and other good and valuable consideration, the adequacy, sufficiency, and receipt of which is hereby acknowledged, the Parties hereto agree as follows:

1.0 Purchase and Sale.

Seller agrees to sell and convey to the Buyer, and the Buyer agrees to purchase and pay for the Subject Property described in **Exhibit A** with the exception of the real property described in the attached **Exhibit D** (presently Non-owned Property) (the description of this property having been refined as a result of investigations under the Option Agreement). The Parties agree the amount of property purchased will be at least 2,240 acres. The purchase of the Subject Property shall be upon and subject to the terms and conditions of this Agreement. The property described in **Exhibit D** will be treated as hereinafter described in this Agreement.

2.0 Earnest Money, Non-Refundable Payment and Option Money.

2.1 The Parties acknowledge that simultaneously with the execution of this Agreement, the Buyer has deposited with the Title Company of the Rockies ("Title Company") the sum of Ten Thousand Dollars (\$10,000) ("Earnest Money"). The Title Company shall hold the Earnest Money in trust on behalf of both of the Seller and Buyer as an Earnest Money deposit and part payment of the Purchase Price in accordance with the terms and conditions set forth in this Agreement. The Title Company shall hold this Earnest Money in an interest bearing escrow account at a commercial bank located in the Denver, Colorado. All interest earned on the Earnest Money shall be for the account of the Buyer and shall be paid to the Buyer. The Title Company is authorized to deliver the Earnest Money to the Closing Agent, if any, or to itself if it is acting as Closing Agent, at or before Closing (as such term is hereinafter defined), and the Earnest Money shall be applied toward the Purchase Price at Closing.

2.2 The Parties acknowledge that simultaneously with the execution of this Agreement, the Buyer has paid the Seller the sum of One Hundred Thousand Dollars (\$100,000.00) which sum, although nonrefundable should closing not occur, is fully creditable, and will be applied to the Purchase Price at Closing.

2.3 The Parties acknowledge that pursuant to the Option Agreement, the Buyer paid an initial consideration of Thirty-Six Thousand Dollars (\$36,000.00) for a one (1) year first option and temporary easements, and access to the Subject Property and other property in the vicinity owned and controlled by the Seller. The Parties further acknowledge that the Thirty-Six Thousand Dollars (\$36,000.00) paid as consideration for the Option Agreement, and any further consideration paid by the Buyer to the Seller subsequently to extend the term of the Option Agreement will be applied as a reduction of the Purchase Price and therefore a credit to the Buyer concerning the purchase of the Subject Property.

3.0 Purchase Price and Acreage Adjustment.

3.1 Purchase Price (as said term is used herein) of the Subject Property shall be computed as follows:

3.1.1 The purchase price per acre for any real property that is part of the Reservoir Site, which Reservoir Site is set forth on the attached **Exhibit B**, is Seven Hundred Thirty-Five Dollars (\$735.00) per acre for which Aurora exercised its option to purchase during the primary term of the Option Agreement. The per acre purchase price is Seven Hundred Forty-Six Dollars (\$746.00) per acre for any of the real property that is part of the Reservoir Site for which Aurora exercised its option to purchase during any renewal term of the Option Agreement.

3.1.2 The purchase price per acre for any real property that is part of the Inflow and Outflow Channels shall be One Thousand Dollars (\$1,000) per acre for which Aurora exercised its option to purchase during the primary term of the Option Agreement. The per acre purchase price is One Thousand Fifteen Dollars (\$1,015.00) per acre for any of the real property that is part of the Inflow and Outflow Channels for which Aurora exercised its option to purchase during any renewal term of the Option Agreement. The Inflow and Outflow Channels are described on the attached **Exhibit C**.

3.2 The exact acreage of the Subject Property including the Reservoir Site and the Inflow and Outflow Channels was previously determined by survey prepared by a Colorado licensed surveyor agreed upon by the Parties. The Parties agree that amount is 2,006.14 acres for the Reservoir Site and 309.69 acres for the Inflow & Outflow Channels. The cost of this survey was borne by the Buyer.

3.3 The Parties acknowledge the Additional Consideration set forth in Section 12 hereinafter is the full and adequate compensation for the intangible and personal property components of the Subject Property.

4.0 Closing Adjustments and Pro-Rations

4.1 At or prior to Closing, Seller shall pay any and all unpaid general and special real estate taxes (including any penalties and interest for late payments) for the Subject Property for all tax years prior to the year of Closing, and the amount of any unpaid special assessments (including any penalties for late payments) regardless of when such assessments are due, assessed against the Subject Property prior to the date of Closing. If Seller fails to pay the entire amount of such taxes, assessments, and penalties, by the end of Closing, the Buyer shall receive a credit against the purchase price in the amount of such unpaid taxes, assessments and penalties.

4.2 Current real estate taxes for the year of Closing, payable in the subsequent year, shall be pro-rated between the Seller and Buyer as of the date of Closing, based upon the most recent available levy applied to the most recent available assessment. Buyer shall receive a credit against the purchase price in the amount of such taxes pro-rated from the period of January 1 of the year of Closing through the day prior to the date of Closing.

4.3 Seller shall pay, before delinquency, any and all sales, use, and/or local transfer taxes that may be payable as a result of this transaction.

4.4 Fees for the real estate closing and settlement services shall be paid at Closing one-half by the Seller and one-half by the Buyer.

4.5 Other Adjustments. The Purchase Price shall be adjusted between the Seller and Buyer at the date of Closing as described in Section 8 herein concerning the presently Non-owned Property described in **Exhibit D**.

4.6 Costs not Pro-Rated. Each Party shall pay any costs and expenses incurred by such Party in connection with the transaction contemplated by this Agreement, and not adjusted as set forth in this Section or not otherwise provided for in this Agreement.

5.0 Title

5.1 Within ten (10) days after the day of Seller's execution of this Agreement, Seller shall deliver to Buyer, at Seller's own expense, the following materials:

5.1.1 A Commitment to insure title issued by the Title Company covering the Subject Property, together with legible copies of all exception documents disclosed by such Commitment. Such Commitment shall commit to insure title to the Subject Property and the Buyer in the amount of the purchase price with all the standard printed exceptions deleted, other than the exception of real estate taxes for the current year not yet due and payable, and with no other exceptions, except exceptions not objected to by the Buyer pursuant to Subsection 5.2 below. On or before the date of Closing, Seller shall cause such Commitment to be endorsed so as to change the effective date to the date of Closing. Seller shall pay the premium at Closing, and shall have the title insurance policy delivered to the Buyer as soon as practical after Closing.

5.1.2 A Certificate or Certificates of Taxes Due covering the Subject Property prepared by the governmental official or officials having jurisdiction.

5.2 The Buyer shall give the Seller written notice of any condition or matter disclosed by the title materials supplied that is unsatisfactory to the Buyer, (each of which is called a "Defective Title") on or before the end of the due diligence period referenced in Section 7, or within ten (10) days after receipt by the Buyer of any title evidence or endorsements adding new exceptions to the Title Insurance Commitment, if Buyer receives the same after the end of the due diligence period. After receipt of such notice, Seller shall use all reasonable efforts to remove or cure all defects of title specified in the notice or notices from the Buyer. If the Seller is unable to remove or cure all defects of title specified in notice(s) from the Buyer prior or on the date of Closing, Buyer may elect in written notice(s) delivered to Seller on or prior to the date of Closing:

5.2.1 To grant the Seller an extension of the date of Closing for a period of up to 60 days in which to cure all such uncured defects of title and, in the event the Seller fails to cure within such period, the Buyer may elect one of the alternatives set forth as follows; or

5.2.2 To accept title to the Subject Property subject to the uncured defects of title and, if any uncured defects of title is a lien securing the indebtedness of a definitely ascertainable amount, Buyer may deduct the amount of such indebtedness from the Purchase Price; or

5.2.3 To terminate this Agreement and have the Title Company return the Earnest Money to the Buyer immediately; or

5.2.4 If the Seller or any person claiming by, or through, or under Seller, has created or allowed to be created, after the date of this Agreement, any uncured Defect of Title, to pursue any remedies available to the Buyer pursuant to this Agreement.

6.0 Special District and Other Local Entity Disclosure Statement

Seller hereby certifies that the Subject Property is not within the boundaries of any special district, metropolitan district, conservancy district, conservation district or other governmental or quasi-governmental district with the authority to impose taxes or levies of any amount on the property other than the following:

- 6.1 The Center of Colorado Water Conservancy District, and
- 6.2 The Upper South Platte Water Conservancy District, and
- 6.3 The Park County School District RE-2, and
- 6.4 The Hartsel Fire Protection District, and
- 6.5 The South Park Ambulance District, and
- 6.6 The South Park Parks and Recreation District, and
- 6.7 The County of Park.

7.0 Buyer Inspection Review

Buyer shall have the period from the date of execution of the Agreement by all Parties until thirty (30) days prior to Closing, which Closing must occur no later than August 31, 2016, unless mutually extended by the Parties, during which to inspect the Subject Property and review all matters affecting or relating to the Subject Property, including but not limited to title materials, the site itself, environmental conditions, engineering and soil condition, development feasibility for the Buyer's purposes ("Due Diligence Period"). If as a result of such inspection and review, the Buyer finds the property unsatisfactory to it, in its sole, absolute, and unreviewable discretion, Buyer shall have the right to terminate this Agreement by giving written notice of termination to the Seller on or before the last day of the Due Diligence Period. Upon giving of such notice, this Agreement shall become null and void and of no further force and effect. If the Buyer fails to give such notice on or before such time, the Buyer shall be deemed to have waived the provisions of this section and the Agreement shall remain in full force and effect. If any of the title materials required to be delivered to the Buyer pursuant to Section 5 above are not delivered to the Buyer within the time specified for such delivery set in Section 5 above, the end of the Due Diligence Period and the date of Closing shall be postponed by the number of days after the required delivery deadline of such title evidence is delivered to the Buyer.

8.0 Conditions Precedent

Unless waived in writing, the obligation of the Buyer to purchase the Subject Property shall be subject to the Buyer's discretionary satisfaction of the following conditions. The Parties acknowledge that presently Seller does not own each and every tract of real property within the boundaries described and shown on **Exhibit A, Exhibit B and Exhibit C**. The real property not presently owned by Seller is depicted on **Exhibit D**. Seller agrees to cooperate with Buyer in Buyer's acquisition of all of the real property that Seller does not now own or may own at closing which would be necessary for the construction and operation of the contemplated reservoir facility and the Inflow and Outflow Channels. If Buyer cannot obtain by Closing, fee simple absolute marketable title to all such necessary property, Buyer in its discretion may waive this requirement or Buyer in its sole discretion may terminate without any further duty owing to Seller. Seller agrees to cooperate and facilitate any efforts by Buyer to obtain any such necessary property. If

Seller should obtain and convey to Buyer at Closing and subject to the terms of this Agreement fee simple absolute marketable title to all real property that it does not now own which would be necessary for the construction and operation of the contemplated reservoir facility and the Inflow and Outflow Channels, said property will be considered part of the Subject Property and handled accordingly pursuant to the terms of this Agreement. If the Buyer terminates this contract pursuant to this Section, the Title Company shall immediately return the Earnest Money to the Buyer, together with all interest earned thereon, and Seller and Buyer shall have no further obligations under this Agreement.

9.0 Warranties, Representation, and Covenants of Seller

Seller hereby warrants, represents and covenants to the Buyer the following, all of which shall be true, accurate, and complete as of the date hereof, and as of the date of Closing:

9.1 Status of Authority. The Seller is a Colorado corporation duly organized and validly existing in good standing under the laws of Colorado and, subject to approval of the Bankruptcy Court, has the right, legal capacity and authority to enter into and perform its obligations under this Agreement and the documents to be executed and delivered pursuant to hereto, which shall constitute such Seller's valid and binding obligations enforceable in accordance with their terms. The execution and performance of this Agreement has been duly authorized by the Seller, and by all necessary corporate action.

9.2 No conflict. The execution and delivery of this Agreement and the documents required hereunder and the consummation of the transaction contemplated herein will not 1) conflict or be in contravention of Seller's corporate articles, bylaws or any other governing documents, or any law, rule or regulation applicable to Seller or the Subject Property; 2) result in the breach of any of the terms or provisions of, or constitute a default under, any agreement or other instrument to which the Seller is a party or by which the Seller or any portion of the property may be bound or affected; 3) permit any Party to terminate any such agreement or instrument or to accelerate the maturity of any indebtedness or other obligation of the Seller; or 4) result in any lien, charge or encumbrance of any nature on the Subject Property other than is permitted under this Agreement.

9.3 Litigation. Except for the Case pending before the Bankruptcy Court, no action, suit, proceeding or governmental investigation is pending, or to the best of the Seller's knowledge, threatened against Seller with respect to the Subject Property. Seller is not in default with respect to any order from any Court, arbiter, or governmental body.

9.4 No condemnation. Seller has not received notice from any governmental or quasi-governmental body or authority, or individual, with respect to any actual, threatened, or contemplated taking of the Subject Property or any portion thereof by the exercise of the right of condemnation or eminent domain, nor does Seller have knowledge of any actual, threatened or contemplated taking.

9.5 No interest of record. Subject to the provisions of Section 8.0 and Section 5.2 herein, clear and marketable fee simple title to the Subject Property is fully vested in the Seller. Seller is duly authorized and empowered to execute and perform this Agreement and the execution hereof will not result in the breach of or constitute a default under, any contract

or agreement to which the Seller is a party. There are no leases, easements, mechanic's liens, materialman's liens, or claims therefor, restrictive covenants or other rights or interests in the Subject Property or other matters effecting title to the Subject Property that are not shown in the public records.

9.6 Environmental. To the best of the Seller's knowledge, the Subject Property 1) does not violate any pollution, health, safety, fire, environmental, sewage, or building law ordinance code or any other governmental requirement; 2) is not contaminated with and does not contain any hazardous or toxic substance, pollutant, contaminates; or petroleum including crude oil, any fractions thereof or methamphetamine or methamphetamine laboratory equipment, nor does it contain any underground storage facilities; 3) is not currently used for the generation, transportation, treatment, storage, or disposal of hazardous or toxic substances, pollutants, contaminates, or petroleum including crude oil, any fractions thereof or methamphetamine; and 4) does not contain and has not contained asbestos, material containing asbestos, Lead Sulfides (such as PBS), Polychlorinated Biphenyls (PCB) articles, PCB containers, PCB article containers, PCB equipment, PCB transformers or PCB contaminated electrical equipment, or any other hazardous materials.

9.7 No commitments. No commitments have been made by the Seller to any governmental or quasi-governmental authority, utility company, district, school board, religious organization, owners association, or any other organization, group, entity, or individual relating to the Subject Property, which would impose an obligation upon Buyer or its successors or assigns to make any contribution of money or land, or to construct, install or maintain any improvement of a public or private nature on or off the Subject Property.

9.8 No assessments. There are no special, general or other assessments pending or threatened against or affecting the Subject Property.

9.9 No contracts, no lienable work. The Seller has not entered into any other contracts, agreements, or understandings, oral or written, for the sale or transfer of any portion of the Subject Property. The Seller has not entered into any contract, agreements or understandings for labor, materials, or services for the Subject Property that would be binding upon the Buyer. There are no improvements, alterations or repairs on or to any portion of the Subject Property for which the costs thereof are unpaid or for which the Buyer could be in any way obligated and no contract, sub-contractors, labors, materialmen, engineers, architects, surveyors, attorneys, or others have any lien or right to lien against any portion of the Subject Property.

9.10 No landfill or fill materials. No landfill has occurred on the Subject Property, and no debris has been buried or placed on the Subject Property. No fill material has been placed on or removed from the Subject Property.

9.11 No violations. Seller has not received any uncured notices, demands or deficiency comments with respect to the Subject Property from any mortgagee or insurer of the Subject Property or from any federal, state, or local governmental authority.

9.12 Information. All documents, certificates, and written statements furnished to the Buyer or on behalf of the Seller in connection with the transaction contemplated by this Agreement are true and contain all material facts necessary in order to make statements contained therein and in this Agreement not misleading.

10. Access to Subject Property

After execution of this Agreement and prior to Closing, Buyer, its employees, agents, and contractors, shall have the right, at their sole expense and risk, to enter the Subject Property for the purposes of making any inspections, surveys, plans, tests, samplings, or other similar work. Buyer, insofar as it legally may, shall hold Seller harmless for any and all costs, claims or damages, including mechanic's or materialman's liens resulting from such inspections and activities of the Buyer, its employees, agents, and contractors. After execution of this Agreement and prior to Closing, Buyer, its employees, agents, and contractors, shall additionally have the right, at their sole expense and risk, to initiate and take such actions as may be necessary to procure any permits necessary and incident to Buyer's possible construction and operation of a water supply reservoir upon the Subject Property. Additionally, Buyer, insofar as it legally may, shall hold Seller harmless for any and all costs, claims or damages, including mechanic's or materialman's liens resulting from such permitting activities of the Buyer, its employees, agents, and contractors.

11. Retained Interests Concerning Limited Storage of Water and Limited Recreational Access

11.1 Retained Limited Storage of Water

11.1.1 The Parties agree that Seller has retained and not conveyed to Buyer the interest to 100 acre-feet of storage space in any completed reservoir facility provided that Buyer is able to permit and construct said reservoir facility. This interest is storage space only, not water, and the Parties agree use of the retained interest in storage space by Seller is subject to the reasonable operation and maintenance constraints Buyer in its sole discretion determines are necessary to apply to the reservoir facility as a whole. The Parties further agree that if Seller's total interest in storage space in the reservoir facility does not exceed 100 acre-feet, Buyer will forego the collection of any charges for operation and maintenance of that 100 acre-feet or less of the retained interest in storage space.

11.1.2 The Parties agree that Seller has retained and not conveyed to Buyer an option for a period of one (1) year past Buyer's notification of completion of any reservoir facility to retain an additional 400 acre-feet of storage space in the completed reservoir facility, by repaying to Buyer the pro-rata per acre-foot cost to construct this retained option storage space, provided that Buyer is able to permit and construct said reservoir facility. If Seller does purchase any of this additional retained option storage space, all such additional retained option storage space, as well as the initial 100 acre-feet of retained storage space which is the subject of Section 11.1.1 above, would then be subject to operation and maintenance costs on a pro-rata basis. This retained option interest is for storage space only, not water, and the Parties agree use of the retained option interest in storage space by Seller is subject to the reasonable operation and maintenance constraints Buyer in its sole discretion determines are necessary to apply to the reservoir facility as a whole. Additionally, the Parties agree that any space including the 100 acre-feet of retained storage space

described in Section 11.1.1 above, and any portion of the 400 acre-foot retained option space that is the subject of this Section could be transferred or assigned only with reasonable permission of the Buyer, and would require the transferee's or assignees' agreement to operate and use of such space in a manner not inconsistent with Buyer's overall operations of the proposed reservoir facility. The Parties further agree there may be no more than four (4) assignments of Seller's storage increments, i.e. the entire Seller's storage amount may be subdivided into only four (4) units and those four (4) units may not be further divided nor may they be further transferred or assigned. Following completion of permitting and construction and after commencement of full operations of any reservoir that Buyer may construct upon the Subject Property, the Parties agree that Buyer and Seller, for itself and on behalf of all who might succeed to an interest in any Seller space, will in good faith develop an operating protocol regarding any Seller space comprised of and including the 100 acre-feet described in Section 11.1.1 above, and any portion of the 400 acre-foot optional space that is the subject of this Section 11.1.2 ("Operating Protocol"). The Parties agree the Operating Protocol will, *inter alia*, specify that delivery of any water into HSR's space will, at Aurora's discretion, physically occur at a location upon the South Platte River that does not require the construction of new diversion facilities at or upstream of Spinney Mountain Reservoir ("SMR"). The Parties further agree the Operating Protocol will, *inter alia*, specify that release of any water from Seller's space will, at Buyer's discretion, physically occur at any reservoir that Buyer may construct upon the Subject Property or at some other location upon the South Platte River at or downstream of the outlet works of SMR. The Parties further agree the Operating Protocol will, *inter alia*, specify the minimum rate of any release will be no lower than 0.01 cubic feet per second. The Parties further agree the Operating Protocol will, *inter alia*, specify the rate of release may be changed no more frequently than one time per month. The Parties further agree the Operating Protocol will, *inter alia*, specify that changes in the rate of release will only be made during regular business hours (8:00 a.m. to 5:00 p.m.) weekdays excluding holidays observed by the City of Aurora.

11.1.3 Other than the retained storage space and retained option interests described in Sections 11.1.1. and 11.1.2. above, and the rights to the operation thereof that are herein described, Seller has not retained nor will it have any other rights of storage, carriage or other interests in the reservoir facility or the Inflow and Outflow Channels.

11.2 Retained Limited Recreational Access

11.2.1 The Parties agree that any reservoir site will include a Buffer Zone to be sold to Buyer that will surround the contemplated reservoir facility. No development will be allowed in the Buffer Zone except that done by Buyer in connection with the contemplated reservoir facility. Seller owns subdivided lots comprising two (2) contiguous bands of lots the Parties expect will more or less surround the proposed reservoir which contiguous bands will be immediately adjacent to the Buffer Zone that will not be sold to the Buyer. The real property comprising these subdivided lots not sold to the Buyer is outlined on **Exhibit E** (the description of this property having been refined as a result of investigations under the Option Agreement) attached. Buyer agrees the Seller and its successors have retained an interest allowing

non-motorized pedestrian access at locations designated by the Buyer across the Buffer Zone to the completed reservoir facility for those immediately adjacent lots only that are described in **Exhibit E**. Seller and its successors agree they have assumed and will assume any and all risks associated with or incident to their use of any such access, and further agree to hold Buyer harmless from any losses or damages resulting from such use. The Parties agree that nothing in Seller's retained limited recreational access interest and nothing in this Agreement may interfere with or supersede any general public access for recreational purpose that Buyer might care to develop.

11.2.2 If the reservoir facility is constructed, Buyer agrees that such construction will include at least one (1) access route from a public road to the shoreline area of the reservoir facility. Any additional access routes from public roads to the shoreline area may be built at Buyer's sole discretion. In its sole discretion Buyer may decide to allow public recreational activities upon the reservoir water and at shoreline facilities it chooses to designate, provided all such activities are consistent with and subordinate to Buyer's use and operation of the reservoir facility for water supply operations. It is recognized Buyer's use and operation of the reservoir facility for water supply operations will *inter alia* include but not be limited to significant fluctuations in the water level and the absence of any minimum lake level. In its sole discretion Buyer may further choose to manage any such allowed public recreational activities or it may decide to contract with an agency or division of the State of Colorado to manage all or some portion of any such allowed public recreational activities. In the event that any such public recreational activities are allowed, Aurora will agree that, pursuant to the reservation of the limited recreational access interest retained by HSR the management of any such allowed public recreational activities will provide that owners of the lots within the HSR Development as depicted on **Exhibit F** (the description of this property having been refined as a result of investigations under the Option Agreement) attached, will be allowed toll free passage across the access route from public roads to the shoreline area, and toll free use of public recreational activities upon the reservoir water and public shoreline facilities. Seller and its successors agree they have and will assume any and all risks associated with or incident to their use of any such allowed public recreational activities and further agree to hold Buyer harmless from any losses or damages resulting from such use. The Parties agree that nothing in Seller's retained limited recreational access interest and nothing in this Agreement may interfere with or supersede any general public access for recreational purpose that Buyer might care to develop.

12. Additional Sum to be Paid at Closing for Reports

Seller has prepared a draft Reservoir Screening Report (Tetra Tech RMC, February 7, 2005), a Conceptual Dam and Reservoir Design Report (Tetra Tech RMC, May 18, 2005), and a Wetland Review and Delineation Report (ERO Resources Corporation, October 17, 2005). The Buyer has heretofore paid the Seller the sum of Twenty-Six Thousand Dollars (\$26,000.00) non-refundable, but full creditable, portion of the agreed upon value of these materials. Buyer agrees that at Closing, if Closing does occur, it will include in addition to the price for the real property an additional One Hundred Four Thousand Dollars (\$104,000.00) as full compensation for Buyer's

use of these materials, and the transfer to Buyer of these materials and any and all other intangibles or personal property associated with the Subject Property.

13. Bankruptcy Court Approval of Sale

Contemporaneous with the filing of the Option Motion with the Bankruptcy Court as described above, Seller shall file a motion with the Bankruptcy Court ("Sale Motion") requesting entry of an order ("Sale Approval Order") in form and content reasonably satisfactory to Buyer, which shall, among other things:

13.1 Determine that this Agreement was proposed by Buyer and Seller in good faith, and represents the highest and best price for the Subject Property and should be approved.

13.2 Determine that Buyer is a good faith purchaser under and entitled to the protections of Section 363(m) of the Bankruptcy Code, and that the provisions of Section 363(n) of the Bankruptcy Code have not been violated by Buyer.

13.3 (A) Approve the sale of all of the Subject Property to Buyer free and clear of any and all Encumbrances (as hereinafter defined) of any nature whatsoever, whether known or unknown, pursuant to Sections 105(a) and 363(f) of the Bankruptcy Code; (B) authorize Seller pursuant to Sections 105(a), 363(b) and 363(f) of the Bankruptcy Code to convey to Buyer all of its right, title, and interest in and to all of the Subject Property free and clear of any such Encumbrances; and (C) provide that all Encumbrances with respect to the Purchased Assets shall attach solely to the proceeds of the sale under Section 363 of the Bankruptcy Code. As used herein, the term Encumbrance shall mean any lien (statutory or otherwise), claim, hypothecation, liability, security interest, interest, mortgage, pledge, restriction, charge, instrument, preference, priority, security agreement, option, right of recovery, tax (including foreign, federal, state and local tax), or encumbrance, of any kind or nature, whether secured or unsecured, choate or inchoate, filed or unfiled, scheduled or unscheduled, noticed or unnoticed, recorded or unrecorded, contingent or non-contingent, material or non-material, known or unknown, except to the extent permitted by Buyer in accordance with Section 5 of this Agreement.

13.4 Authorize Seller to execute, deliver, perform, consummate, and implement this Agreement and all additional instruments and documents that may be reasonably necessary or desirable to implement the foregoing.

13.5 Reserve and retain jurisdiction in the Bankruptcy Court to interpret and enforce the Sale Approval Order and this Agreement, and to resolve any disputes arising thereunder or hereunder upon motion by any party.

13.6 Provide that the Sale Approval Order is self-executing and effective immediately upon entry, and waive the stays under Rules 6004(h) and 6006(g) of the Federal Rules of Bankruptcy Procedure.

13.7 Provide that Buyer does not assume, and shall have no costs, expenses, liability or obligations of any nature whatsoever for, or with respect to, any liability or obligation of any Seller of any nature whatsoever.

13.8 Provide that if and when the sale is consummated, Seller shall file a notice with the Bankruptcy Court that contains the following information: (a) date of the sale; (b) number of acres purchased; and (c) the purchase price.

13.9 Contain such other provisions as are reasonably satisfactory to Buyer.

Following the filing of the Sale Motion, Seller shall use reasonable efforts to obtain entry of the Sale Approval Order. The Sale Approval Order shall not have been amended, modified or supplemented without Buyer's written consent.

Buyer's and Seller's obligations to consummate the transactions contemplated herein which Buyer and Seller may hereafter enter into shall be conditioned upon the Bankruptcy Court's entry of the Sale Approval Order in form and content satisfactory to Buyer and the absence of any stay pending appeal of any such order.

14. Activities Pending Closing

14.1 Between the date of the execution of this Agreement and Closing, Seller:

14.1.1 Shall not transfer or dispose of, enter into any contract for the sale or exchange of, enter into any lease of, or mortgage, pledge, or subject to lien or other encumbrance the Subject Property or any part thereof or interest therein.

14.1.2 Request or agree to any replatting or rezoning of the Subject Property, annexation or de-annexation of the Subject Property to or from any governmental unit, including, without limitation any special district or any other change affecting the land use classifications of the Subject Property except only any applications that may be submitted by the Buyer.

14.1.3 Construct any buildings, structures or other improvements on the Subject Property, conduct any excavations or earth removing activities on the Subject Property, or place any fill material or remove any fill material from the Subject Property.

15. Closing

15.1 The consummation of the purchase and sale of the Subject Property pursuant to this Agreement ("Closing") shall take place no later than August 31, 2016, except as set forth herein or as may be otherwise mutually agreed by the Parties. The Closing shall take place at approximately 11:00 a.m. mountain time at the offices of the Title Company. At Closing the following shall occur, each being a condition precedent to the others, and all being considered as occurring simultaneously:

15.1.1 Seller shall execute and have acknowledged and delivered to Buyer a General Warranty Deed conveying title to the Subject Property to the Buyer, subject only to real estate taxes for the current year not yet due and payable and to any defects of title accepted by the Buyer pursuant to Section 5 above.

15.1.2 Seller shall execute and deliver to Buyer a certificate certifying that all of the representations and warranties made by the Seller in this Agreement are true and correct at the time of Closing.

15.1.3 Seller shall execute and deliver to Buyer a general assignment assigning to Buyer all general intangibles owned by the Seller and related to the Subject Property, including but not limited to the reports identified in Section 12, all rights, credits and deposits, and credits against all governmental, special district or any other applicable fees or charges payable in connection with the use and development of the Subject Property.

15.1.4 Each party shall execute and deliver to the other or to the Title Company such documents, certificates, affidavits, and the like as may be required herein or required by the Title Company or as may be necessary or helpful to carry out its obligations under this Agreement.

15.1.5 Buyer shall pay the Seller the Purchase Price. Payment will be made through wire transfer of the Purchase Price into the account of the Title Company, whereupon the Title Company shall disburse as appropriate to the Seller.

15.1.6 Upon Closing, Seller shall deliver to the Buyer possession of the Subject Property free and clear of all leases, tenancies, or any other encumbrances.

16. Risk of Loss

If between the date of execution of this Agreement and the date of Closing, the Subject Property or any part thereof is damaged or destroyed by any natural or artificial casualty, or the Subject Property or any part thereof is taken in condemnation or under the right of eminent domain, or is conveyed in lieu of such taking, or proceedings for such takings shall be pending or threatened, the Buyer may at its option terminate this Agreement by written notice to the Seller prior to or on the date of Closing, and the Title Company shall return the Earnest Money to the Buyer. If the Buyer does not elect to terminate this Agreement because of such occurrence, Seller and Buyer shall perform their respective obligations under this Agreement, and Seller shall deliver to Buyer at Closing any condemnation awards or proceeds received by Seller as a result of the taking of the Subject Property, and assign to the Buyer all of Seller's rights, title, and interest in and to any condemnation awards resulting from any such taking which has not yet been received by the Seller as of the date of Closing; and Seller shall refrain from accepting or agreeing upon the amount of any payment or such awards or proceeds without Buyer's written consent. Seller shall promptly notify Buyer of each occurrence of the kind specified in this Section.

17. Default and Termination

17.1 Time is of the essence hereof. In the event of default by either Party prior to Closing, the remedies upon default are as set forth below unless otherwise provided in this Agreement.

17.2 If Buyer shall default in performing any obligations of the Buyer hereunder, Seller may elect to terminate this Agreement and Seller shall be entitled to retain the Earnest Money as liquidated damages, and both Parties shall be thereafter released from all obligations hereunder. The Parties acknowledge that Seller's damages, because of Buyer's default hereunder, are difficult to ascertain and agree that the amount of liquidated damages represents a reasonable estimate of the Seller's damages because of the Buyer's default. Seller expressly waives the remedies of specific performance and additional damages.

17.3 If the Seller shall default in performing any obligations of the Seller hereunder, the Buyer may elect to terminate this Agreement, in which event the Title Company shall return the Earnest Money to the Buyer, and the Buyer may recover such damages as may be proper as a result of the Seller's default; or the Buyer may elect to seek specific performance of this Agreement and recover such damages as may be proper because of Seller's default.

17.4 In the event of any litigations, arbitration or dispute resolution between the Seller and Buyer arising out of this Agreement, each Party shall be responsible for all of its costs, fees, and expenses, including attorney's fees, costs and expenses.

17.5 Upon termination of this Agreement under this Section, or any other provision of this Agreement, neither party shall have further obligations to the other hereunder except for the payment of any sum or damages due upon termination as provided herein.

18. Survival of Representations and Warranties

The agreements, representations and warranties made by the Parties in this Agreement shall be deemed to be continuing and shall survive the Closing and shall not merge with any deed, assignment or other documents delivered at the Closing or relating to the purchase of the Subject Property or intangibles by the Buyer.

19. Brokers and Commissions

The individual Parties will be responsible for any real estate commissions they incur as a direct result of completion of the transaction contemplated by this Agreement. The Parties each represent that neither has been represented by any broker or that any real estate commission, finder's fee, or similar fee is due to any third party in connection with this transaction. Seller agrees to indemnify and hold Buyer harmless from claims made against Buyer by any person or entity for such real estate commissions, finder's fees, or similar fees in connection with this transaction. Buyer, to the extent it legally may, agrees to indemnify and hold Seller harmless from claims made against it by any person or entity for such real estate commissions, finder's fees, or similar fees in connection with this transaction.

20. Non-Assignability

Neither Party may assign its rights or delegate its obligations under this Agreement without the prior written discretionary consent of the other party.

21. Notice

Any notices, demands, or other communications required or desired to be given under the provisions of this Agreement shall be given in writing, delivered personally or sent by certified mail, return receipt requested, postage prepaid, addressed as follows to Buyer:

Director of Aurora Water
City of Aurora
15151 East Alameda Parkway, Suite 3600
Aurora, CO 80012

with a copy to:

Hamre, Rodriguez, Ostrander & Dingess, P.C.
3600 S Yosemite Street, Suite 500
Denver, CO 80237

to Seller:

Hartsel Springs Ranch of Colorado, LLC
4255 South Buckley Road, Suite 314
Aurora, CO 80013

with a copy to:

Petrock & Fendel, P.C.
700 17th Street, Suite 1800
Denver, CO 80202

Or any other such address as either party may hereinafter from time to time designate by written notice to the party in accordance with this paragraph. Notice shall be effective upon receipt.

22. Amendment

This Agreement may be modified, amended, changed or terminated in whole or in any part only by an agreement in writing, duly authorized and executed by the Parties with the same formality as this Agreement.

23. Waiver

Waiver of any breach of any provision of this Agreement by either party shall not constitute a continuing waiver of any subsequent breach of said party for either breach of the same or any other provision of this Agreement.

24. Entire Agreement

This Agreement represents the entire agreement of the Parties, and neither Party has relied upon any fact or representation not expressly set forth herein. The Parties further agree this Agreement supersedes any and all discussion, negotiations, letters, documents and/or agreements between them regarding the subject matter hereof.

25. Headings for Convenience Only

Paragraph headings and titles contained herein are intended for convenience or reference only and not intended to define, limit or describe the scope or intent of any provision of this Agreement.

26. Non-Severability

Each paragraph of this Agreement is intertwined with the others and is not severable unless by mutual consent of the Parties.

27. Binding Effect

This Agreement and the rights and obligations created hereby shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, if any.

28. Governing Law

This Agreement in its application shall be construed in accordance with the laws of the State of Colorado.

29. Counterpart Originals

This Agreement may be simultaneously executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute one and the same agreement. A separate copy of this Agreement may be signed by each party separately and when each party has executed at least one copy hereof, each copies taken together shall be deemed to be a full and complete agreement between the Parties and a single document.

30. Recordation

Following execution of this Agreement by both Parties, the Buyer shall cause this Agreement to be recorded with the Park County Clerk and Recorder's Office in Fairplay, Colorado.

31. Intent of the Agreement

This Agreement is intended to describe the rights and responsibilities of and between the Parties and is not intended to and shall not be deemed to confer rights upon any persons or entities not signatories hereto, nor limit, impair, or enlarge any of the powers, regulatory authority, and responsibilities of the Buyer or any other governmental entity not a party hereto.

32. Earnest Money Dispute

Notwithstanding any termination of this Agreement, Buyer and Seller agree that in the event of any controversy regarding the Earnest Money and things of value held by the Title Company or Closing Agent, unless additional written instructions are received by holder of the Earnest Money and things of value, the Title Company or Closing Agent shall not be required to take any action but may await any proceeding or at the Title Company's or Closing Agent's option and sole discretion, may interplead all parties and deposit any money or things of value into a court of competent jurisdiction and shall recover court costs therefor.

33. No Construction Against Drafter

The Parties agree they have drafted this Agreement jointly with each having the advice of legal counsel and an equal opportunity to contribute to its content. Therefor this Agreement shall not be construed for or against any Party on the basis of authorship.

34. Time

If any date for any action under this Agreement falls on Saturday, Sunday, or a day that is a "holiday", as such as term is defined in Rule 6 of the Colorado Rules of Civil Procedure, then the relevant date shall be extended automatically to the next business day.

35. Sole Obligation of Aurora's Utility Enterprise

35.1 This Agreement shall never constitute a general obligation or other indebtedness of the City of Aurora 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 of Aurora.

35.2 In the event of a default of Aurora's Utility Enterprise of any of its obligations under this Agreement, Seller shall have no recourse for any amount owed to it against any funds or revenues of the City of Aurora 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 operations and maintenance expenses of the Water System and all debt service and reserve requirements of any bond, 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 considered as creating a lien upon the revenues of the Utility Enterprise or the City of Aurora.

35.3 Aurora represents that this Agreement has been duly authorized, executed and delivered by Aurora, and constitutes a valid and legally binding obligation of Aurora enforceable against Aurora in accordance with the terms hereof, subject only to the terms hereof, and to applicable bankruptcy, insolvency, and similar laws effecting the enforceability of the rights of creditors generally, and to general principles of equity.

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

Stephen D. Hogan
Stephen D. Hogan, Mayor

5/13/16
Date

ATTEST:

Janice Napper
Janice Napper, City Clerk

5/13/16
Date

APPROVED AS TO FORM FOR AURORA:

Christine E. McKenney
Christine McKenney, Assistant City Attorney

4/21/16
Date

16034348
ACS #

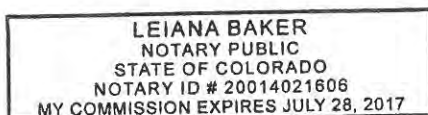
STATE OF COLORADO)
) ss
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 13 day of May, 2016, by Stephen D. Hogan, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal. Leiana Baker
Notary Public

My commission expires: 7-28-17

(SEAL)



1361
RDU

HARTSEL SPRINGS RANCH OF
COLORADO, INC. a Colorado Corporation

By: *Frank H. Wolthuis*
Frank H. Wolthuis, Vice-President

6-10-2016
Date

ATTEST

Leiana Baker
Corporate Secretary

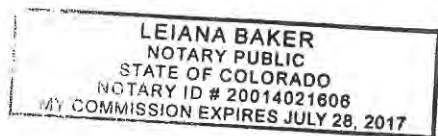
STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

The foregoing Land Purchase and Sale Agreement was acknowledged before me
this 10 day of June, 2016, by Frank H. Wolthuis, as Vice-President of
Hartsel Springs Ranch of Colorado, Inc., a Colorado corporation.

Witness my hand and official seal. *Leiana Baker*
Notary Public

My commission expires: 7-28-17

(SEAL)



List of Exhibits

The descriptions of these properties having been refined as a result of investigations under the Option Agreement

Exhibit - A

A Legal Description of the real property in Park County that is the subject of this Agreement.

Exhibit - B

Map and description showing and describing the proposed Reservoir Site property and Buffer Zone.

Exhibit - C

Map and description showing and describing proposed Inflow and Outflow Channels.

Exhibit - D

Map and description showing and describing real property not presently owned by HSR.

Exhibit - E

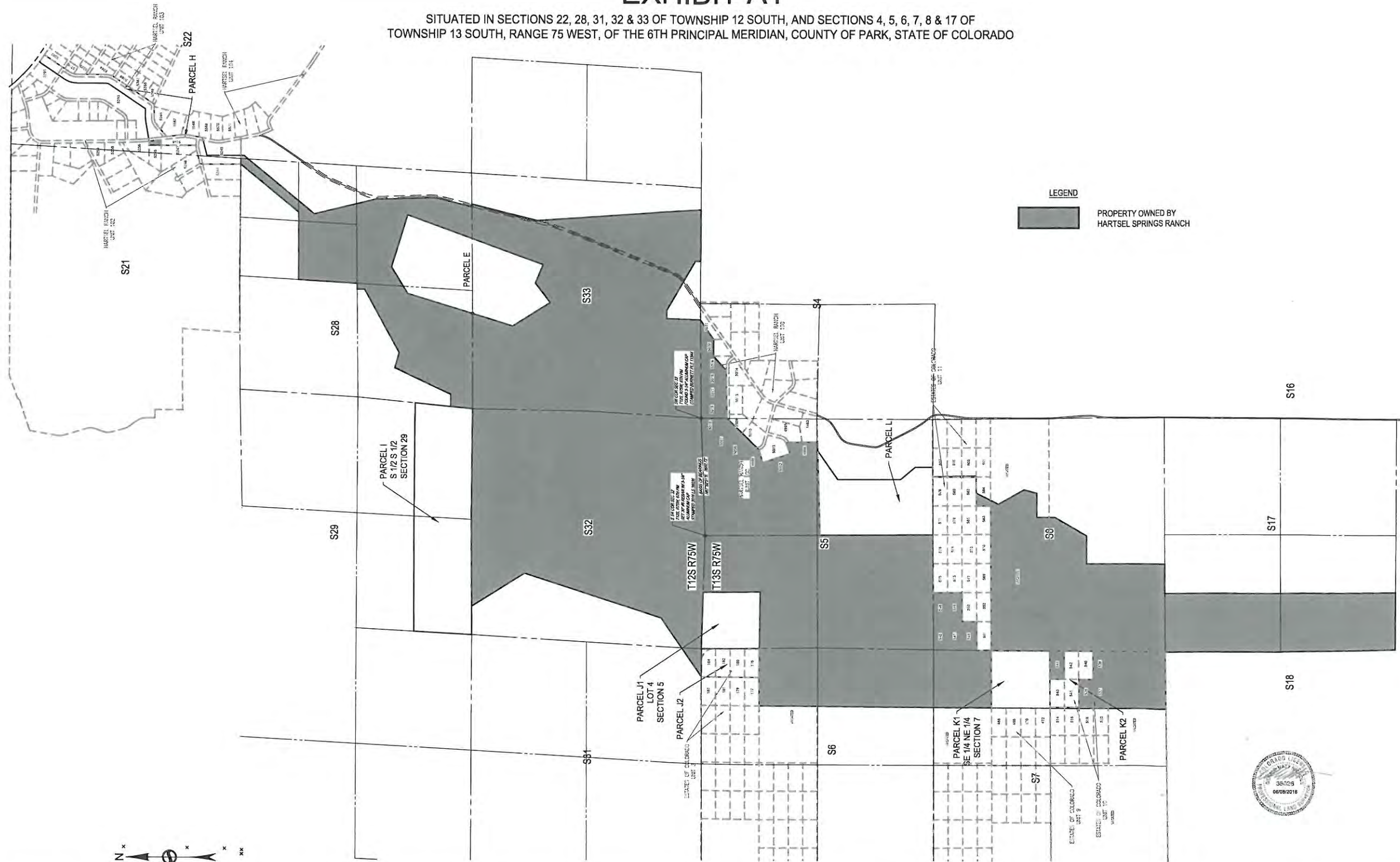
Map and description showing and describing the lots immediately adjacent to Buffer Zone.

Exhibit - F

Map and description showing and describing the HSR Development where lot owners will have toll free access to public reservoir facilities.

EXHIBIT A1

SITUATED IN SECTIONS 22, 28, 31, 32 & 33 OF TOWNSHIP 12 SOUTH, AND SECTIONS 4, 5, 6, 7, 8 & 17 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO



Know what's below.
Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



SURVEY SYSTEMS
A Professional Land Surveying Company

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WILD HORSE RESERVOIR

EXHIBIT A1

PROPERTY LOCATION AND INFORMATION				ISSUE DATE: 05/27/2016		CHECKED BY: NH DRAWN BY: CH JOB NUMBER: 2016-11-01-003 CLIENT CODE: WWSF	
ADDRESS:	SECTION:	22, 28, 31, 32, 33 & 4, 5, 6, 7, & 17		DATE	REVISION COMMENTS		SHEET NO. 2 2 OF 2
LOT:	TOWNSHIP:	12 & 13 SOUTH					
BLOCK:	RANGE:	75 WEST					
SUBDIVISION:	PRINCIPAL MERIDIAN:	6TH					
PARCEL #	CITY:						
ZONING:	COUNTY:	PARK	STATE:	COLORADO			

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EXHIBIT B

SITUATED IN SECTIONS 28, 31, 32 & 33 OF TOWNSHIP 12 SOUTH, AND SECTIONS 4, 5, 6, 7 & 8 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO

LEGAL DESCRIPTION:

PARCEL B

A PARCEL OF LAND SITUATED IN SECTIONS 7 AND 8 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 7;

THENCE SOUTH 89°11'25" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 1,303.97 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 7 AND SECTION 18;
THENCE NORTH 00°14'29" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 7, A DISTANCE OF 1,998.73 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE COMMON LINE BETWEEN LOTS 539 AND 541, ESTATES OF COLORADO UNIT 11, RECORDED JUNE 3, 1960 AT RECEPTION NO. 153573 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE NORTH 89°27'18" EAST, ALONG THE NORTH LINE OF SAID LOT 539, A DISTANCE OF 664.34 FEET TO THE NORTHEAST CORNER OF LOT 539;

THENCE SOUTH 00°18'18" WEST, ALONG THE EAST LINE OF SAID LOT 539, A DISTANCE OF 332.87 FEET TO THE NORTHWEST CORNER OF LOT 539;

THENCE NORTH 89°24'28" EAST, ALONG THE NORTH LINE OF SAID LOT 539, A DISTANCE OF 646.12 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7 AND THE NORTHEAST CORNER OF LOT 539;

THENCE NORTH 00°27'19" EAST, ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7 AND THE EAST LINE OF LOTS 540 AND 542, A DISTANCE OF 664.70 FEET TO THE SOUTHEAST CORNER OF LOT 544 OF SAID ESTATES OF COLORADO UNIT 10;

THENCE ALONG THE SOUTH, WEST AND NORTH LINES OF SAID LOT 544, ESTATES OF COLORADO UNIT 10 THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°30'07" WEST A DISTANCE OF 647.85 FEET;

2. NORTH 00°18'18" EAST A DISTANCE OF 332.44 FEET;

3. NORTH 89°32'57" EAST A DISTANCE OF 646.71 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 7;

THENCE NORTH 00°27'19" EAST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 1,328.54 FEET TO THE SOUTHWEST CORNER OF LOT 551, ESTATES OF COLORADO UNIT 11, RECORDED JUNE 3, 1960 AT RECEPTION NO. 153573 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE NORTH 89°37'50" EAST, ALONG THE SOUTH LINE OF LOTS 551, 552, 569, 570 & 583 OF SAID ESTATES OF COLORADO UNIT 11, A DISTANCE OF 3,308.63 FEET TO THE SOUTHWEST CORNER OF LOT 584;

THENCE NORTH 00°03'23" WEST, ALONG THE WEST LINE OF SAID LOT 584, A DISTANCE OF 331.92 FEET TO THE SOUTHWEST CORNER OF LOT 582;

THENCE NORTH 89°36'04" EAST, ALONG THE SOUTH LINE OF SAID LOT 582, A DISTANCE OF 294.59 FEET;

THENCE SOUTH 26°00'24" WEST, DEPARTING SAID SOUTH LINE OF LOT 582 AND CROSSING LOT 584, A DISTANCE OF 572.00 FEET;

THENCE SOUTH 29°18'56" EAST A DISTANCE OF 667.34 FEET;

THENCE SOUTH 14°59'27" WEST A DISTANCE OF 300.25 FEET;

THENCE SOUTH 89°59'59" WEST A DISTANCE OF 550.18 FEET;

THENCE SOUTH 00°00'12" EAST A DISTANCE OF 408.51 FEET;

THENCE SOUTH 29°59'49" WEST A DISTANCE OF 850.34 FEET;

THENCE NORTH 89°59'40" WEST A DISTANCE OF 642.14 FEET;

THENCE SOUTH 00°03'06" EAST A DISTANCE OF 1,798.61 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE SOUTH 89°40'42" WEST, ALONG SAID NORTH LINE OF SECTION 17, A DISTANCE OF 672.33 FEET TO THE WEST SIXTEENTH CORNER OF SECTION 17 AND SECTION 8;

THENCE CONTINUE SOUTH 89°40'42" WEST, ALONG SAID NORTH LINE OF SECTION 17, A DISTANCE OF 1,344.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,337.875 SQUARE FEET OR 306.20 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCELS C & G

A PARCEL OF LAND SITUATED IN SECTIONS 28, 31, 32 AND 33 OF TOWNSHIP 12 SOUTH, AND SECTIONS 4, 5, 6, 7 AND 8 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 33;

THENCE NORTH 05°41'56" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 505.56 FEET;

THENCE NORTH 90°00'00" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 279.64 FEET;

THENCE NORTH 25°13'48" EAST A DISTANCE OF 1,416.84 FEET;

THENCE SOUTH 74°03'02" EAST A DISTANCE OF 359.49 FEET;

THENCE NORTH 81°07'14" EAST A DISTANCE OF 1,609.88 FEET;

THENCE NORTH 00°00'08" WEST A DISTANCE OF 171.34 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28;

THENCE NORTH 89°13'07" EAST, ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 133.92 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 28;

THENCE NORTH 03°28'23" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1,346.47 FEET TO THE CENTER-NORTH SIXTEENTH OF SECTION 28;

THENCE NORTH 89°41'34" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1,345.97 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SECTION 28;

THENCE CONTINUE NORTH 89°41'34" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 202.63 FEET;

THENCE SOUTH 39°25'01" WEST A DISTANCE OF 1,557.01 FEET;

THENCE SOUTH 45°56'43" WEST A DISTANCE OF 1,322.69 FEET;

THENCE NORTH 86°12'21" WEST A DISTANCE OF 421.51 FEET;

THENCE SOUTH 26°13'10" WEST A DISTANCE OF 722.18 FEET;

THENCE NORTH 83°07'43" WEST A DISTANCE OF 546.53 FEET;

THENCE SOUTH 56°39'34" WEST A DISTANCE OF 319.47 FEET;

THENCE SOUTH 13°56'51" WEST A DISTANCE OF 436.88 FEET;

THENCE NORTH 80°30'20" EAST A DISTANCE OF 217.99 FEET;

THENCE NORTH 13°56'51" EAST A DISTANCE OF 271.96 FEET;

THENCE NORTH 56°39'34" EAST A DISTANCE OF 184.39 FEET;

THENCE SOUTH 81°48'39" EAST A DISTANCE OF 600.98 FEET;

THENCE NORTH 27°11'15" EAST A DISTANCE OF 738.79 FEET;

LEGAL DESCRIPTION: (CONT.)

THENCE SOUTH 86°12'21" EAST A DISTANCE OF 363.54 FEET;

THENCE NORTH 45°55'53" EAST A DISTANCE OF 412.27 FEET;

THENCE SOUTH 72°52'48" EAST A DISTANCE OF 333.19 FEET;

THENCE SOUTH 58°17'35" WEST A DISTANCE OF 713.33 FEET;

THENCE SOUTH 17°01'38" WEST A DISTANCE OF 2,521.23 FEET;

THENCE SOUTH 32°14'34" EAST A DISTANCE OF 1,007.30 FEET;

THENCE NORTH 53°00'00" EAST A DISTANCE OF 561.34 FEET;

THENCE SOUTH 88°00'00" EAST A DISTANCE OF 456.27 FEET;

THENCE SOUTH 88°05'08" EAST A DISTANCE OF 473.78 FEET;

THENCE SOUTH 33°00'00" WEST A DISTANCE OF 668.75 FEET;

THENCE SOUTH 54°00'00" EAST, CROSSING COUNTY ROAD 53, A DISTANCE OF 633.61 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 AS DESCRIBED IN BOOK 235 AT PAGE 884 IN SAID RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 THE FOLLOWING THREE (3) COURSES:

1. NORTH 21°46'48" EAST A DISTANCE OF 576.47 FEET TO A POINT OF CURVATURE;

2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°50'44", A RADIUS OF 3,260.81 FEET AND AN ARC LENGTH OF 503.38 FEET (CHORD BEARS NORTH 17°21'28" EAST, 502.88 FEET);

3. NORTH 13°55'48" EAST A DISTANCE OF 240.20 FEET;

THENCE SOUTH 03°55'25" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 3,775.96 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 AND THE SOUTH LINE OF TOWNSHIP 12 SOUTH RANGE 75 WEST FROM WHENCE THE SOUTHEAST CORNER OF SECTION 33 BEARS SOUTH 89°48'28" EAST A DISTANCE OF 504.57 FEET;

THENCE NORTH 89°48'28" WEST, ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, A DISTANCE OF 1,181.42 FEET;

THENCE NORTH 01°31'35" WEST, DEPARTING SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, A DISTANCE OF 123.98 FEET;

THENCE NORTH 80°00'00" WEST A DISTANCE OF 1,303.04 FEET;

THENCE NORTH 80°00'00" WEST A DISTANCE OF 188.08 FEET;

THENCE SOUTH 01°43'03" WEST A DISTANCE OF 775.81 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 33 AND SAID SOUTH LINE OF TOWNSHIP 12 SOUTH RANGE 75 WEST FROM WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 33 BEARS NORTH 89°20'15" EAST A DISTANCE OF 374.11 FEET;

THENCE SOUTH 55°42'22" WEST A DISTANCE OF 545.75 FEET TO A POINT ON THE WEST LINE OF LOT 5021, HARTSEL RANCH UNIT 100, RECORDED APRIL 17, 1974 AT RECEPTION NO. 203993 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE NORTH 89°59'51" WEST A DISTANCE OF 385.01 FEET TO A POINT ON THE WEST LINE OF LOT 5020, HARTSEL RANCH UNIT 100;

THENCE SOUTH 48°11'51" WEST A DISTANCE OF 437.97 FEET, TO THE SOUTHWEST CORNER OF LOT 5019, HARTSEL RANCH UNIT 100;

THENCE SOUTH 88°58'55" WEST, ALONG THE SOUTH LINE OF LOTS 5018, 5017 AND 5016, HARTSEL RANCH UNIT 100, A DISTANCE OF 1,091.34 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5016;

THENCE SOUTH 44°20'23" WEST, DEPARTING SAID SOUTH LINE OF LOTS 5018, 5017 AND 5016, A DISTANCE OF 1,037.61 FEET TO THE EASTERLY CORNER OF THE NORTH LINE OF LOT 5003, HARTSEL RANCH UNIT 100;

THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINES OF SAID LOT 5003, HARTSEL RANCH UNIT 100, THE FOLLOWING THREE (3) COURSES:

1. SOUTH 74°22'27" WEST A DISTANCE OF 305.31 FEET;

2. SOUTH 18°18'46" EAST A DISTANCE OF 655.35 FEET;

3. NORTH 69°17'57" EAST A DISTANCE OF 259.93 FEET;

THENCE SOUTH 19°21'55" EAST, DEPARTING SAID SOUTHERLY LINE OF LOT 5003, A DISTANCE OF 57.38 FEET TO THE NORTHEAST CORNER OF LOT 4986, HARTSEL RANCH UNIT 100;

THENCE SOUTH 00°29'24" EAST, ALONG THE EAST LINE OF SAID LOT 4986, A DISTANCE OF 665.22 FEET TO THE SOUTHEAST CORNER OF LOT 4986;

THENCE SOUTH 88°35'44" WEST, ALONG THE SOUTH LINE OF SAID LOT 4986, A DISTANCE OF 201.89 FEET;

THENCE SOUTH 88°17'30" WEST, ALONG THE SOUTH LINE OF SAID HARTSEL RANCH UNIT 100, A DISTANCE OF 1,931.53 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 00°14'37" EAST, ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, A DISTANCE OF 2,587.06 FEET TO THE SOUTH QUARTER CORNER OF SECTION 5, SAID POINT ALSO LIES ON THE NORTH LINE OF ESTATES OF COLORADO UNIT 11, RECORDED JUNE 3, 1960 AT RECEPTION NO. 153573 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE SOUTH 89°36'43" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 AND THE NORTH LINE OF LOTS 576 AND 575 OF SAID ESTATES OF COLORADO UNIT 11, A DISTANCE OF 1,323.00 FEET TO THE NORTHWEST CORNER OF LOT 575;

THENCE SOUTH 00°03'23" EAST, ALONG THE WEST LINE OF SAID LOT 575 AND LOT 573, A DISTANCE OF 662.75 FEET TO THE NORTHEAST CORNER OF LOT 550;

THENCE SOUTH 89°39'30" WEST, ALONG THE NORTH LINE OF SAID LOT 550, A DISTANCE OF 663.91 FEET TO THE NORTHWEST CORNER OF LOT 550;

THENCE SOUTH 00°05'48" WEST, ALONG THE WEST LINE OF SAID LOT 550, A DISTANCE OF 332.38 FEET TO THE NORTHEAST CORNER OF LOT 551;

THENCE SOUTH 89°39'45" WEST, ALONG THE NORTH LINE OF SAID LOT 551, A DISTANCE OF 656.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 551, SAID POINT LIES ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8;

THENCE SOUTH 00°27'19" WEST, ALONG THE WEST LINE OF SAID LOT 551 AND THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 8, A DISTANCE OF 334.44 FEET TO THE NORTH SIXTEENTH CORNER BETWEEN SECTION 7 AND SECTION 8;

THENCE SOUTH 89°41'55" WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 1,318.70 FEET TO THE NORTHEAST SIXTEENTH OF SAID SECTION 7;

THENCE NORTH 00°14'29" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, A DISTANCE OF 1,331.92 FEET TO THE EAST SIXTEENTH CORNER BETWEEN SECTION 6 AND SECTION 7;

THENCE NORTH 00°32'11" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 2,649.62 FEET TO THE CENTER-EAST SIXTEENTH CORNER OF SAID SECTION 6;

THENCE NORTH 00°21'02" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 1,335.60 FEET TO THE SOUTHWEST CORNER OF LOT 177, ESTATES OF COLORADO UNIT 3, RECORDED MAY 18, 1980 AT RECEPTION NO. 153518 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE NORTH 89°42'31" EAST, ALONG THE SOUTH LINE OF SAID LOT 177, A DISTANCE OF 650.46 FEET TO THE SOUTHEAST CORNER OF LOT 177;

THENCE SOUTH 89°33'13" EAST, ALONG THE SOUTH LINE OF LOT 178, A DISTANCE OF 666.08 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 75 WEST;

LEGAL DESCRIPTION: (CONT.)

THENCE ALONG THE SOUTH, EAST AND NORTH LINES OF SAID LOT 4 OF SECTION 5 THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°14'44" EAST A DISTANCE OF 1,294.42 FEET;

2. NORTH 00°29'51" WEST A DISTANCE OF 1,309.50 FEET;

3. NORTH 88°18'01" WEST A DISTANCE OF 1,298.47 FEET TO THE NORTHWEST CORNER OF SAID SECTION 5 AND THE NORTHEAST CORNER OF LOT 184 OF SAID ESTATES OF COLORADO UNIT 3;

THENCE SOUTH 89°47'10" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31 AND THE NORTH LINE OF SAID LOT 184, A DISTANCE OF 641.61 FEET TO THE NORTHWEST CORNER OF LOT 184;

THENCE NORTH 55°30'26" EAST, DEPARTING SAID SOUTH LINE OF SAID SECTION 31 AND SAID NORTH LINE OF LOT 184, A DISTANCE OF 1,639.43 FEET;

THENCE NORTH 18°00'00" EAST A DISTANCE OF 3,295.57 FEET;

THENCE NORTH 32°00'00" WEST A DISTANCE OF 1,429.76 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29;

THENCE NORTH 89°32'03" EAST, ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 29, A DISTANCE OF 1,987.14 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 89°36'25" EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, A DISTANCE OF 2,535.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 74,049,459 SQUARE FEET OR 1,699.94 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR COUNTY ROAD 53 AS DESCRIBED IN BOOK 235 AT PAGE 884 IN SAID RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

CONTAINING A TOTAL NET AREA OF 87,387,434 SQUARE FEET OR 2,006.14 ACRES, MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION THE BEARINGS ARE BASED UPON THE CENTRAL ZONE OF THE COLORADO STATE PLANE COORDINATE SYSTEM, N.A.D. 83 (2011). ALL BEARINGS ARE BASED UPON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED ON THE WEST BY A 3-1/4" ALUMINUM CAP STAMPED "2016 LS 38026" AND ON THE EAST BY A 3-1/4" ALUMINUM CAP STAMPED "BURNETT PLS 11944" AND BEARS NORTH 87°52'51" EAST. ALL HORIZONTAL DISTANCES SHOWN HEREON HAVE NOT BEEN REDUCED TO GROUND AND ARE RELATIVE TO SAID CENTRAL ZONE OF THE COLORADO STATE PLANE COORDINATE SYSTEM. THE UNITS FOR THIS LEGAL DESCRIPTION ARE U.S. SURVEY FEET.



GERALD MATT NICHOLS, PLS
PLS #38026
FOR AND ON BEHALF OF:
SURVEY SYSTEMS INC.
P.O. BOX 2168
EVERGREEN, COLORADO 80437
(303)679-8122



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A Service-Disabled Veteran-Owned Small Business SDVOSB [SBE]

WILD HORSE RESERVOIR

EXHIBIT B

PROPERTY LOCATION AND INFORMATION

ADDRESS:	SECTION: 28, 31, 32, 33 & 4, 5, 6, 7, 8
LOT:	TOWNSHIP: 12 & 13 SOUTH
BLOCK:	RANGE: 75 WEST
SUBDIVISION:	PRINCIPAL MERIDIAN: 6TH
PARCEL #:	CITY:
ZONING:	COUNTY: PARK STATE: COLORADO

ISSUE DATE: 06/03/2016

DATE	REVISION COMMENTS

CHECKED BY: M

DATE: 06/03/2016

JOB NUMBER: 2016-111-01-002

CLIENT: EVERGREEN

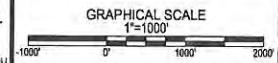
SHEET NO. 1 OF 2

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.

NEEDS: 2-2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



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A Service-Disabled Veteran-Owned Small Business SDVOSB | SBE

WILD HORSE RESERVOIR

EXHIBIT B

PROPERTY LOCATION AND INFORMATION	
ADDRESS:	SECTION: 28, 31, 32, 33 & 4, 5, 6, 7, 8
LOT:	TOWNSHIP: 12 & 13 SOUTH
BLOCK:	RANGE: 75 WEST
SUBDIVISION:	PRINCIPAL MERIDIAN: 6TH
PARCEL #:	CITY:
ZONING:	COUNTY: PARK STATE: COLORADO

ISSUE DATE: 06/03/2016	
DATE	REVISION COMMENTS

CHECKED BY: JN 3060151 JOB NUMBER: 2015-111-01-000 CLIENT CODE: 00001	SHEET NO. 2 2 OF 2
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LINE TABLE		
LINE #	DIRECTION	LENGTH
L26	S0°52'48"W	332.39
L27	S89°39'45"W	656.76
L28	S07°15'5"W	334.44
L29	S89°41'55"W	1316.70
L30	N88°42'31"E	650.48
L31	S89°33'15"E	666.08
L32	S88°14'44"E	1294.42
L33	N0°25'51"W	1338.59
L34	N88°18'01"W	1258.47
L35	S89°47'10"W	841.81
L36	N65°27'19"E	864.34
L37	S0°16'16"W	332.87
L38	N89°24'28"E	646.72
L39	N0°27'19"E	664.70
L40	S89°30'07"W	847.85
L41	N0°18'16"E	332.44
L42	N89°32'57"E	648.71
L43	N0°12'23"W	331.92
L44	N88°38'04"E	234.59
L45	S25°12'24"W	572.00

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N88°12'21"W	421.51
L2	S28°13'11"W	722.18
L3	N83°07'45"W	546.53
L4	S26°39'24"W	318.47
L5	S13°56'51"W	436.88
L6	N80°30'20"E	277.89
L7	N13°56'51"E	271.96
L8	N65°38'54"E	184.39
L9	S81°48'39"E	600.89
L10	N27°11'19"E	738.79
L11	S88°12'21"E	363.54
L12	N45°55'53"E	412.27
L13	N1°13'35"W	123.89
L14	N69°00'00"W	1303.04
L15	N69°00'00"W	188.08
L16	S1°43'02"W	775.81
L17	S65°42'22"W	545.79
L18	N89°59'51"W	386.01
L19	S48°11'51"W	437.97
L20	S18°18'49"E	655.39
L21	N88°17'57"E	258.97
L22	S19°21'58"E	57.38
L23	S89°36'43"W	1323.00
L24	S0°06'23"E	662.79
L25	S89°38'34"W	663.91

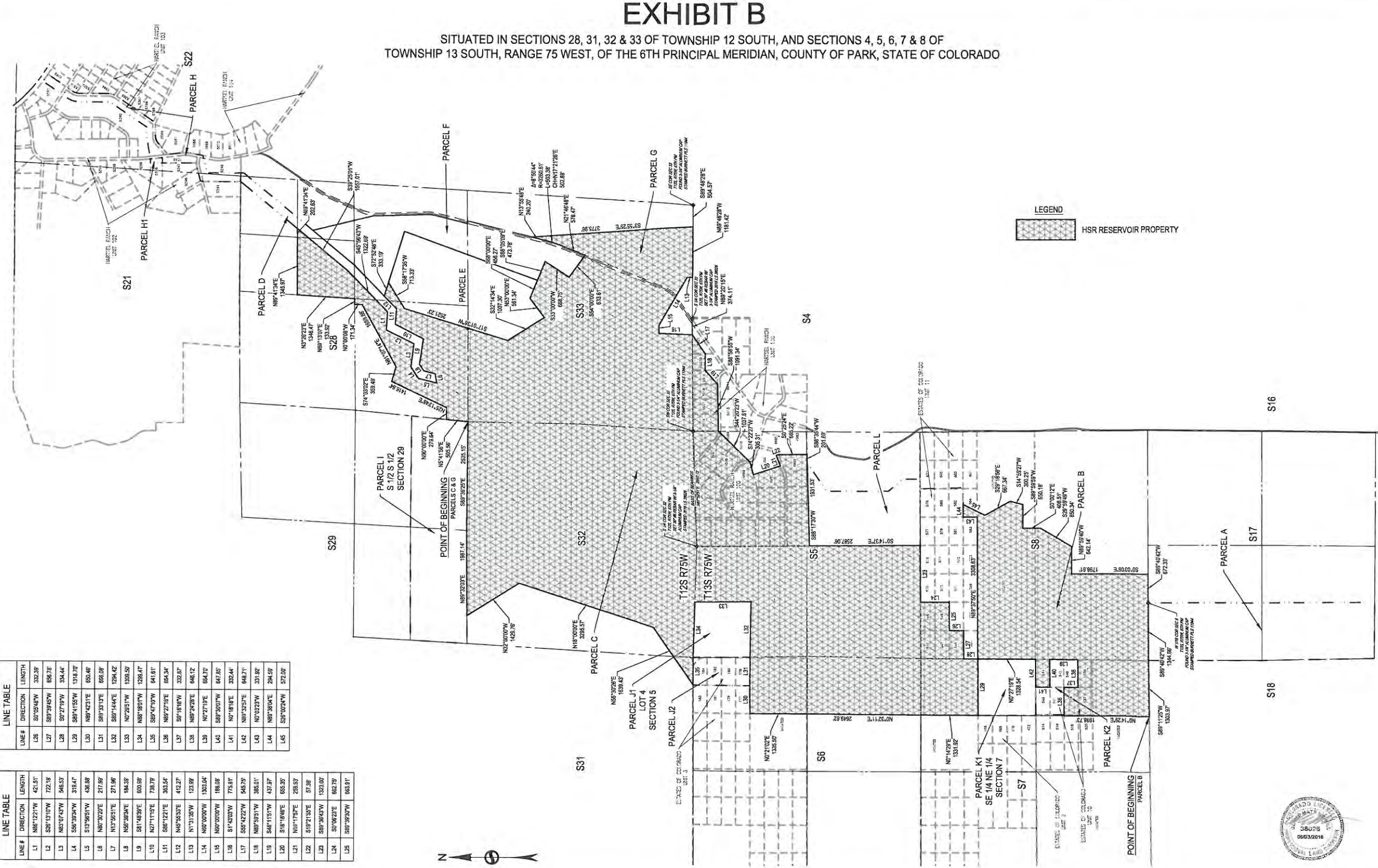
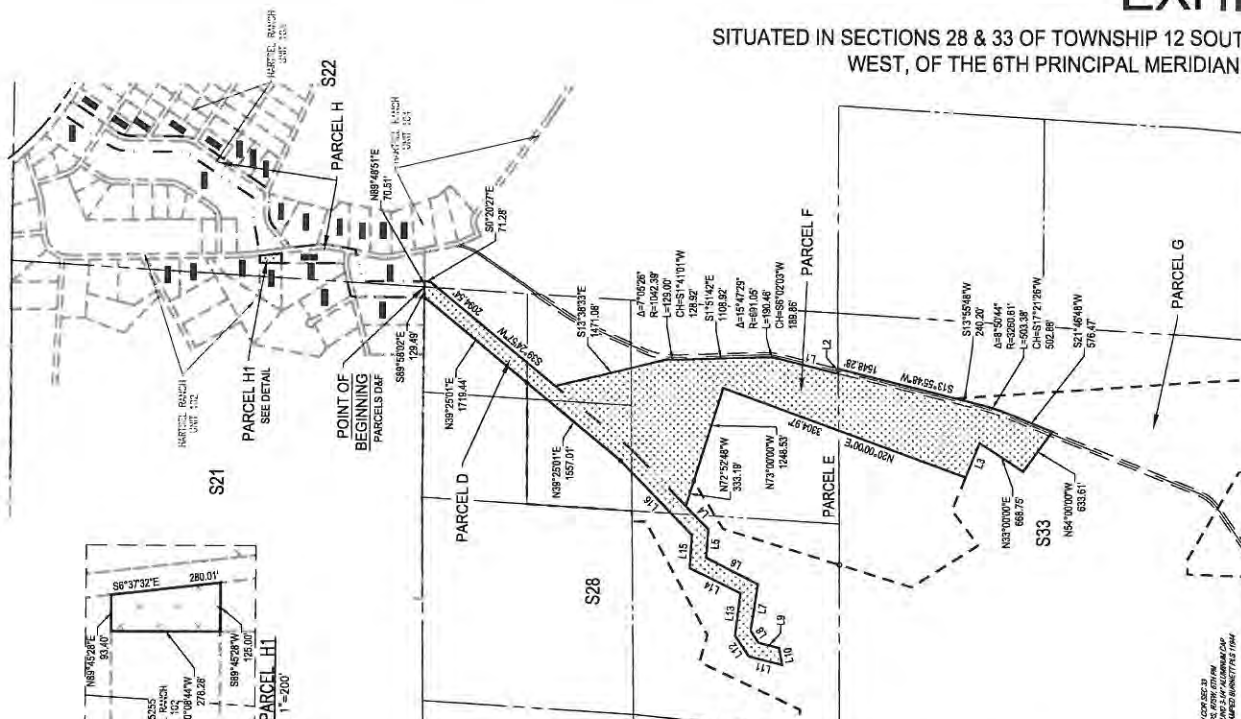


EXHIBIT C

SITUATED IN SECTIONS 28 & 33 OF TOWNSHIP 12 SOUTH, AND SECTION 17 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO



LEGAL DESCRIPTIONS: (CONT.)

PARCELS D & F-OUTLET (CONT.)

THENCE SOUTH 27°11'15" WEST A DISTANCE OF 738.79 FEET;
THENCE NORTH 81°48'39" WEST A DISTANCE OF 600.98 FEET;
THENCE SOUTH 56°39'34" WEST A DISTANCE OF 184.39 FEET;
THENCE SOUTH 13°56'51" WEST A DISTANCE OF 271.98 FEET;
THENCE SOUTH 80°30'20" WEST A DISTANCE OF 217.99 FEET;
THENCE NORTH 13°56'51" EAST A DISTANCE OF 436.88 FEET;
THENCE NORTH 56°39'34" EAST A DISTANCE OF 319.47 FEET;
THENCE SOUTH 83°07'43" EAST A DISTANCE OF 546.53 FEET;
THENCE NORTH 26°13'10" EAST A DISTANCE OF 722.18 FEET;
THENCE SOUTH 86°12'21" EAST A DISTANCE OF 421.51 FEET;
THENCE NORTH 45°56'43" EAST A DISTANCE OF 1,322.89 FEET;
THENCE NORTH 39°25'01" EAST A DISTANCE OF 1,557.01 FEET;
THENCE CONTINUE NORTH 39°25'01" EAST, ALONG SAID LINE, A DISTANCE OF 1,719.44 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28;
THENCE SOUTH 89°58'02" EAST A DISTANCE OF 129.49 FEET TO THE POINT OF BEGINNING.
CONTAINING 6,384,119 SQUARE FEET OR 146.56 ACRES, MORE OR LESS.

PARCEL H1-OUTLET

A PARCEL OF LAND BEING A PART OF LOT 5255, HARTSEL RANCH UNIT 102, AS RECORDED APRIL 17, 1974 AT RECEPTION NO. 203995 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING THE NORTHEAST CORNER OF SAID LOT 5255;
THENCE SOUTH 08°37'32" EAST, ALONG THE WEST LINE OF SAID LOT 5255, A DISTANCE OF 280.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5255;

LEGAL DESCRIPTIONS: (CONT.)

PARCEL H1-OUTLET (CONT.)

THENCE SOUTH 89°45'26" WEST, ALONG THE SOUTH LINE OF SAID LOT 5255, A DISTANCE OF 125.00 FEET;
THENCE NORTH 00°08'44" WEST, DEPARTING SAID SOUTH LINE OF LOT 5255, A DISTANCE OF 278.28 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 5255;
THENCE NORTH 89°45'26" EAST, ALONG THE NORTH LINE OF SAID LOT 5255, A DISTANCE OF 93.40 FEET TO THE POINT OF BEGINNING.
CONTAINING 30,388 SQUARE FEET OR 0.70 ACRES, MORE OR LESS.

OUTLET PARCELS D, F & H1 CONTAINING 6,414,507 SQUARE FEET OR 147.26 ACRES, MORE OR LESS.

PARCEL A-INLET

WEST HALF OF THE WEST HALF OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 75 WEST
CONTAINING 7,075,559 SQUARE FEET OR 162.43 ACRES, MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION THE BEARINGS ARE BASED UPON THE CENTRAL ZONE OF THE COLORADO STATE PLANE COORDINATE SYSTEM, N.A.D. 83 (2011). ALL BEARINGS ARE BASED UPON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED ON THE WEST BY A 3-1/4" ALUMINUM CAP STAMPED "2015 LS 38026" AND ON THE EAST BY A 3-1/4" ALUMINUM CAP STAMPED "BURNETT PLS 11944" AND BEARS NORTH 87°52'51" EAST. ALL HORIZONTAL DISTANCES SHOWN HEREON HAVE NOT BEEN REDUCED TO GROUND AND ARE RELATIVE TO SAID CENTRAL ZONE OF THE COLORADO STATE PLANE COORDINATE SYSTEM. THE UNITS FOR THIS LEGAL DESCRIPTION ARE U.S. SURVEY FEET.



GERALD MATT NICHOLS, PLS
PLS #38026
FOR AND ON BEHALF OF:
SURVEY SYSTEMS INC.
P.O. BOX 2168
EVERGREEN, COLORADO 80437
(303)879-8122

LEGAL DESCRIPTIONS:

PARCELS D & F-OUTLET

A PARCEL OF LAND SITUATED IN SECTIONS 28 AND 33 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF SAID SECTION 28;
THENCE NORTH 89°48'51" EAST, ALONG SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 70.51 FEET;

THENCE SOUTH 00°20'27" EAST A DISTANCE OF 71.28 FEET;
THENCE SOUTH 39°24'57" WEST A DISTANCE OF 2,094.04 FEET;

THENCE SOUTH 13°39'53" EAST A DISTANCE OF 1,471.08 FEET TO A POINT OF NON-TANGENT CURVATURE ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 AS DESCRIBED IN BOOK 235 AT PAGE 884 IN SAID RECORDS OF THE PARK COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07°05'28", A RADIUS OF 1,042.39 FEET AND AN ARC LENGTH OF 129.00 FEET (CHORD BEARS SOUTH 01°41'01" WEST, 128.92 FEET);
2. SOUTH 01°51'42" EAST A DISTANCE OF 1,108.92 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 15°47'29", A RADIUS OF 691.05 FEET AND AN ARC LENGTH OF 190.46 FEET (CHORD BEARS SOUTH 05°02'03" WEST, 189.85 FEET);
4. SOUTH 13°55'48" WEST A DISTANCE OF 776.18 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28;

THENCE NORTH 89°11'23" EAST, DEPARTING SAID WESTERLY RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 62.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR SAID COUNTY ROAD 53;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 13°55'48" WEST, ALONG SAID LINE, A DISTANCE OF 240.20 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. CONTINUE SOUTH 13°55'48" WEST, ALONG SAID LINE, A DISTANCE OF 240.20 FEET TO A POINT OF NON-TANGENT CURVATURE;
3. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°50'44", A RADIUS OF 3,260.61 FEET AND AN ARC LENGTH OF 503.38 FEET (CHORD BEARS SOUTH 17°21'26" WEST, 502.88 FEET);
4. SOUTH 27°46'48" WEST A DISTANCE OF 576.47 FEET;

THENCE NORTH 54°00'00" WEST, CROSSING COUNTY ROAD 53, A DISTANCE OF 633.61 FEET;

THENCE NORTH 33°00'00" EAST A DISTANCE OF 668.75 FEET;

THENCE NORTH 68°05'09" WEST A DISTANCE OF 473.78 FEET;

THENCE NORTH 20°00'00" EAST A DISTANCE OF 3,304.97 FEET;

THENCE NORTH 72°52'48" WEST A DISTANCE OF 333.19 FEET;

THENCE SOUTH 45°56'43" WEST A DISTANCE OF 412.27 FEET;

THENCE NORTH 86°12'21" WEST A DISTANCE OF 363.54 FEET;

LINE #	DIRECTION	LENGTH
L1	S13°55'48"W	776.18
L2	S13°55'48"W	62.04
L3	N89°11'23"E	473.78
L4	S45°55'53"W	412.27
L5	N68°05'09"W	363.54
L6	S27°11'23"W	708.79
L7	N81°48'39"W	600.98
L8	S56°39'34"W	184.39
L9	S13°56'51"W	271.98
L10	S80°30'20"W	217.99
L11	N13°56'51"E	436.88
L12	N56°39'34"E	319.47
L13	S83°07'43"E	546.53
L14	N26°13'10"E	722.18
L15	S86°12'21"E	421.51
L16	N45°56'43"E	1,322.89



CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

GRAPHICAL SCALE
1"=1000'

SURVEY SYSTEMS

A Professional Land Surveying Company

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Info@SurveySystems.net www.SurveySystems.net

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WILD HORSE RESERVOIR

EXHIBIT C

PROPERTY LOCATION AND INFORMATION

ADDRESS: SECTION: 28, 33 & 17
LOT: TOWNSHIP: 12 & 13 SOUTH
BLOCK: RANGE: 75 WEST
SUBDIVISION: PRINCIPAL MERIDIAN: 6TH
PARCEL #: CITY:
ZONING: COUNTY: PARK STATE: COLORADO

ISSUE DATE: 06/03/2016

DATE: 6/6/2016
REVISION COMMENTS: REVISE LEGAL DESC & AREA FOR PARCELS D & F

CHECKED BY: JIN

DATE: 6/6/2016

JOB NUMBER: 2016-11-01-009

CLIENT CODE: 0000

SHEET NO.

1 OF 1

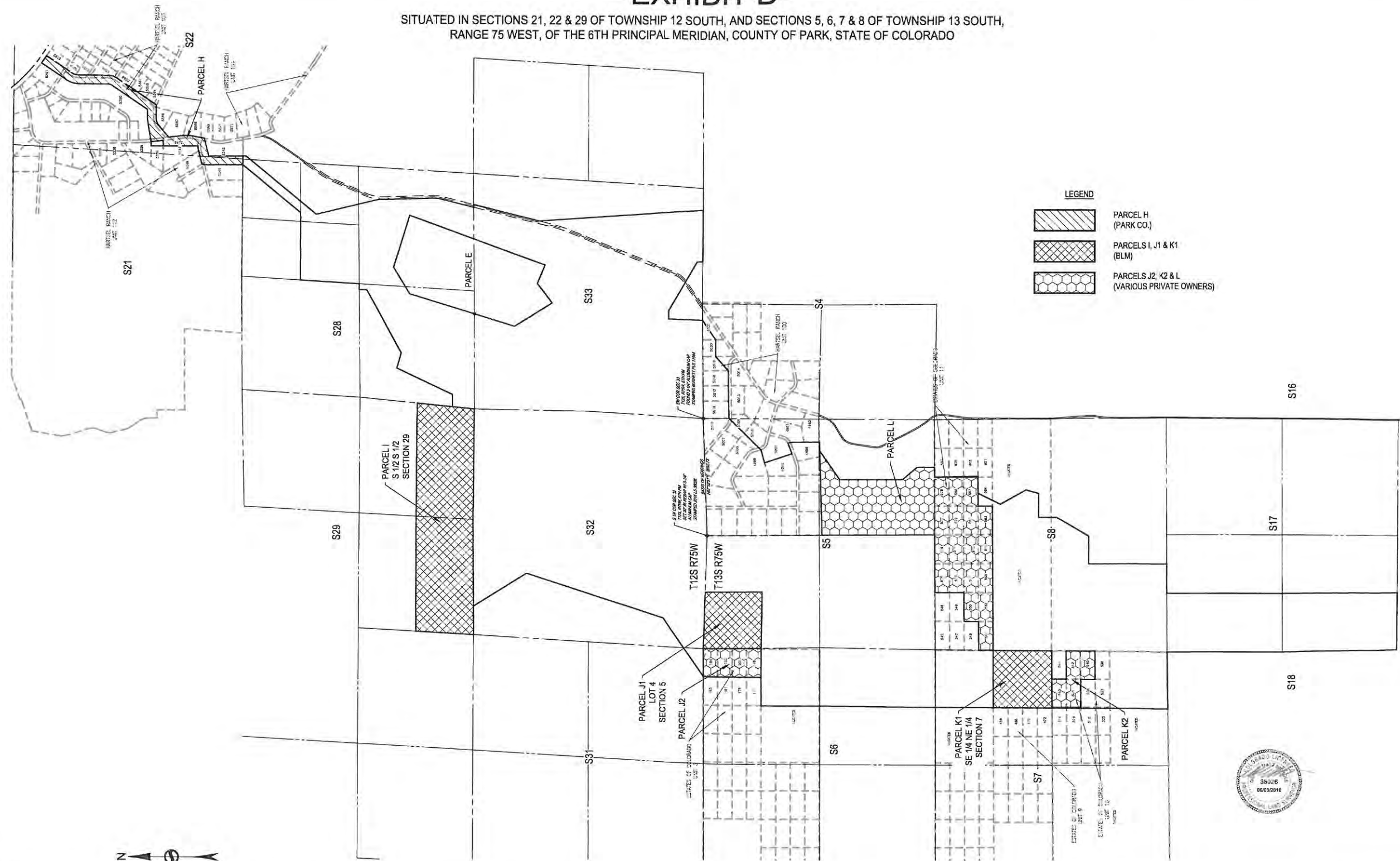
AND CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC

FILEPATH C:\2018-11-01-015 MATH\01 TECHNICAL\01 SURVEY GRAPHICS\WELL-LOGSHEET.DWG
PLOTTER: HPD 09/28/18 11:23:44 BY: QJWING

147
PCW

EXHIBIT D

SITUATED IN SECTIONS 21, 22 & 29 OF TOWNSHIP 12 SOUTH, AND SECTIONS 5, 6, 7 & 8 OF TOWNSHIP 13 SOUTH,
RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO



Know what's below.
Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



SURVEY SYSTEMS

A Professional Land Surveying Company
P.O. Box 2168 - Evergreen, CO 80437 Tel: 303.679.8122 - Fax: 303.679.8123
Info@SurveySystems.net www.SurveySystemsInc.com
A Service-Disabled Veteran-Owned Small Business SDVOSB | SBE

WILD HORSE RESERVOIR

EXHIBIT D

PROPERTY LOCATION AND INFORMATION			
ADDRESS:	SECTION: 21, 22, 23, & 5, 6, 7, & 8		
LOT:	TOWNSHIP: 12 & 13 SOUTH		
BLOCK:	RANGE: 75 WEST		
SUBDIVISION:	PRINCIPAL MERIDIAN: 6TH		
PARCEL #:	CITY:		
ZONING:	COUNTY: PARK	STATE:	COLORADO

ISSUE DATE: 05/27/2016	
DATE	REVISION COMMENTS

CHECKED BY: AN
DRAWN BY: CH
JOB NUMBER: 2015-111-01-003
CLIENT CODE: WH01

SHEET NO.
2
2 OF 2

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.

PLANS 15/09/11-11-01-000 10/11/12, TECHNICAL SURVEY ADMINISTRATION UNIT LINE LAYOUT LAYOUTS
PLANS 20/09/11-11-01-000 10/11/12, TECHNICAL SURVEY ADMINISTRATION UNIT LINE LAYOUT LAYOUTS

EXHIBIT E

SITUATED IN SECTIONS 22, 28, 31, 32 & 33 OF TOWNSHIP 12 SOUTH, AND SECTIONS 4, 5, 6, 7, 8 & 17 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO

LEGAL DESCRIPTIONS:

EXHIBIT E - AREA #1

A PARCEL OF LAND SITUATED IN SECTIONS 28, 33 AND 34 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 33;
THENCE NORTH 89°46'28" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 504.57 FEET;

THENCE NORTH 03°55'25" WEST, DEPARTING SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 3,775.96 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 AS DESCRIBED IN BOOK 235 AT PAGE 884 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDERS' OFFICE;

THENCE NORTH 13°55'48" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,548.28 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE SOUTH 89°11'23" WEST, ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33 ACROSS SAID COUNTY ROAD 53, A DISTANCE OF 82.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF COUNTY ROAD 53;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 THE FOLLOWING FOUR (4) COURSES:

1. NORTH 1°55'48" EAST A DISTANCE OF 776.18 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15°47'29", A RADIUS OF 691.05 FEET AND AN ARC LENGTH OF 190.46 FEET (CHORD BEARS NORTH 06°02'03" EAST, 189.85 FEET);
3. NORTH 01°51'42" WEST A DISTANCE OF 1,108.92 FEET TO A POINT OF CURVATURE;
4. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0°05'26", A RADIUS OF 1,042.39 FEET AND AN ARC LENGTH OF 129.00 FEET (CHORD BEARS NORTH 01°41'01" EAST, 128.92 FEET);

THENCE NORTH 13°39'33" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53, A DISTANCE OF 1,471.08 FEET;

THENCE NORTH 39°24'57" EAST A DISTANCE OF 1,985.84 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28;

THENCE SOUTH 03°21'25" WEST, ALONG SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 28, A DISTANCE OF 1,153.65 FEET TO THE NORTH SIXTEENTH CORNER BETWEEN SECTIONS 2 AND SECTION 27;

THENCE CONTINUE SOUTH 03°21'25" WEST, ALONG SAID EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 28, A DISTANCE OF 1,324.00 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 28;

THENCE SOUTH 03°24'18" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2,648.00 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28;

THENCE SOUTH 03°29'16" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 2,642.36 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 03°28'20" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1,324.51 FEET TO THE SOUTH SIXTEENTH CORNER BETWEEN SECTION 33 AND SECTION 34;

THENCE NORTH 89°45'28" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,326.61 FEET TO THE SOUTHWEST SIXTEENTH CORNER OF SAID SECTION 34;

THENCE SOUTH 03°28'50" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,322.78 FEET TO THE WEST SIXTEENTH CORNER BETWEEN SECTION 34 AND SECTION 3, TOWNSHIP 13 SOUTH, RANGE 75 WEST;

THENCE SOUTH 89°50'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,326.53 FEET TO THE POINT OF BEGINNING;

CONTAINING 9,565,073 SQUARE FEET OR 219.58 ACRES, MORE OR LESS.

EXHIBIT E - AREA #2 (PARCEL C)

A PARCEL OF LAND SITUATED IN SECTIONS 28 AND 33 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 28, TOWNSHIP 12 SOUTH RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE SOUTH 89°39'48" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 522.87 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 17°01'38" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 1,553.96 FEET;

THENCE NORTH 58°17'35" EAST A DISTANCE OF 713.33 FEET;

THENCE SOUTH 73°00'00" EAST A DISTANCE OF 1,248.53 FEET;

THENCE SOUTH 20°00'00" EAST A DISTANCE OF 1,570.45 FEET TO A POINT ON THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 28;

THENCE CONTINUE SOUTH 20°00'00" WEST, ALONG SAID LINE, A DISTANCE OF 1,734.52 FEET;

THENCE NORTH 68°00'00" WEST A DISTANCE OF 456.27 FEET;

THENCE SOUTH 53°00'00" WEST A DISTANCE OF 561.34 FEET;

THENCE NORTH 32°14'34" WEST A DISTANCE OF 1,007.30 FEET;

THENCE NORTH 17°01'38" EAST A DISTANCE OF 967.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,382,586 SQUARE FEET OR 123.57 ACRES, MORE OR LESS.

EXHIBIT E - AREA #3

A PARCEL OF LAND SITUATED IN SECTION 33 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 89°30'12" WEST, ALONG THE LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 374.12 FEET;

THENCE NORTH 01°43'03" EAST, DEPARTING SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 33, A DISTANCE OF 775.81 FEET;

THENCE NORTH 90°00'00" EAST A DISTANCE OF 188.08 FEET;

THENCE SOUTH 80°00'00" EAST A DISTANCE OF 1,303.04 FEET;

THENCE SOUTH 01°31'35" EAST A DISTANCE OF 123.90 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH 89°48'28" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 969.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 660,366 SQUARE FEET OR 15.16 ACRES, MORE OR LESS.

EXHIBIT E - AREA #4

SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 75 WEST

CONTAINING 1,759,559 SQUARE FEET OR 40.38 ACRES, MORE OR LESS.

EXHIBIT E - AREA #5

A PARCEL OF LAND BEING ALL OF LOTS 4983, 4984, 4985, 5003, 5011, 5012, 5013 & 5014 AND A PART OF LOTS 5009, 5010, 5019, 5020 & 5021, HARTSEL RANCH UNIT 100, RECORDED APRIL 17, 1974 AT RECEPTION NO. 202,093 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDERS' OFFICE AND SITUATED IN SECTIONS 4 AND 5 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT EAST QUARTER CORNER OF SAID SECTION 5;

THENCE SOUTH 88°23'52" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 530.39 FEET TO THE SOUTHEAST CORNER OF LOT 4988, HARTSEL RANCH UNIT 100;

THENCE NORTH 00°25'24" WEST, ALONG THE EAST LINE OF SAID LOT 4988, A DISTANCE OF 665.22 FEET TO THE NORTHEAST CORNER OF LOT 4986;

THENCE NORTH 19°21'55" WEST A DISTANCE OF 57.38 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 5003;

LEGAL DESCRIPTIONS: (CONT.)

THENCE ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID LOT 5003 THE FOLLOWING THREE (3) COURSES:

1. SOUTH 69°17'57" WEST A DISTANCE OF 259.93 FEET;
2. NORTH 18°18'46" WEST A DISTANCE OF 655.35 FEET;
3. NORTH 74°22'27" EAST A DISTANCE OF 305.31 FEET TO THE EASTERLY CORNER OF THE NORTH LINE OF LOT 5003;

THENCE NORTH 44°20'23" EAST, ACROSS LOTS 5010 AND 5009, A DISTANCE OF 1,037.61 FEET TO THE SOUTHWEST CORNER OF LOT 5016, HARTSEL RANCH UNIT 100;

THENCE NORTH 88°58'55" EAST, ALONG THE SOUTH LINE OF LOTS 5016, 5017 AND 5018, A DISTANCE OF 1,091.34 FEET TO THE SOUTHWEST CORNER OF LOT SAID 5019;

THENCE NORTH 48°11'51" EAST, ACROSS SAID LOT 5019 A DISTANCE OF 437.97 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5020;

THENCE SOUTH 89°59'51" EAST, ACROSS SAID LOT 5020, A DISTANCE OF 385.01 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5021;

THENCE NORTH 55°42'22" EAST, ACROSS SAID LOT 5021, A DISTANCE OF 545.75 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4;

THENCE NORTH 89°30'12" EAST, ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, A DISTANCE OF 254.80 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 53 AS SHOWN PER SAID HARTSEL RANCH UNIT 100;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF COUNTY ROAD 53 THE FOLLOWING THREE (3) COURSES:

1. SOUTH 55°15'58" WEST A DISTANCE OF 2,391.71 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 40°07'00", A RADIUS OF 577.76 FEET AND AN ARC LENGTH OF 404.53 FEET (CHORD BEARS SOUTH 35°12'29" WEST, 396.32 FEET);
3. SOUTH 15°08'58" WEST A DISTANCE OF 1,030.55 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4983;

THENCE NORTH 88°56'43" WEST, ALONG THE SOUTH LINE OF SAID LOT 4983, A DISTANCE OF 61.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,619,861 SQUARE FEET OR 60.14 ACRES, MORE OR LESS.

EXHIBIT E - AREA #6

A PARCEL OF LAND BEING A PART OF LOT 584 AND ALL OF LOT 601, ESTATES OF COLORADO UNIT 11, RECORDED JUNE 3, 1960 AT RECEPTION NO. 15,3573 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDERS' OFFICE AND SITUATED IN SECTION 8 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 601;

THENCE SOUTH 00°27'44" EAST, ALONG THE EAST LINE OF SAID LOT 601, A DISTANCE OF 332.67 FEET TO THE SOUTHEAST CORNER OF SAID LOT 601;

THENCE SOUTH 88°40'00" WEST, ALONG THE SOUTH LINE OF LOT 601 AND LOT 584, A DISTANCE OF 1,200.83 FEET;

THENCE NORTH 26°00'24" EAST, DEPARTING SAID SOUTH LINE OF LOTS 584 AND 601, A DISTANCE OF 370.75 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 584;

THENCE NORTH 89°36'04" EAST, ALONG THE NORTH LINE OF SAID LOT 584, A DISTANCE OF 390.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 584;

THENCE NORTH 89°40'11" EAST, ALONG THE NORTH LINE OF SAID LOT 601, A DISTANCE OF 644.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 371,892 SQUARE FEET OR 8.54 ACRES, MORE OR LESS.

EXHIBIT E - AREA #7

A PARCEL OF LAND SITUATED IN SECTION 8 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8;

THENCE SOUTH 89°40'56" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8, A DISTANCE OF 2,689.19 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 8;

THENCE SOUTH 89°40'42" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 872.33 FEET;

THENCE NORTH 00°03'06" WEST, DEPARTING SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8, A DISTANCE OF 1,798.61 FEET;

THENCE SOUTH 89°59'40" EAST A DISTANCE OF 642.14 FEET;

THENCE NORTH 29°59'49" EAST A DISTANCE OF 850.34 FEET;

THENCE NORTH 00°00'12" WEST A DISTANCE OF 408.51 FEET;

THENCE NORTH 89°59'59" EAST A DISTANCE OF 550.18 FEET;

THENCE NORTH 14°59'27" EAST A DISTANCE OF 300.25 FEET;

THENCE NORTH 29°18'56" WEST A DISTANCE OF 867.34 FEET;

THENCE NORTH 26°00'24" EAST A DISTANCE OF 201.25 FEET TO A POINT ON THE SOUTH LINE OF SAID ESTATES OF COLORADO UNIT 11;

THENCE NORTH 89°40'00" EAST, ALONG SAID SOUTH LINE OF THE ESTATES OF COLORADO UNIT 11, A DISTANCE OF 1,861.96 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 8;

THENCE SOUTH 00°38'25" EAST, ALONG SAID EAST LINE OF SECTION 8, A DISTANCE OF 3,988.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,636,102 SQUARE FEET OR 244.17 ACRES, MORE OR LESS.

EXHIBIT E - AREA #8

SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 75 WEST

CONTAINING 1,743,306 SQUARE FEET OR 40.02 ACRES, MORE OR LESS.

EXHIBIT E - AREA #9

LOTS 515, 517, 518, 519

OF ESTATES OF COLORADO UNIT 10

CONTAINING 849,161 SQUARE FEET OR 19.49 ACRES, MORE OR LESS.

EXHIBIT E - AREA #10

LOTS 469, 470

OF ESTATES OF COLORADO UNIT 9

CONTAINING 438,434 SQUARE FEET OR 10.07 ACRES, MORE OR LESS.

EXHIBIT E - AREA #11

A PARCEL OF LAND BEING THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, LYING EAST OF LOTS 450, 452, 454, 456 AND NORTH OF LOTS 465 AND 466, ESTATES OF COLORADO UNIT 9, RECORDED JUNE 3, 1960 AT RECEPTION NO. 15,3571 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDERS' OFFICE, ALL IN TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST SIXTEENTH CORNER BETWEEN SECTION 6 AND SAID SECTION 7;

THENCE SOUTH 00°14'26" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7,

THENCE SOUTH 89°41'13" WEST, ALONG THE NORTH LINE OF LOT 466 AND LOT 465, A DISTANCE OF 1,268.39 FEET TO THE SOUTH EAST CORNER OF SAID LOT 450;

THENCE NORTH 00°05'11" WEST, ALONG THE EAST LINE OF LOTS 450, 452, 454 AND 456, A DISTANCE OF 1,335.43 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;

THENCE NORTH 89°50'50" EAST, ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, A DISTANCE OF 1,276.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,696,669 SQUARE FEET OR 38.95 ACRES, MORE OR LESS.

LEGAL DESCRIPTIONS: (CONT.)

EXHIBIT E - AREA #12

WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 75 WEST

CONTAINING 3,330,051 SQUARE FEET OR 81.04 ACRES, MORE OR LESS.

EXHIBIT E - AREA #13

A PARCEL OF LAND BEING THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, LYING EAST OF LOTS 138, 140, 142 AND SOUTH OF LOTS 159 AND 160, ESTATES OF COLORADO UNIT 3, RECORDED MAY 18, 1960 AT RECEPTION NO. 15,3518 IN THE RECORDS OF THE PARK COUNTY CLERK AND RECORDERS' OFFICE, ALL IN TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER-EAST SIXTEENTH CORNER OF SAID SECTION 6;

THENCE SOUTH 89°53'14" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, A DISTANCE OF 1,298.66 FEET TO THE SOUTHEAST CORNER OF SAID LOT 138;

THENCE NORTH 00°15'57" EAST, ALONG THE WEST LINE OF SAID LOTS 138, 140, 142 AND 144, A DISTANCE OF 1,334.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 159;

THENCE NORTH 89°51'00" EAST, ALONG THE SOUTH LINE OF SAID LOTS 159 AND 160, A DISTANCE OF 1,300.84 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6;

THENCE SOUTH 00°21'02" WEST, ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, A DISTANCE OF 1,335.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,735,341 SQUARE FEET OR 39.84 ACRES, MORE OR LESS.

EXHIBIT E - AREA #14

LOTS 153, 154, 155, 156, 160, 179, 181, 183

OF SAID ESTATES OF COLORADO UNIT 3

CONTAINING 1,720,157 SQUARE FEET OR 39.49 ACRES, MORE OR LESS.

EXHIBIT E - AREA #15

A PARCEL OF LAND SITUATED IN SECTIONS 30, 31 AND 32 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 32;

THENCE NORTH 89°32'03" EAST, ALONG THE NORTH LINE OF OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 652.41 FEET;

THENCE SOUTH 32°00'00" EAST, DEPARTING SAID NORTH LINE OF OF THE NORTHWEST QUARTER OF SECTION 32, A DISTANCE OF 1,429.76 FEET;

THENCE SOUTH 18°00'00" WEST A DISTANCE OF 3,295.57 FEET;

THENCE SOUTH 55°30'26" WEST A DISTANCE OF 1,639.43 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 31;

THENCE SOUTH 89°46'34" WEST, ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 31, A DISTANCE OF 1,287.55 FEET;

THENCE NORTH 00°13'24" EAST, DEPARTING SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 723.87 FEET;

THENCE NORTH 55°30'26" EAST A DISTANCE OF 1,843.04 FEET;

THENCE NORTH 18°00'00" EAST A DISTANCE OF 2,038.70 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE NORTH 03°28'36" EAST, ALONG SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 32, A DISTANCE OF 257.20 FEET TO THE NORTH SIXTEENTH CORNER BETWEEN SECTION 31 AND SECTION 32;

THENCE SOUTH 89°58'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 1,322.92 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SECTION 31;

THENCE NORTH 03°25'58" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 1,318.93 FEET TO THE EAST SIXTEENTH CORNER BETWEEN SECTION 31 AND SECTION 30;

THENCE NORTH 03°13'42" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 2,538.97 FEET TO THE CENTER-EAST SIXTEENTH CORNER OF SAID SECTION 30;

THENCE NORTH 89°48'52" EAST, ALONG THE NORTH LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30, A DISTANCE OF 1,322.28 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 30;

THENCE SOUTH 03°10'48" WEST, ALONG THE EAST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1,322.68 FEET TO THE SOUTH SIXTEENTH CORNER BETWEEN SECTION 30 AND SECTION 29;

THENCE CONTINUING SOUTH 03°10'48" WEST, ALONG SAID EAST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1,322.68 FEET TO THE POINT OF BEGINNING.

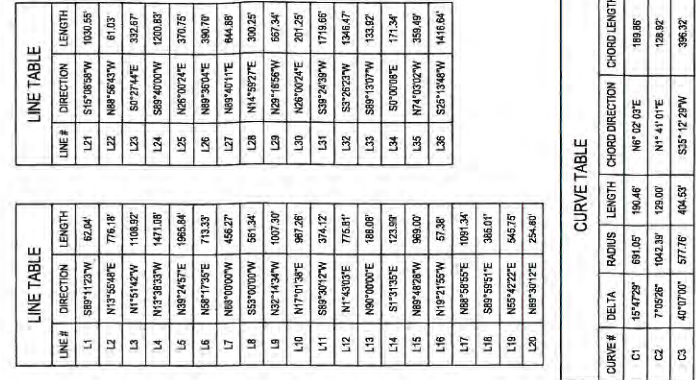
CONTAINING 13,077,335 SQUARE FEET OR 300.21 ACRES, MORE OR LESS.

EXHIBIT E - AREA #16

A PARCEL OF LAND SITUATED IN SECTION 28 OF TOWNSHIP 12 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QU

SITUATED IN SECTIONS 28, 30, 31, 32 & 33 OF TOWNSHIP 12 SOUTH, AND SECTIONS 4, 5, 6, 7, 8 & 17 OF TOWNSHIP 13 SOUTH, RANGE 75 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO



	HSR PROPERTY ADJACENT TO RESERVOIR
	HSR PROPERTY IN PLATTED SUBDIVISIONS ADJACENT TO RESERVOIR
	RESERVOIR PROPERTY BOUNDARY
	REFERENCE # FOR LEGAL DESCRIPTION

GRAPHICAL SCALE
1"=1000'



A horizontal scale bar with alternating black and white segments. It is marked with '0', '1000', and '2000' at the bottom. The total length represents 2000 feet.

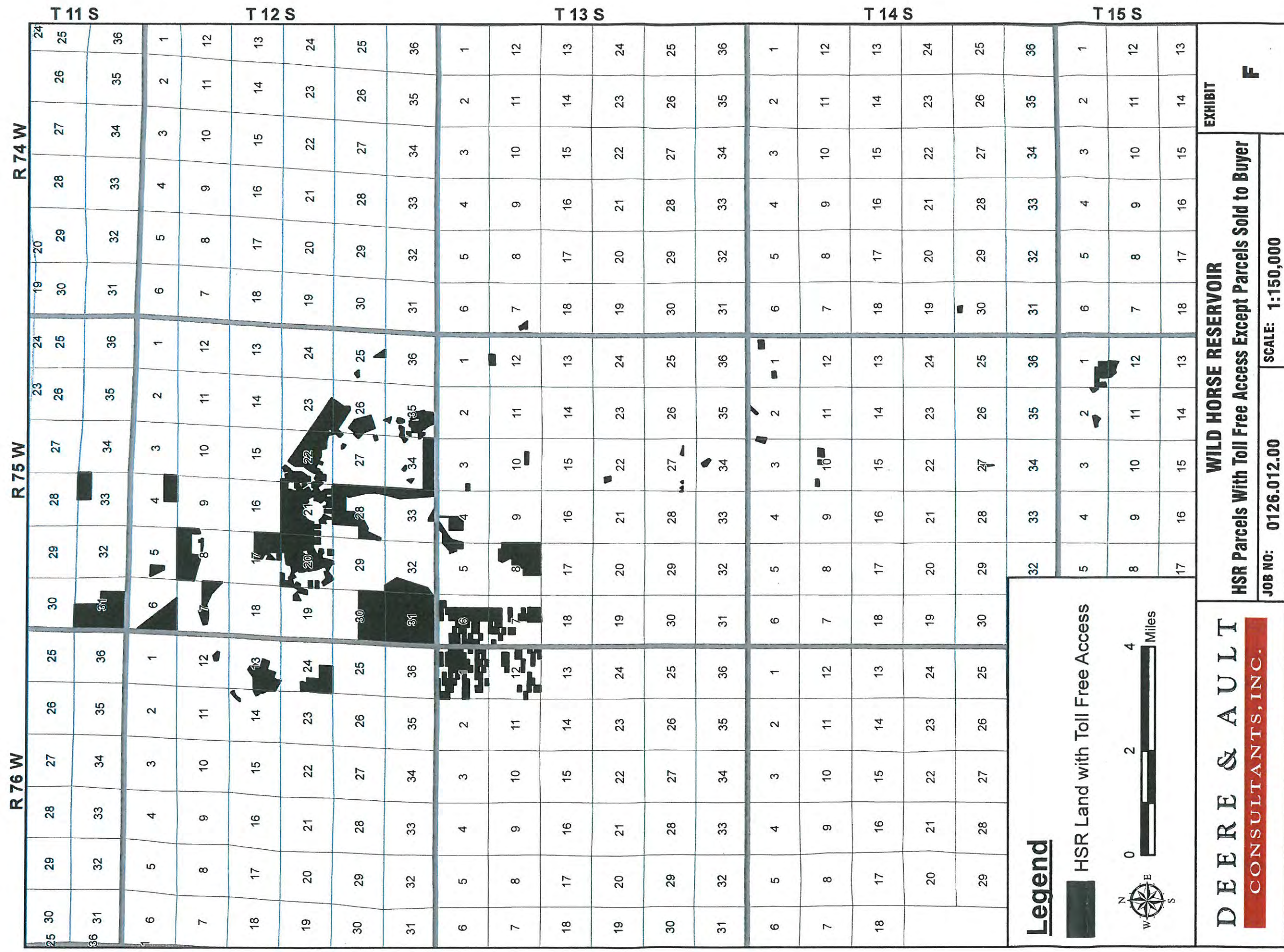
WILD HORSE RESERVOIR

EXHIBIT E

ISSUE DATE: 06/09/2016	
DATE	REVISION COMMENTS

CHECKED BY: MN
DRAWN BY: CH
JOB NUMBER: 2015-111-01-093
CLIENT CODE: W-91

SHEET NO.
2
2 OF 2



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Exhibit F

HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
4508	HARTSEL SPRINGS RANCH OF COLORADO INC	80.00	
4510	HARTSEL SPRINGS RANCH OF COLORADO INC	0.97	Part of parcel acquired by Aurora
4512 A	HARTSEL SPRINGS RANCH OF COLORADO INC	0.88	Part of parcel acquired by Aurora
4512 B	HARTSEL SPRINGS RANCH OF COLORADO INC	159.89	Part of parcel acquired by Aurora
4512 C	HARTSEL SPRINGS RANCH OF COLORADO INC	950.30	Part of parcel acquired by Aurora
4512 D	HARTSEL SPRINGS RANCH OF COLORADO INC	45.73	Part of parcel acquired by Aurora
4512 E	HARTSEL SPRINGS RANCH OF COLORADO INC	229.73	Part of parcel acquired by Aurora
4512 F	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	Part of parcel acquired by Aurora
4512 G	HARTSEL SPRINGS RANCH OF COLORADO INC	95.68	Part of parcel acquired by Aurora
4512 H	HARTSEL SPRINGS RANCH OF COLORADO INC	106.30	Part of parcel acquired by Aurora
4512 I	HARTSEL SPRINGS RANCH OF COLORADO INC	9.26	Part of parcel acquired by Aurora
4513 A	HARTSEL SPRINGS RANCH OF COLORADO INC	150.67	Part of parcel acquired by Aurora
4513 B	HARTSEL SPRINGS RANCH OF COLORADO INC	43.13	Part of parcel acquired by Aurora
4513 C	HARTSEL SPRINGS RANCH OF COLORADO INC	235.95	Part of parcel acquired by Aurora
4519	HARTSEL SPRINGS RANCH OF COLORADO INC	2.32	
4520	HARTSEL SPRINGS RANCH OF COLORADO INC	1.38	
4521	HARTSEL SPRINGS RANCH OF COLORADO INC	0.44	
4521	HARTSEL SPRINGS RANCH OF COLORADO INC	0.44	
6487	HARTSEL SPRINGS RANCH OF COLORADO INC	5.07	
6488	HARTSEL SPRINGS RANCH OF COLORADO INC	5.08	
6489	HARTSEL SPRINGS RANCH OF COLORADO INC	5.08	
6490	HARTSEL SPRINGS RANCH OF COLORADO INC	5.07	
6491	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
6492	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
6493	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
6494	HARTSEL SPRINGS RANCH OF COLORADO INC	5.05	
6495	HARTSEL SPRINGS RANCH OF COLORADO INC	5.05	
6496	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
6497	HARTSEL SPRINGS RANCH OF COLORADO INC	5.05	
6498	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
6499	HARTSEL SPRINGS RANCH OF COLORADO INC	5.05	
6501	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
6502	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6503	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6504	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6506	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6509	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
6510	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
6511	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
6515	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6516	HARTSEL SPRINGS RANCH OF COLORADO INC	5.01	
6517	HARTSEL SPRINGS RANCH OF COLORADO INC	5.01	
6518	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6520	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
6521	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	

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Exhibit F

HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
6522	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6523	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6524	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6525	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
6526	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6527	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6530	HARTSEL SPRINGS RANCH OF COLORADO INC	5.02	
6531	HARTSEL SPRINGS RANCH OF COLORADO INC	5.01	
6532	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6533	HARTSEL SPRINGS RANCH OF COLORADO INC	5.01	
6534	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6536	HARTSEL SPRINGS RANCH OF COLORADO INC	4.98	
6537	HARTSEL SPRINGS RANCH OF COLORADO INC	4.98	
6538	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6539	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6540	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6542	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6544	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6545	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6546	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6547	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6548	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6549	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6550	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6551	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
6555	HARTSEL SPRINGS RANCH OF COLORADO INC	4.97	
6556	HARTSEL SPRINGS RANCH OF COLORADO INC	4.97	
6557	HARTSEL SPRINGS RANCH OF COLORADO INC	4.96	
6558	HARTSEL SPRINGS RANCH OF COLORADO INC	4.96	
6559	HARTSEL SPRINGS RANCH OF COLORADO INC	4.96	
6561	HARTSEL SPRINGS RANCH OF COLORADO INC	4.97	
6563	HARTSEL SPRINGS RANCH OF COLORADO INC	4.97	
6564	HARTSEL SPRINGS RANCH OF COLORADO INC	4.97	
6567	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6568	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6569	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6570	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6571	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6572	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6574	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6579	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6580	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6581	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6582	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6584	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	

Exhibit F

HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
6585	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6586	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6588	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6589	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6591	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6593	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6597	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6599	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6600	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6601	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6602	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6603	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6604	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6608	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6609	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6613	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6614	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6616	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6617	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6618	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6620	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6621	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6622	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6623	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6626	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6627	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6628	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6629	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6630	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6631	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6632	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6633	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6635	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6636	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6637	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6638	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6642	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6643	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6644	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6660	HARTSEL SPRINGS RANCH OF COLORADO INC	3.51	Part of parcel acquired by Aurora
6661	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6682	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6744	HARTSEL SPRINGS RANCH OF COLORADO INC	6.00	
6930	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
6931	HARTSEL SPRINGS RANCH OF COLORADO INC	5.80	

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Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
6944	HARTSEL SPRINGS RANCH OF COLORADO INC	6.37	
7076	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
7191	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
7197	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
7281	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
7322	HARTSEL SPRINGS RANCH OF COLORADO INC	396.80	
8139	HARTSEL SPRINGS RANCH OF COLORADO INC	20.00	
8140	HARTSEL SPRINGS RANCH OF COLORADO INC	40.00	
8141	HARTSEL SPRINGS RANCH OF COLORADO INC	120.00	
8208	HARTSEL SPRINGS RANCH OF COLORADO INC	4.88	
8209	HARTSEL SPRINGS RANCH OF COLORADO, INC	4.88	
8430	HARTSEL SPRINGS RANCH OF COLORADO INC	7.63	
8541	HARTSEL SPRINGS RANCH OF COLORADO INC	4.73	
8544	HARTSEL SPRINGS RANCH OF COLORADO INC	4.71	
8556	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
8615	HARTSEL SPRINGS RANCH OF COLORADO INC	5.30	
8636	HARTSEL SPRINGS RANCH OF COLORADO INC	5.60	
8637	HARTSEL SPRINGS RANCH OF COLORADO INC	5.60	
9738	HARTSEL SPRINGS RANCH OF COLORADO INC	5.70	
9852	HARTSEL SPRINGS RANCH OF COLORADO INC	4.94	
9854	HARTSEL SPRINGS RANCH OF COLORADO INC	4.96	
9856	HARTSEL SPRINGS RANCH OF COLORADO INC	4.91	
9883	HARTSEL SPRINGS RANCH OF COLORADO INC	5.60	
12127	HARTSEL SPRINGS RANCH OF COLORADO INC	0.69	
21477	HARTSEL SPRINGS RANCH OF COLORADO INC	1119.21	
21588	HARTSEL SPRINGS RANCH OF COLORADO INC	5.03	
24006	HARTSEL SPRINGS RANCH OF COLORADO INC	4.60	
24009	HARTSEL SPRINGS RANCH OF COLORADO INC	5.90	
24023	HARTSEL SPRINGS RANCH OF COLORADO INC	8.81	
24055	HARTSEL SPRINGS RANCH OF COLORADO INC	4.91	
24056	HARTSEL SPRINGS RANCH OF COLORADO INC	5.77	
24074	HARTSEL SPRINGS RANCH OF COLORADO INC	6.16	
24080	HARTSEL SPRINGS RANCH OF COLORADO INC	2.77	Part of parcel acquired by Aurora
24081	HARTSEL SPRINGS RANCH OF COLORADO INC	3.81	Part of parcel acquired by Aurora
24082	HARTSEL SPRINGS RANCH OF COLORADO INC	4.77	
24083	HARTSEL SPRINGS RANCH OF COLORADO INC	6.00	
24084	HARTSEL SPRINGS RANCH OF COLORADO INC	4.59	
24085	HARTSEL SPRINGS RANCH OF COLORADO INC	4.77	
24090	HARTSEL SPRINGS RANCH OF COLORADO INC	1.32	Part of parcel acquired by Aurora
24091	HARTSEL SPRINGS RANCH OF COLORADO INC	2.66	Part of parcel acquired by Aurora
24092	HARTSEL SPRINGS RANCH OF COLORADO INC	1.94	Part of parcel acquired by Aurora
24096	HARTSEL SPRINGS RANCH OF COLORADO INC	7.59	
24097	HARTSEL SPRINGS RANCH OF COLORADO INC	8.63	
24098	HARTSEL SPRINGS RANCH OF COLORADO INC	8.83	
24099	HARTSEL SPRINGS RANCH OF COLORADO INC	5.30	

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Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24100	HARTSEL SPRINGS RANCH OF COLORADO INC	5.62	
24101	HARTSEL SPRINGS RANCH OF COLORADO INC	5.13	
24102	HARTSEL SPRINGS RANCH OF COLORADO INC	6.07	
24103	HARTSEL SPRINGS RANCH OF COLORADO INC	7.33	
24105	HARTSEL SPRINGS RANCH OF COLORADO INC	5.23	
24106	HARTSEL SPRINGS RANCH OF COLORADO INC	5.04	
24107	HARTSEL SPRINGS RANCH OF COLORADO INC	5.07	
24108	HARTSEL SPRINGS RANCH OF COLORADO INC	5.14	
24109	HARTSEL SPRINGS RANCH OF COLORADO INC	4.33	
24110	HARTSEL SPRINGS RANCH OF COLORADO INC	5.38	
24111	HARTSEL SPRINGS RANCH OF COLORADO INC	4.54	
24112	HARTSEL SPRINGS RANCH OF COLORADO INC	6.63	
24113	HARTSEL SPRINGS RANCH OF COLORADO INC	4.62	
24114	HARTSEL SPRINGS RANCH OF COLORADO INC	4.36	
24115	HARTSEL SPRINGS RANCH OF COLORADO INC	4.02	
24116	HARTSEL SPRINGS RANCH OF COLORADO INC	3.75	
24117	HARTSEL SPRINGS RANCH OF COLORADO INC	4.30	
24118	HARTSEL SPRINGS RANCH OF COLORADO INC	4.43	
24119	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
24120	HARTSEL SPRINGS RANCH OF COLORADO INC	13.91	
24123	HARTSEL SPRINGS RANCH OF COLORADO INC	10.96	
24127	HARTSEL SPRINGS RANCH OF COLORADO INC	11.49	
24131	HARTSEL SPRINGS RANCH OF COLORADO INC	7.83	
24132	HARTSEL SPRINGS RANCH OF COLORADO INC	16.56	
24135	HARTSEL SPRINGS RANCH OF COLORADO INC	12.17	
24137	HARTSEL SPRINGS RANCH OF COLORADO INC	20.50	
24139	HARTSEL SPRINGS RANCH OF COLORADO INC	7.99	
24142	HARTSEL SPRINGS RANCH OF COLORADO INC	10.10	
24144	HARTSEL SPRINGS RANCH OF COLORADO INC	10.88	
24150	HARTSEL SPRINGS RANCH OF COLORADO INC	5.83	
24151	HARTSEL SPRINGS RANCH OF COLORADO INC	4.45	
24152	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24153	HARTSEL SPRINGS RANCH OF COLORADO INC	5.70	
24154	HARTSEL SPRINGS RANCH OF COLORADO INC	4.43	
24158	HARTSEL SPRINGS RANCH OF COLORADO INC	5.24	
24159	HARTSEL SPRINGS RANCH OF COLORADO INC	5.39	
24160	HARTSEL SPRINGS RANCH OF COLORADO INC	6.83	
24161	HARTSEL SPRINGS RANCH OF COLORADO INC	6.27	
24162	HARTSEL SPRINGS RANCH OF COLORADO INC	6.09	
24163	HARTSEL SPRINGS RANCH OF COLORADO INC	5.76	
24164	HARTSEL SPRINGS RANCH OF COLORADO INC	4.13	
24165	HARTSEL SPRINGS RANCH OF COLORADO INC	4.65	
24166	HARTSEL SPRINGS RANCH OF COLORADO INC	4.55	
24167	HARTSEL SPRINGS RANCH OF COLORADO INC	4.85	
24168	HARTSEL SPRINGS RANCH OF COLORADO INC	6.35	

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Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24169	HARTSEL SPRINGS RANCH OF COLORADO INC	6.95	
24170	HARTSEL SPRINGS RANCH OF COLORADO INC	6.77	
24172	HARTSEL SPRINGS RANCH OF COLORADO INC	6.52	
24173	HARTSEL SPRINGS RANCH OF COLORADO INC	6.31	
24174	HARTSEL SPRINGS RANCH OF COLORADO INC	5.39	
24175	HARTSEL SPRINGS RANCH OF COLORADO INC	5.20	
24176	HARTSEL SPRINGS RANCH OF COLORADO INC	4.78	
24177	HARTSEL SPRINGS RANCH OF COLORADO INC	4.58	
24178	HARTSEL SPRINGS RANCH OF COLORADO INC	6.30	
24179	HARTSEL SPRINGS RANCH OF COLORADO INC	7.12	
24180	HARTSEL SPRINGS RANCH OF COLORADO INC	6.30	
24181	HARTSEL SPRINGS RANCH OF COLORADO INC	14.65	
24184	HARTSEL SPRINGS RANCH OF COLORADO INC	11.10	
24186	HARTSEL SPRINGS RANCH OF COLORADO INC	12.74	
24189	HARTSEL SPRINGS RANCH OF COLORADO INC	5.30	
24190	HARTSEL SPRINGS RANCH OF COLORADO INC	11.87	
24192	HARTSEL SPRINGS RANCH OF COLORADO INC	5.11	
24195	HARTSEL SPRINGS RANCH OF COLORADO INC	4.46	
24305	HARTSEL SPRINGS RANCH OF COLORADO, INC	3.70	
24306	HARTSEL SPRINGS RANCH OF COLORADO, INC	7.13	
24307	HARTSEL SPRINGS RANCH OF COLORADO, INC	5.82	
24308	HARTSEL SPRINGS RANCH OF COLORADO, INC	4.31	
24309	HARTSEL SPRINGS RANCH OF COLORADO, INC	4.18	
24310	HARTSEL SPRINGS RANCH OF COLORADO, INC	5.43	
24312	HARTSEL SPRINGS RANCH OF COLORADO, INC	6.22	
24313	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
24314	HARTSEL SPRINGS RANCH OF COLORADO INC	4.50	
24315	HARTSEL SPRINGS RANCH OF COLORADO, INC	6.23	
24316	HARTSEL SPRINGS RANCH OF COLORADO, INC	5.58	
24317	HARTSEL SPRINGS RANCH OF COLORADO, INC	6.38	
24318	HARTSEL SPRINGS RANCH OF COLORADO, INC	4.46	
24319	HARTSEL SPRINGS RANCH OF COLORADO, INC	4.56	
24320	HARTSEL SPRINGS RANCH OF COLORADO, INC	3.53	
24322	HARTSEL SPRINGS RANCH OF COLORADO INC	6.85	
24323	HARTSEL SPRINGS RANCH OF COLORADO INC	6.42	
24324	HARTSEL SPRINGS RANCH OF COLORADO INC	5.55	
24327	HARTSEL SPRINGS RANCH OF COLORADO INC	19.83	
24328	HARTSEL SPRINGS RANCH OF COLORADO INC	15.23	
24334	HARTSEL SPRINGS RANCH OF COLORADO INC	4.93	
24335	HARTSEL SPRINGS RANCH OF COLORADO INC	5.25	
24336	HARTSEL SPRINGS RANCH OF COLORADO INC	4.31	
24337	HARTSEL SPRINGS RANCH OF COLORADO INC	5.47	
24341	HARTSEL SPRINGS RANCH OF COLORADO INC	3.76	
24342	HARTSEL SPRINGS RANCH OF COLORADO INC	3.41	
24343	HARTSEL SPRINGS RANCH OF COLORADO INC	4.76	

Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24344	HARTSEL SPRINGS RANCH OF COLORADO INC	4.80	
24345	HARTSEL SPRINGS RANCH OF COLORADO INC	4.82	
24346	HARTSEL SPRINGS RANCH OF COLORADO INC	4.64	
24347	HARTSEL SPRINGS RANCH OF COLORADO INC	4.52	
24348	HARTSEL SPRINGS RANCH OF COLORADO INC	5.15	
24349	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24350	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24351	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24352	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24353	HARTSEL SPRINGS RANCH OF COLORADO INC	4.75	
24354	HARTSEL SPRINGS RANCH OF COLORADO INC	4.76	
24355	HARTSEL SPRINGS RANCH OF COLORADO INC	4.76	
24356	HARTSEL SPRINGS RANCH OF COLORADO INC	3.88	
24357	HARTSEL SPRINGS RANCH OF COLORADO INC	4.11	
24358	HARTSEL SPRINGS RANCH OF COLORADO INC	4.13	
24359	HARTSEL SPRINGS RANCH OF COLORADO INC	5.81	
24360	HARTSEL SPRINGS RANCH OF COLORADO INC	5.33	
24361	HARTSEL SPRINGS RANCH OF COLORADO INC	4.87	
24362	HARTSEL SPRINGS RANCH OF COLORADO INC	4.69	
24363	HARTSEL SPRINGS RANCH OF COLORADO INC	4.84	
24364	HARTSEL SPRINGS RANCH OF COLORADO INC	4.40	
24365	HARTSEL SPRINGS RANCH OF COLORADO INC	4.47	
24366	HARTSEL SPRINGS RANCH OF COLORADO INC	4.76	
24367	HARTSEL SPRINGS RANCH OF COLORADO INC	4.68	
24368	HARTSEL SPRINGS RANCH OF COLORADO INC	4.66	
24369	HARTSEL SPRINGS RANCH OF COLORADO INC	4.89	
24370	HARTSEL SPRINGS RANCH OF COLORADO INC	4.92	
24371	HARTSEL SPRINGS RANCH OF COLORADO INC	4.94	
24372	HARTSEL SPRINGS RANCH OF COLORADO INC	4.47	
24373	HARTSEL SPRINGS RANCH OF COLORADO INC	4.35	
24374	HARTSEL SPRINGS RANCH OF COLORADO INC	4.59	
24375	HARTSEL SPRINGS RANCH OF COLORADO INC	4.30	
24378	HARTSEL SPRINGS RANCH OF COLORADO INC	4.29	
24379	HARTSEL SPRINGS RANCH OF COLORADO INC	5.24	
24380	HARTSEL SPRINGS RANCH OF COLORADO INC	4.07	
24381	HARTSEL SPRINGS RANCH OF COLORADO INC	5.40	
24382	HARTSEL SPRINGS RANCH OF COLORADO INC	6.53	
24383	HARTSEL SPRINGS RANCH OF COLORADO INC	6.68	
24384	HARTSEL SPRINGS RANCH OF COLORADO INC	7.28	
24385	HARTSEL SPRINGS RANCH OF COLORADO INC	5.22	
24386	HARTSEL SPRINGS RANCH OF COLORADO INC	5.13	
24387	HARTSEL SPRINGS RANCH OF COLORADO INC	5.24	
24388	HARTSEL SPRINGS RANCH OF COLORADO INC	5.60	
24389	HARTSEL SPRINGS RANCH OF COLORADO INC	6.14	
24391	HARTSEL SPRINGS RANCH OF COLORADO INC	7.91	

Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24392	HARTSEL SPRINGS RANCH OF COLORADO INC	5.97	
24393	HARTSEL SPRINGS RANCH OF COLORADO INC	6.67	
24394	HARTSEL SPRINGS RANCH OF COLORADO INC	7.39	
24395	HARTSEL SPRINGS RANCH OF COLORADO INC	6.19	
24396	HARTSEL SPRINGS RANCH OF COLORADO INC	7.52	
24397	HARTSEL SPRINGS RANCH OF COLORADO INC	5.58	
24398	HARTSEL SPRINGS RANCH OF COLORADO INC	4.90	
24399	HARTSEL SPRINGS RANCH OF COLORADO INC	5.91	
24400	HARTSEL SPRINGS RANCH OF COLORADO INC	7.16	
24401	HARTSEL SPRINGS RANCH OF COLORADO INC	4.81	
24402	HARTSEL SPRINGS RANCH OF COLORADO INC	5.97	
24403	HARTSEL SPRINGS RANCH OF COLORADO INC	4.33	
24404	HARTSEL SPRINGS RANCH OF COLORADO INC	6.12	
24405	HARTSEL SPRINGS RANCH OF COLORADO INC	5.62	
24406	HARTSEL SPRINGS RANCH OF COLORADO INC	6.32	
24407	HARTSEL SPRINGS RANCH OF COLORADO INC	7.19	
24408	HARTSEL SPRINGS RANCH OF COLORADO INC	5.24	
24409	HARTSEL SPRINGS RANCH OF COLORADO INC	5.44	
24410	HARTSEL SPRINGS RANCH OF COLORADO INC	7.60	
24412	HARTSEL SPRINGS RANCH OF COLORADO INC	9.11	
24414	HARTSEL SPRINGS RANCH OF COLORADO INC	9.53	
24431	HARTSEL SPRINGS RANCH OF COLORADO INC	15.53	
24433	HARTSEL SPRINGS RANCH OF COLORADO INC	12.28	
24435	HARTSEL SPRINGS RANCH OF COLORADO INC	11.37	
24437	HARTSEL SPRINGS RANCH OF COLORADO INC	13.51	
24439	HARTSEL SPRINGS RANCH OF COLORADO INC	12.48	
24441	HARTSEL SPRINGS RANCH OF COLORADO INC	11.78	
24443	HARTSEL SPRINGS RANCH OF COLORADO INC	6.81	
24446	HARTSEL SPRINGS RANCH OF COLORADO INC	4.11	
24447	HARTSEL SPRINGS RANCH OF COLORADO INC	6.40	
24448	HARTSEL SPRINGS RANCH OF COLORADO INC	5.24	
24449	HARTSEL SPRINGS RANCH OF COLORADO INC	7.06	
24450	HARTSEL SPRINGS RANCH OF COLORADO INC	8.14	
24451	HARTSEL SPRINGS RANCH OF COLORADO INC	3.36	Part of parcel acquired by Aurora
24454	HARTSEL SPRINGS RANCH OF COLORADO INC	11.78	
24457	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
24458	HARTSEL SPRINGS RANCH OF COLORADO INC	5.08	
24459	HARTSEL SPRINGS RANCH OF COLORADO INC	5.08	
24462	HARTSEL SPRINGS RANCH OF COLORADO INC	1.86	
24463	HARTSEL SPRINGS RANCH OF COLORADO INC	1.84	
24464	HARTSEL SPRINGS RANCH OF COLORADO INC	2.00	
24465	HARTSEL SPRINGS RANCH OF COLORADO INC	2.00	
24466	HARTSEL SPRINGS RANCH OF COLORADO INC	3.59	
24467	HARTSEL SPRINGS RANCH OF COLORADO INC	2.41	
24468	HARTSEL SPRINGS RANCH OF COLORADO INC	2.00	

Exhibit F
HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24469	HARTSEL SPRINGS RANCH OF COLORADO INC	2.31	
24470	HARTSEL SPRINGS RANCH OF COLORADO INC	2.69	
24471	HARTSEL SPRINGS RANCH OF COLORADO INC	2.17	
24472	HARTSEL SPRINGS RANCH OF COLORADO INC	2.02	
24474	HARTSEL SPRINGS RANCH OF COLORADO INC	1.67	
24475	HARTSEL SPRINGS RANCH OF COLORADO INC	1.68	
24476	HARTSEL SPRINGS RANCH OF COLORADO INC	1.60	
24477	HARTSEL SPRINGS RANCH OF COLORADO INC	1.65	
24478	HARTSEL SPRINGS RANCH OF COLORADO INC	2.56	
24479	HARTSEL SPRINGS RANCH OF COLORADO INC	4.47	
24480	HARTSEL SPRINGS RANCH OF COLORADO INC	2.61	
24481	HARTSEL SPRINGS RANCH OF COLORADO INC	2.00	
24482	HARTSEL SPRINGS RANCH OF COLORADO INC	2.00	
24483	HARTSEL SPRINGS RANCH OF COLORADO INC	2.07	
24484	HARTSEL SPRINGS RANCH OF CO INC	292.94	
24559	HARTSEL SPRINGS RANCH OF COLORADO INC	1.84	
24560	HARTSEL SPRINGS RANCH OF COLORADO INC	1.84	
24561	HARTSEL SPRINGS RANCH OF COLORADO INC	1.94	
24562	HARTSEL SPRINGS RANCH OF COLORADO INC	2.58	
24563	HARTSEL SPRINGS RANCH OF COLORADO INC	2.42	
24564	HARTSEL SPRINGS RANCH OF COLORADO INC	2.27	
24565	HARTSEL SPRINGS RANCH OF COLORADO INC	2.12	
24566	HARTSEL SPRINGS RANCH OF COLORADO INC	1.96	
24567	HARTSEL SPRINGS RANCH OF COLORADO INC	1.81	
24568	HARTSEL SPRINGS RANCH OF COLORADO INC	1.65	
24569	HARTSEL SPRINGS RANCH OF COLORADO INC	1.78	
24571	HARTSEL SPRINGS RANCH OF COLORADO INC	3.13	
24572	HARTSEL SPRINGS RANCH OF COLORADO INC	2.56	
24573	HARTSEL SPRINGS RANCH OF COLORADO INC	2.85	
24574	HARTSEL SPRINGS RANCH OF COLORADO INC	3.12	
24575	HARTSEL SPRINGS RANCH OF COLORADO INC	3.13	
24576	HARTSEL SPRINGS RANCH OF COLORADO INC	3.33	
24577	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24579	HARTSEL SPRINGS RANCH OF COLORADO INC	2.19	
24580	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24581	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24582	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24583	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24584	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24588	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24757	HARTSEL SPRINGS RANCH OF COLORADO INC	5.30	
24758	HARTSEL SPRINGS RANCH OF COLORADO INC	4.00	
24759	HARTSEL SPRINGS RANCH OF COLORADO INC	3.50	
24777	HARTSEL SPRINGS RANCH OF COLORADO INC	2.30	
24786	HARTSEL SPRINGS RANCH OF COLORADO INC	2.70	

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HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24803	HARTSEL SPRINGS RANCH OF COLORADO INC	10.70	
24804	HARTSEL SPRINGS RANCH OF COLORADO INC	6.50	
24805	HARTSEL SPRINGS RANCH OF COLORADO INC	6.00	
24806	HARTSEL SPRINGS RANCH OF COLORADO INC	5.90	
24807	HARTSEL SPRINGS RANCH OF COLORADO, INC	6.34	
24808	HARTSEL SPRINGS RANCH OF COLORADO INC	6.80	
24819	HARTSEL SPRINGS RANCH OF COLORADO INC	5.60	
24828	HARTSEL SPRINGS RANCH OF COLORADO INC	2.40	
24831	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24832	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24833	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24834	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24835	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24836	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24837	HARTSEL SPRINGS RANCH OF COLORADO INC	3.30	
24838	HARTSEL SPRINGS RANCH OF COLORADO INC	3.80	
24839	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24840	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24841	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24842	HARTSEL SPRINGS RANCH OF COLORADO INC	2.50	
24853	HARTSEL SPRINGS RANCH OF COLORADO INC	4.40	
24854	HARTSEL SPRINGS RANCH OF COLORADO INC	4.40	
24855	HARTSEL SPRINGS RANCH OF COLORADO INC	5.80	
24856	HARTSEL SPRINGS RANCH OF COLORADO INC	5.70	
24857	HARTSEL SPRINGS RANCH OF COLORADO INC	6.10	
24858	HARTSEL SPRINGS RANCH OF COLORADO INC	5.50	
24896	HARTSEL SPRINGS RANCH OF COLORADO INC	3.36	
24932	HARTSEL SPRINGS RANCH OF COLORADO INC	3.77	
24936	HARTSEL SPRINGS RANCH OF COLORADO INC	3.58	
24937	HARTSEL SPRINGS RANCH OF COLORADO INC	2.65	
24943	HARTSEL SPRINGS RANCH OF COLORADO INC	4.53	
24946	HARTSEL SPRINGS RANCH OF COLORADO INC	3.53	
24947	HARTSEL SPRINGS RANCH OF COLORADO INC	2.93	
24949	HARTSEL SPRINGS RANCH OF COLORADO INC	3.55	
24950	HARTSEL SPRINGS RANCH OF COLORADO INC	2.74	
24956	HARTSEL SPRINGS RANCH OF COLORADO INC	2.56	
24959	HARTSEL SPRINGS RANCH OF COLORADO INC	2.93	
24960	HARTSEL SPRINGS RANCH OF COLORADO INC	3.32	
24962	HARTSEL SPRINGS RANCH OF COLORADO INC	2.41	
24963	HARTSEL SPRINGS RANCH OF COLORADO INC	2.87	
24965	HARTSEL SPRINGS RANCH OF COLORADO INC	2.79	
24966	HARTSEL SPRINGS RANCH OF COLORADO INC	3.19	
24967	HARTSEL SPRINGS RANCH OF COLORADO INC	2.47	
24968	HARTSEL SPRINGS RANCH OF COLORADO INC	2.32	
24969	HARTSEL SPRINGS RANCH OF COLORADO INC	2.31	

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HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
24970	HARTSEL SPRINGS RANCH OF COLORADO INC	3.54	
24971	HARTSEL SPRINGS RANCH OF COLORADO INC	2.98	
24984	HARTSEL SPRINGS RANCH OF COLORADO INC	2.57	
24985	HARTSEL SPRINGS RANCH OF COLORADO INC	2.57	
24986	HARTSEL SPRINGS RANCH OF COLORADO INC	2.99	
24988	HARTSEL SPRINGS RANCH OF COLORADO INC	4.20	
24989	HARTSEL SPRINGS RANCH OF COLORADO INC	3.90	
24990	HARTSEL SPRINGS RANCH OF COLORADO INC	4.02	
24991	HARTSEL SPRINGS RANCH OF COLORADO INC	3.60	
25247	HARTSEL SPRINGS RANCH OF COLORADO INC	3.97	
25248	HARTSEL SPRINGS RANCH OF COLORADO INC	3.65	
25249	HARTSEL SPRINGS RANCH OF COLORADO INC	4.32	
25250	HARTSEL SPRINGS RANCH OF COLORADO INC	5.81	
25251	HARTSEL SPRINGS RANCH OF COLORADO INC	8.10	
25252	HARTSEL SPRINGS RANCH OF COLORADO INC	11.96	
25253	HARTSEL SPRINGS RANCH OF COLORADO INC	12.00	
25254	HARTSEL SPRINGS RANCH OF COLORADO INC	11.76	
25294	HARTSEL SPRINGS RANCH OF COLORADO INC	5.42	
25295	HARTSEL SPRINGS RANCH OF COLORADO INC	7.18	
25361	HARTSEL SPRINGS RANCH OF COLORADO INC	3.84	
25374	HARTSEL SPRINGS RANCH OF COLORADO INC	4.61	
25387	HARTSEL SPRINGS RANCH OF COLORADO INC	2.52	
25388	HARTSEL SPRINGS RANCH OF COLORADO INC	2.68	
25400	HARTSEL SPRINGS RANCH OF COLORADO INC	13.30	
25427	HARTSEL SPRINGS RANCH OF COLORADO INC	12.83	
25465	HARTSEL SPRINGS RANCH OF COLORADO INC	7.02	
25466	HARTSEL SPRINGS RANCH OF COLORADO INC	20.96	
25467	HARTSEL SPRINGS RANCH OF COLORADO INC	21.56	
25468	HARTSEL SPRINGS RANCH OF COLORADO INC	12.35	
25484	HARTSEL SPRINGS RANCH OF COLORADO INC	11.49	
25485	HARTSEL SPRINGS RANCH OF COLORADO INC	26.62	
25486	HARTSEL SPRINGS RANCH OF COLORADO INC	19.19	
25509	HARTSEL SPRINGS RANCH OF COLORADO INC	13.39	
36323	HARTSEL SPRINGS RANCH OF COLORADO INC	80.00	
43532	HARTSEL SPRINGS RANCH OF COLORADO INC	3.79	
43533	HARTSEL SPRINGS RANCH OF COLORADO INC	4.11	
43783	HARTSEL SPRINGS RANCH OF COLORADO INC	4.21	
43878	HARTSEL SPRINGS RANCH OF COLORADO INC	7.30	
44595	HARTSEL SPRINGS RANCH OF COLORADO INC	0.87	
44607	HARTSEL SPRINGS RANCH OF CO INC	2.74	
45459	HARTSEL SPRINGS RANCH OF COLORADO INC	5.39	
45460	HARTSEL SPRINGS RANCH OF COLORADO INC	3.14	
45506	HARTSEL SPRINGS RANCH OF COLORADO INC	2.60	
45507	HARTSEL SPRINGS RANCH OF COLORADO INC	2.42	
45508	HARTSEL SPRINGS RANCH OF COLORADO INC	2.67	

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HSR Parcels With Toll Free Access Except Prcels Sold to Buyer

Park County Schedule #	Owner Name	Acres	Notes
45584	HARTSEL SPRINGS RANCH OF COLORADO INC	5.08	
45585	HARTSEL SPRINGS RANCH OF COLORADO INC	5.06	
45587	HARTSEL SPRINGS RANCH OF COLORADO INC	4.95	
45588	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
45589	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
45590	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
45591	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
45594	HARTSEL SPRINGS RANCH OF COLORADO INC	5.00	
45596	HARTSEL SPRINGS RANCH OF COLORADO INC	5.96	
45603	HARTSEL SPRINGS RANCH OF COLORADO INC	15.29	
45604	HARTSEL SPRINGS RANCH OF COLORADO INC	1.99	
45610	HARTSEL SPRINGS RANCH OF COLORADO INC	5.71	
45611	HARTSEL SPRINGS RANCH OF COLORADO INC	6.35	
45617	HARTSEL SPRINGS RANCH OF COLORADO INC	0.52	
45619	HARTSEL SPRINGS RANCH OF COLORADO INC	5.29	
45951	HARTSEL SPRINGS RANCH OF COLORADO INC	0.16	
45952	HARTSEL SPRINGS RANCH OF COLORADO INC	1.65	
45953	HARTSEL SPRINGS RANCH OF COLORADO INC	0.73	
45954	HARTSEL SPRINGS RANCH OF COLORADO INC	0.42	
47506	HARTSEL SPRINGS RANCH OF COLORADO, INC	64.24	
47507	HARTSEL SPRINGS RANCH OF COLORADO, INC	210.38	
47508	HARTSEL SPRINGS RANCH OF COLORADO, INC	384.19	
90994	HARTSEL SPRINGS RANCH OF COLORADO INC	10.33	
90995	HARTSEL SPRINGS RANCH OF COLORADO INC	10.33	

DAU *Flow*

ORDINANCE NO. R2017-34

AN ORDINANCE AUTHORIZING THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR ACQUISITION OF CERTAIN PROPERTIES IN PARK COUNTY, COLORADO FOR A WATER RESERVOIR PROJECT

WHEREAS, the City of Aurora is a Colorado municipal corporation and home rule city ("City") of the Counties of Adams, Arapahoe, and Douglas of the State of Colorado and it has the legal authority and power of eminent domain per Article XX Sections 1 and 6 of the State Constitution, Section 10-10 of the City's Home Rule Charter and *inter alia* C.R.S §§ 31-15-107(1)(a)(I) & (10)(e), C.R.S §§ 31-15-708(1)(a) and (1)(b), C.R.S. § 31-35-402(1)(a); and

WHEREAS, the City, acting by and through its Utility Enterprise, ("Aurora Water") has approved the construction and operation of a large water reservoir to be located approximately four miles south of the Town of Hartsel in Park County, Colorado necessitating acquisition of property ("Project"); and

WHEREAS, the City has determined it is necessary to acquire certain properties identified in this ordinance for the construction of the Project, and that acquisition of the properties serves the public purpose of the construction and operation of a water reservoir for the storage and use of water for the benefit of current and future citizens of Aurora and others served by Aurora Water; and

WHEREAS, the City has determined a fee simple absolute interest or easement interests in certain properties (individually and collectively referred to as the "interests") is necessary for the Project and those properties and its or their purported owners are described in Exhibit A ("Properties"); and

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

Section 1. That the City Council hereby finds and determines that it is in the interest of the health, safety, and general welfare of the public, and serves a necessary public purpose, to acquire interests in the Properties described in Exhibit A for the construction of the Project and hereby declares a public need and necessity for the same.

Section 2. That City staff, agents, or consultants, are authorized to engage in good faith negotiations for acquisition of interests in the Properties, as a precondition to initiating proceedings in eminent domain. Eminent domain will only be used if good faith negotiations are unsuccessful. If the interests in the Properties cannot be obtained voluntarily, the City

or Aurora Water is authorized to commence condemnation proceedings to acquire the Properties and prosecute the proceedings to their conclusion.

Section 3. That the City Council hereby authorizes the exercise of eminent domain for the purpose of acquiring interests in the Properties. The City is authorized to exercise the power of eminent domain in the manner provided by Article 1 of Title 38, Colorado Revised Statutes. The City is authorized to employ all necessary persons for this purpose, including special condemnation counsel, if necessary, and appraisers, surveyors, engineers, and other experts.

Section 4. That the City Council has determined there is an immediate public need and necessity to acquire the Properties in order to allow Aurora Water to proceed with the Project. To ensure timely possession of or title to the Properties, authorization is granted to obtain immediate possession of the Properties.

Section 5. That the City Council hereby authorizes the expenditure of that amount of money which is determined by an appropriate tribunal to constitute just compensation necessary for the acquisition of the interests in the Properties. The City Council hereby authorizes the City's Director of Finance to pay all awards, legal expense, court costs, and any other expenses of eminent domain lawfully found to be just compensation, as determined by a court of competent jurisdiction.

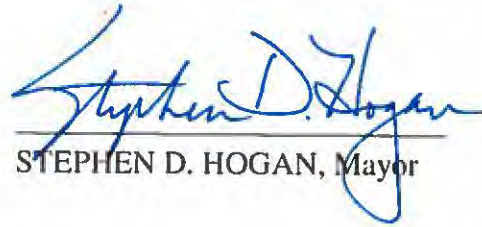
Section 6. The City or its staff, designees, agents, or representatives shall have the authority to amend the legal descriptions of and the interests sought in the Properties or to add additional properties as deemed necessary in the course of acquiring the Properties for the Project, and any such amendments shall be included in the definition of the Properties contained herein.

Section 7. That nothing contained in this ordinance shall be construed as precluding or preventing negotiations by the City Attorney, or duly authorized representatives, from purchase of the interests in the Properties at private sale, nor shall anything herein be construed as preventing the City of Aurora, upon the acquisition of said interests in the Properties, from terminating the eminent domain proceedings.

Section 8. That, 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 21st of
August, 2017.

PASSED AND ORDERED PUBLISHED this 11th of September 2017.


STEPHEN D. HOGAN, Mayor

ATTEST:


LINDA S. BLACKSTON, City Clerk

APPROVED AS TO FORM:


ASSISTANT CITY ATTORNEY

EXHIBIT A

Exhibit A: Parcels Included in Ordinance - All Located in Park County, CO			
Assessor Schedule No.	General Legal All in the 6th P.M.	Subdivision	Unit/Lot
3789	PART OF S2S2 S23 T12S R7SW	CHAPARRAL MEADOWS	LOT 89
4402	SE4 S4 T13S R7SW	ESTATES OF COLORADO	UNIT 15 LOT 861
4450	PART OF N2SW4 S23 T12S R7SW	CHAPARRAL MEADOWS	LOT 109
4510	THAT PART OF CR 53 THAT RUNS THROUGH S33 T12S R7SW	N/A	N/A
4512	S2, NE4, E2NW4 S28 T12S R7SW; S2 S30 T12S R7SW; ALL S31 T12S R7SW; ALL S32 T12S R7SW; ALL S33 T12S R7SW; S2S2 S34 T12S T7SW	N/A	N/A
4513	SW4 AND S2NW4 AND NE4NW4 S5 T13SS R7SW; S2SE4 AND SE4 S6 T13SS R7SW; N2NE4 AND S2SE4 S7 T13SS R7SW; S2N2 AND S2 S8 T13SS R7SW; W2W2 S17 T13SS R7SW	N/A	N/A
5019	SE4SE4 S20 T12S R7SW; SW4SW4 S21 T12S R7SW; W2NW4 S28 T12S R7SW; PART OF THE N2, N2S2 S29 T12S R7SW	N/A	N/A
5066	SE4 S4 T13S R7SW	ESTATES OF COLORADO	UNIT 15 LOT 800
6133	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 571
6134	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 569
6560	NE4 S6 T13S R7SW	ESTATES OF COLORADO	UNIT 03 LOT 178 AND 180
6561	NE4 S6 T13S R7SW	HARTSEL RANCH	UNIT 03 LOT 179
6563	NE4 S6 T13S R7SW	HARTSEL RANCH	UNIT 03 LOT 181
6564	NE4 S6 T13S R7SW	HARTSEL RANCH	UNIT 03 LOT 183
6565	NE4 S6 T13S R7SW	ESTATES OF COLORADO	UNIT 03 LOT 184
6646	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 538
6647	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 539
6648	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 544
6650	NW4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 546
6651	NW4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 547
6652	NW4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 548
6653	NW4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 549
6654	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 552
6655	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 570
6656	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 572
6657	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 573
6658	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 575
6659	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 581
6660	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 584
6661	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 601
7075	SE4 S4 T13S R7SW	ESTATES OF COLORADO	UNIT 15 LOT 860
7093	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 541 AND 543
7135	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 579
7137	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 580
7148	SE4 S4 T13S R7SW	ESTATES OF COLORADO	UNIT 15 LOT 799
7157	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 542
7160	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 551
7162	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 607
7170	NE4 S6 T13S R7SW	ESTATES OF COLORADO	UNIT 03 LOT 182
7180	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 550
7188	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 582
7229	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 537
7282	NE4 S6 T13S R7SW	ESTATES OF COLORADO	UNIT 03 LOT 177
7824	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 583
11609	SE4 S7 T13S R7SW	ESTATES OF COLORADO	UNIT 10 LOT 540
11669	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 576
11781	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 578
12409	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 603
12862	NE4 S8 T13S R7SW	ESTATES OF COLORADO	UNIT 11 LOT 577

Exhibit A: Parcels Included in Ordinance - All Located in Park County, CO			
Assessor Schedule No.	General Legal All in the 6th P.M.	Subdivision	Unit/Lot
13189	NE4 S8 T13S R75W	ESTATES OF COLORADO	UNIT 11 LOT 605
15040	NE4 S8 T13S R75W	ESTATES OF COLORADO	UNIT 11 LOT 574
17599	PORTION OF N2NW4 LYING NELY OF HWY 9 AND A PORTION OF NW4NE4 S22 T12S R75W	CHAPARRAL MEADOWS	LOT 130
18282	NE4NW4 S25 T12S R75W	CHAPARRAL MEADOWS	LOT 86
18428	SE4 S22 T12S R75W	HARTSEL RANCH	UNIT 102 LOT 5246
18489	SE4 S22 T12S R75W	HARTSEL RANCH	UNIT 102 LOT 5245
19150	NE4SE4 S23 T12S R75W	CHAPARRAL MEADOWS	LOT 107
19348	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5290
19599	NE4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5291
21052	SW4 S4 T13S R75W; SE4 WLY OF CR 53 S5 T13S R75W	N/A	N/A
22555	NW4 S27 T12S R75W	HARTSEL RANCH	UNIT 105 LOT 5691
22737	SW4SE4 S19 T12S R74W	CHAPARRAL MEADOWS	LOT 97
22769	SE4SW4, S2SE4, S2N2S2 S13 T12S R75W; S2NW4, N2S2, SW4SW4 S14 T12S R75W; S2N2NE4, S2NE4, NE4SW4, SW4SW4 LYING NELY OF HWY9, SE4 S15 T12S R75W; NE4, NE4NW4, S2NW4, SE4SE4 S23 T12S R75W; ALL EXCEPT SW4NE4 S24 T12S R75W; NE4, THAT PART OF NW4NW4 AND S2NNW4 LYING NELY OF HWY 9, NE4SE4 S25 T12S R75W; NE4 LYING NELY OF HWY 9 S26 T12S R75W	N/A	N/A
22779	NE4SE4 S19 T12S R74W	CHAPARRAL MEADOWS	LOT 99
22780	SE4SE4 S19 T12S R74W	CHAPARRAL MEADOWS	LOT 98
22856	SW4NE4 S24 T12S R75W	CHAPARRAL MEADOWS	LOT 119
24055	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4984
24056	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4985
24057	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4986
24058	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4987
24059	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4988
24060	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4989
24061	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4990
24062	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4991
24063	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4992
24064	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4993
24065	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4994
24066	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4995
24067	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4996
24068	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4997
24069	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4998
24070	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4999
24071	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5000
24072	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5001
24073	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5002
24074	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5003
24075	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5004
24076	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5005
24077	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5006
24078	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5007
24079	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5008
24080	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5009
24081	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5010
24082	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5011
24083	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5012
24084	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5013
24085	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5014
24086	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5015
24087	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5016
24088	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5017

Exhibit A: Parcels Included in Ordinance - All Located in Park County, CO			
Assessor Schedule No.	General Legal All in the 6th P.M.	Subdivision	Unit/Lot
24089	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5018
24090	NW4 S4 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5019
24091	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5020
24092	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 5021
24442	PART OF E2SE4SE4 SLY TOLTEC TRAIL S21 T12 R75W	HARTSEL RANCH	UNIT 102 LOT 5244
24443	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 102 LOT 5247
24451	SE4 S21 T12 R75W	HARTSEL RANCH	UNIT 102 LOT 5255 NEW
24475	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5280
24476	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5272
24477	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5282
24478	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5283
24479	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5284
24480	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5286
24481	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5287
24482	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5288
24483	NW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5289
24484	PART OF S2NE4, PART OF NW4NE4, PART OF E2NW4, PART OF NE4SW4, PART OF N2SE4, PART OF S2SE4 S22 T12S R75W; PART OF SW4, PART OF SW4SE4 S23 T12S R75W; PART OF N2SW4, PART OF NW4NE4 S26 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5292 THRU 5366, LOT 5378, LOT 5394 THRU 5513 CONSERVATION EASEMENT
24485	THAT PART OF SE4 S OF CR 59 AND NE OF HWY 9 S8 T12S R75W; THAT PART OF S2 S OF CR 59 AND NE OF HWY 9 EXCEPT HARTSEL BLK 5-6 LOTS 1-12 S9 T12S R75W; THAT PART OF SW4 AND W2W2SE4 S OF CR 59 S10 R12S T75W; N2NW4 S15 T12S R75W	N/A	CONSERVATION EASEMENT
24559	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5367
24560	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5368
24561	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5369
24757	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 104 LOT 5567
24758	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 104 LOT 5568
24759	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 104 LOT 5569
29815	W2 S15 T13S R75W; ALL S16 T13S R75W; E2, E2W2 S17 T13S R75W	N/A	N/A
35615	S2NE2 NELY OF HWY 9 S22 T12S R75W	CHAPARRAL MEADOWS	LOT 112
36745	S2SW4 S19 T12S R74W; S2N2, S2 S29 T12S R74W; W2 S30 T12S R74W; ALL S31 T12S R74W; ALL S32 T12S R74W; N2, N2S2, S2SW4, SE4SE4 S33 T12S R74W; N2, SW4, NW4SE4, S2SE4 EXCEPT E2E2E2NE4 S34 T12S R74W	N/A	N/A
42245	S2SW4 S19 T12S R74W; S2N2, S2 S29 T12S R74W; W2 S30 T12S R74W; ALL S31 T12S R74W; ALL S32 T12S R74W; N2, N2S2, S2SW4, SE4SE4 S33 T12S R74W; N2, SW4, NW4SE4, S2SE4 EXCEPT E2E2E2NE4 S34 T12S R74W	N/A	N/A
47515	S2SW4 S19 T12S R74W; S2N2, S2 S29 T12S R74W; W2 S30 T12S R74W; ALL S31 T12S R74W; ALL S32 T12S R74W; N2, N24SW4, N2SE4, SE4SE4 S33 T12S R74W; N2, SW4, NW4SE4, S2SE4 EXCEPT E2E2E2NE4 S34 T12S R74W	N/A	N/A
44589	NW4NW4 S23 T12S R75W	CHAPARRAL MEADOWS	LOT 128
45095	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 104 LOT 5566
45321	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 104 LOT 5570
45459	NE4 S5 T13S R75W	HARTSEL RANCH	UNIT 100 LOT 4983
45595	NW4 S8 T13S R75W	ESTATES OF COLORADO	UNIT 11 LOT 545
45604	SW4 S22 T12S R75W	HARTSEL RANCH	UNIT 103 LOT 5265
45724	NW4SE4 S23 T12S R75W	CHAPARRAL MEADOWS	LOT 108

- ♦ e. **R2016-32**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, acting by and through its Utility Enterprise, and Colorado Mountain Junior College District, acting by and through its Leadville Campus, Natural Resources Management Program regarding the Rocky Mountain Fen Research Project Team. **(THIS ITEM ALSO APPEARS ON THE MAY 9, 2016 STUDY SESSION)** STAFF SOURCE: Gerald Knapp, Regional River Basin Program Manager, Aurora Water
- ♦ f. **R2016-33**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a New Job Reward Agreement between the City of Aurora and FALCK Rocky Mountain. STAFF SOURCE: Melissa Rogers, Senior Development Project Manager, Planning & Development Services
- ♦ g. **R2016-34**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the option Exercise and Purchase and Sale Agreement between the City and Hartsel Springs Ranch of Colorado, Inc., concerning Wild Horse Reservoir. STAFF SOURCE: Lisa Darling, Regional River Basin Program Manager, Aurora Water

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ♦ a. **2016-12**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 12245 East 14th Avenue, City of Aurora, County of Arapahoe, State of Colorado, from PD-MF (Planned Development District, Multi-Family Subarea) to FBAD 1 (Fitzsimons Boundary area District, Subarea 1) and amending the zoning map accordingly (12245 E 14th Ave Rezone) STAFF SOURCE: Stephanie Stevens, Planner II, Planning & Development Services
- ♦ b. **2016-13**
Public Hearing and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning the Northwest corner of Colfax Avenue and Airport Boulevard, City of Aurora, County of Adams, State of Colorado, from R-A (Residential Agricultural District) to B-4 (Business and Commercial District) and SIR (Sustainable Infill and Redevelopment District) amending the zoning map accordingly. (Trolley Park) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Services

12. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2016-14**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2014-35, 2015-20, and 2015-64 for the 2015 fiscal year and Ordinance No. 2015-50 for the 2016 fiscal year. STAFF SOURCE: Jackie Ehmann, Budget/Finance Program Manager, Finance

5/5/2016

- ♦ *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

Item Title: 2022 Private Activity Bond Assignment (Resolution)
Item Initiator: Jessica Prosser, Director of Housing and Community Services
Staff Source/Legal Source: Alicia Montoya, Housing and Community Development Manager / Tim Joyce, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 5.6--Continue to plan for high quality neighborhoods with a balanced housing stock

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

Alicia Montoya, Housing and Community Development Manager / Tim Joyce, Assistant City Attorney

Estimated time: 15 Mins

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☒ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Housing, Neighborhood Services & Redevelopment

Policy Committee Date: 7/7/2022

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☒ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ 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 purpose of the Community Development Investment (CDI) applications is to provide resources for developers and service providers interested in creating and/or preserving affordable housing opportunities in the city of Aurora. The city's housing priorities are established in the adopted [Housing Strategy](#) and guided by six policies informed by best practices and extensive community input. Applications are evaluated based on alignment with the policies and goals of the Housing Strategy. The most recent round of CDI/Notice of Funds Opportunity (NOFO) commitments were presented and approved at the May 9, 2022 Regular City Council Meeting. During that presentation, a total of \$21,387,505.00 in PAB fund were approved and assigned to the following projects:

1. Fitzsimons Gateway Apartments - \$11M – 210 Units
2. Aurora Metro Center Station Senior Housing \$5M – 222 units
3. Weatherstone Apartments - \$5M – 204 Units

Types of Projects Funded: New rental or for-sale affordable housing, rehabilitation/preservation of existing affordable housing projects.

Funding Sources: HOME (Home Investment Partnership Program) funds and CDBG (Community Development Block Grant) funds. The city assigned \$21M in PAB, \$3.6 million in HOME funds, and \$800,000.00 of CDBG funds for the spring round of financing.

Project Name	HOME	PAB	ARPA	CDBG	AMI Target	Total Units
Emporia Duplex Project	\$640,000.00	\$0	\$0		80%	12
Potomac Campus - Permanent Supportive Housing			\$1M		30%	60
Fitzsimons Gateway Apartments	\$1M	\$11M			30-70%	210
Elevate Aurora	\$1M		\$500,000.00		30-70%	131
Aurora Metro Center Station Senior Housing	\$960,000.00K	\$5M			30-80%	222
Residences at Willow Park				\$800,000.00	30%	72
Weatherstone Apartments		\$5M			60%	204
Totals	\$3.6M	\$21M	\$1.5M	\$800,000.00		

General Application Components/Evaluation Criteria:

- Alignment with Housing Strategy
- Meets an identified housing need in the community
- Demographics to be served by the project reflect the principles of diversity, equity, and inclusion
- Average median income to be served by the project
- Cost-effectiveness: leveraging of funding, review of sources and uses, and funding sustainability
- Available city funding sources based on project type, developer or organization experience, and surrounding compatible uses.

Review Committee: City staff including Community Development, Homelessness Program, Finance, Planning, and Urban Renewal, and members of the Community Housing and Development (CHD) Committee.

These recommendations were brought to Council for approval in April of 2022. This item is approving the allocation of private activity bond cap as part of the Community Investment Process.

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

PAB Basics:

A Private Activity Bond (PAB) is a special class of tax-exempt bond that benefits private non-governmental borrowers that can be issued by states, local governments or housing authorities. These “state or local issuers” are bound by very specific restrictions as to the use of the bonds and the compliance requirements related to those bonds. The benefit of PABs is that the interest paid to the bondholders is exempt from Federal income tax, which generally results in a lower borrowing cost to the eligible project or a lower interest rate mortgage in the case of single family bonds. A population-based formula establishes the maximum amount of PAB that a state can issue annually, which amount is referred to as “cap” or “volume cap.”

Eligible Uses for PABs

- Affordable multifamily housing including new construction or acquisition and rehabilitation for low- and moderate-income individuals and families.
- Single Family Mortgage Revenue Bonds (SFMRBs) used to finance the purchase of mortgages made to income-qualified first-time homebuyers.
- Mortgage Credit Certificates (MCCs), a financing enhancement for income eligible first-time homebuyers (can’t be combined with SFMRB financing).
- Industrial Development Bonds for smaller manufacturing projects (less than \$10 million) that produce any type of goods.
- Qualified Redevelopment Bonds used to acquire and redevelop blighted areas (typically not used in Colorado).
- Solid Waste Disposal Bonds used to finance certain disposal facilities utilizing certain waste disposal processes.

Recommendations for PAB funding:

1. Fitzsimons Gateway Apartments - \$11M – 210 Units
2. Aurora Metro Center Station Senior Housing \$5M – 222 units
3. Weatherstone Apartments - \$5M – 204 Units

QUESTIONS FOR COUNCIL

Does City Council support the assignment of the City’s Private Activity Bond allocation for 2022 to the Housing Authority of the City of Aurora, DBA Aurora Housing Authority, BMC Investments, Aurora Leased Housing Associates I LLC/Dominium, and Steele Properties LLC?

LEGAL COMMENTS

Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, Section 24-32-1701, et seq., C.R.S., the City has received a direct allocation of the State of Colorado’s Private Activity Bond Ceiling for 2013 in the amount of \$19,145,385.00. As a designated local issuing authority, the City may assign all or a portion of its allocation to the Colorado Housing and Finance Authority for the purpose of financing the construction of a multi-family rental housing project. See, Sec. 24-32-1706 (2), C.R.S. (Hernandez)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: City Council had approved our recommendation for PAB as follows:

1. Fitzsimons Gateway Apartments - \$11M – 210 Units
2. Aurora Metro Center Station Senior Housing \$5M - 222
3. Weatherstone Apartments - \$5M – 204 Units

City Council approval will allow the utilization of the above PAB funds to be transferred to the designated projects.

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

ASSIGNMENT OF ALLOCATION

THIS ASSIGNMENT OF ALLOCATION (the “Assignment”), dated as of _____, 2022, is between the City of Aurora, a Colorado, a home rule municipal corporation (the “Assignor”), and the Housing Authority of the City of Aurora, Colorado, dba Aurora Housing Authority, a body corporate and politic of the State of Colorado (the “Assignee”).

RECITALS

A. The Assignee intends to finance or assist in the financing of qualified residential rental projects including, but not limited to, the costs of the acquisition, construction, rehabilitation, renovation and equipping of three projects; the Fitzsimons Gateway Apartments, the Aurora Metro Center Station Senior Housing, and the Weatherstone Apartments (collectively, the “Project”).

B. Each Project will be designed to qualify as a “project” within the meaning of Title 29, Article 4, Part 2, Colorado Revised Statutes, as amended (the “Act”).

C. The Assignee intends to provide for the issuance of its multifamily housing revenue bonds, notes or other obligations, in one or more series (the “Proposed Bonds”), pursuant to the provisions of the Act for the purpose of financing the Project.

D. The Assignee has requested that the Assignor assign to the Assignee all of the Assignor’s 2022 allocation in the amount of \$21,387,505.00 (the “Allocation”) under the bond ceiling for the State of Colorado and its issuing authorities (the “State Ceiling”) computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the “Code”), as provided for the Assignor as a “designated local issuing authority” under part 17 of article 32 of title 24, Colorado Revised Statutes, as amended (the “Allocation Act”), for use in connection with the financing of the Project.

E. Subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept, the Allocation in the amount of \$21,387,505.00 from the State Ceiling.

ASSIGNMENT

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Assignor hereby assigns and transfers to the Assignee all the Assignor’s 2022 Allocation from the State Ceiling for private activity bonds in an amount equal to \$21,387,505.00. The Assignor and the Assignee understand that such assigned allocation shall automatically be relinquished to the “Statewide Balance” as defined under the Allocation Act unless (a) the Proposed Bonds are issued by the Assignee on or before September 15, 2022, or (b) Section 24-32-1706(3)(c) of the Allocation Act, pertaining to the carryforward of the assigned allocation, applies.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) accepts the assignment of \$21,387,505.00 of the Assignor's Allocation from the State Ceiling described above;

(b) agrees to use its best efforts to issue and use the Proposed Bonds for the purpose of financing the Project, and further agrees to use its best efforts to deploy the Allocation to finance a portion of the costs of rehabilitation, renovation and equipping of three projects; (i) Fitzsimons Gateway Apartments, (ii) Aurora Metro Center Station Senior Housing, and (iii) Weatherstone Apartments (collectively, the "Project").

(c) agrees to abide by each of the terms and conditions of this Assignment in connection with the use of such Allocation.

4. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for any project with a carryforward purpose within the meaning of the Allocation Act.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multifamily rental housing project located in the City of Aurora or elsewhere, provided that any Proposed Bond proceeds attributable to the Allocation shall be subject to paragraph 3 above.

6. This Assignment shall not constitute the debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

(The remainder of this page is intentionally left blank)

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this Assignment of Allocation to be executed to be effective as of the date and year first written above.

CITY OF AURORA, COLORADO as
Assignor

By: _____
MIKE COFFMAN, Mayor

ATTEST:

APPROVED AS TO FORM:

KADEE RODRIGUEZ,
City Clerk



HANOSKY HERNANDEZ,
Sr. Assistant City Attorney

HOUSING AUTHORITY OF THE CITY
OF AURORA, COLORADO, as Assignee

By: _____
Chair

ATTEST:

By: _____
Clerk to the Board

RESOLUTION NO. R2022- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
AUTHORIZING THE ASSIGNMENT OF THE CITY'S 2022 PRIVATE ACTIVITY
BOND ALLOCATION TO THE HOUSING AUTHORITY OF THE CITY OF AURORA,
DBA AURORA HOUSING AUTHORITY

WHEREAS, the Internal Revenue Code of 1986, as amended, (the "IRC"), restricts the amount of tax-exempt Private Activity Bonds (the "Private Activity Bonds") which may be issued in the State to provide for qualified residential rental projects, and for certain other purposes; and

WHEREAS, pursuant to the IRC, the State of Colorado passed the Private Activity Bond Ceiling Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes (the "Allocation Act"), and the City of Aurora, Colorado (the "City") has received a direct allocation of the State of Colorado's Private Activity Bond Ceiling for the year 2022 (the "2022 Allocation") in the amount of \$21,387,505.00; and

WHEREAS, the Allocation Act provides for the allocation of the State Ceiling among the Colorado Housing and Finance Authority, and other governmental units in the State, including the City and further provides for the assignment of such allocations to such other governmental units, including local housing authorities; and

WHEREAS, the Housing Authority of the City of Aurora, Colorado, dba Aurora Housing Authority (the "Authority") has requested that the City assign all of the 2022 Allocation in the amount of \$21,387,505.00 (the "Assigned Allocation") to the Authority pursuant to Section 24-32-1706 of the Allocation Act, to be used to issue bonds to finance qualified residential rental projects including but not limited to the costs of the acquisition, construction, rehabilitation, renovation and equipping of three projects; the Fitzsimons Gateway Apartments, the Aurora Metro Center Station Senior Housing, and the Weatherstone Apartments (collectively, the "Project"); and

WHEREAS, the City desires to assign the 2022 Allocation to the Authority; and

WHEREAS, the City Council of the City has determined it is in the best interest of the City to assign its 2022 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority in the form presented at this meeting (the "Assignment").

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

Section 1. Authorization of Assignment. The Aurora City Council hereby authorizes the assignment of the City's allocation of the State of Colorado's Private Activity Bond Ceiling for the year 2022 to the Aurora Housing Authority.

Section 2. Approval of Assignment of Allocation. The form, terms and provisions of the Assignment hereby are approved, and the officers of the City hereby are authorized, and the Mayor and City Clerk are hereby authorized to execute the attached "Assignment of Allocation" in substantially the form presented at this meeting with such technical additions, deletions and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. Further Action. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution and the Assignment, with the additions, corrections or deletions that the City Attorney deems necessary and not inconsistent with this resolution.

Section 4. Ratification. All actions not inconsistent with the provisions of this Resolution taken by City Council and the officers of the City directed toward the assignment of the 2022 Allocation and the authorization of the Assignment are hereby ratified, approved and confirmed.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

Section 6. Rescission. All resolutions of the City, or parts thereof, inconsistent with this resolution are hereby rescinded only to the extent of such inconsistency.

RESOLVED AND PASSED this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ,
City Clerk

APPROVED AS TO FORM:

 *gk*

HANOSKY HERNANDEZ,
Sr. Assistant City Attorney



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: 2022 Private Activity Bond Assignment
Item Initiator: Jessica Prosser, Director of Housing and Community Services
Staff Source/Legal Source: Alicia Montoya, Housing and Community Development Manager / Hanosky Hernandez Sr. Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 5.6--Continue to plan for high quality neighborhoods with a balanced housing stock

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

EXPLANATION: (Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)

This item was approved at the 7/7/22 Housing, Neighborhood Services & Redevelopment policy committee. There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Jessica Prosser

Agenda Item Initiator Name

Jul 7, 2022

Agenda Item Initiator Signature

Date

Roberto Venegas

Late Submission Approver Name

Roberto Venegas (Jul 8, 2022 12:48 MDT)

Jul 8, 2022

Late Submission Approver Signature

Date



Private Activity Bond Assignment (PAB) and Summer 2022 Community Development Investment (CDI) Round

Alicia Montoya
Housing and Community Development Manager
July 18, 2022 – Study Session

OVERALL OBJECTIVE

1. Update on Winter CDI Round/Notice of Funds Opportunity (NOFO)
2. PAB Assignment to Aurora Housing Authority
3. Update on CDI – Summer 2022 Round

PAB Basics

A Private Activity Bond (PAB) is a special class of tax-exempt bond that benefits private non-governmental borrowers that can be issued by states, local governments or housing authorities. These “state or local issuers” are bound by very specific restrictions as to the use of the bonds and the compliance requirements related to those bonds. The benefit of the PABs is that the interest paid to the bondholders is exempt from Federal income tax, which generally results in a lower borrowing cost for the eligible project or a lower interest rate mortgage in the case of single-family bonds. A population-based formula establishes the maximum amount of PAB that a state can issue annually, which amount is referred to as “cap” or “volume cap.”

Eligible Uses for PABs

- Affordable multifamily housing including new construction or acquisition and rehabilitation for low- and moderate-income individuals and families.
- Single Family Mortgage Revenue Bonds (SFMRBs) used to finance the purchase of mortgages made to income-qualified first-time homebuyers.
- Mortgage Credit Certificates (MCCs), a financing enhancement for income eligible first-time homebuyers (can't be combined with SFMRB financing).
- Industrial Development Bonds for smaller manufacturing projects (less than \$10 million) that produce any type of goods.
- Qualified Redevelopment Bonds used to acquire and redevelop blighted areas (typically not used in Colorado).
- Solid Waste Disposal Bonds used to finance certain disposal facilities utilizing certain waste disposal processes.

Background Information

In the most recent round of CDI/NOFA commitments were presented and approved at the May 9, 2022, regular City Council Meeting. During that presentation, a total of \$21,000,000.00 out of the total \$21,387,505.00 assigned to the City of Aurora in Private Activity Bond (PAB) fund were approved and assigned to the following projects:

Project Name	HOME	PAB	ARPA	CDBG	AMI Target	Total Units
Emporia Duplex Project	\$640,000.00	\$0	\$0		80%	12
Potomac Campus - Permanent Supportive Housing			\$1M		30%	60
Fitzsimons Gateway Apartments	\$1M	\$11M			30-70%	210
Elevate Aurora	\$1M		\$500,000.00		30-70%	131
Aurora Metro Center Station Senior Housing	\$960,000.00K	\$5M			30-80%	222
Residences at Willow Park				\$800,000.00	30%	72
Weatherstone Apartments		\$5M			60%	204
Totals	\$3.6M	\$21M	\$1.5M	\$800,000.00		911

Summer 2022 CDI Round

1. Summer 2022 CDI Round Live Now
2. Communications
 - Press Release
 - Newspaper
 - Website
3. Amounts
 - CDBG - \$300k
 - HOME - \$1M
 - ARPA - \$2M
4. Deadline to Apply
 - July 8, 2022





CITY OF AURORA

Council Agenda Commentary

Item Title: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING STAFF TO USE FUNDS ALLOCATED TO THE CITY UNDER THE AMERICAN RESCUE ACT TO ASSIST FOOD AND BEVERAGE OUTLETS WITHIN THE CITY AND OTHER RELATED MATTERS

Item Initiator: Andrea Amonick, Development Services Manager, Department of Planning & Development Services

Staff Source: Andrea Amonick, Development Services Manager, Department of Planning & Development Services

Outside Speaker: N/A

Council Goal: 2012: 5.7--Develop and maintain an aggressive retail retention and expansion strategy

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING STAFF TO USE FUNDS ALLOCATED TO THE CITY UNDER THE AMERICAN RESCUE ACT TO ASSIST FOOD AND BEVERAGE OUTLETS WITHIN THE CITY AND OTHER RELATED MATTERS

Andrea Amonick, Development Services Manager/Rachel Allen, Client Manager

Estimated Time: 10 mins

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

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

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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.)

At the December 13, 2021, study session the Aurora City Council authorized funding under the American Rescue Plan Act to various programs throughout the City. On April 18, 2022, the "restaurant program" was approved by Council to assist food and beverage operations, with the provision that the program criteria would be reviewed at a future Study Session.

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

The attached resolution sets out the policy criteria and approval process by which staff will assist food and beverage outlets across the city with renovations of existing vacant store fronts for new food and beverage uses.

QUESTIONS FOR COUNCIL

Does the Aurora City Council concur with the attached policy resolution?

LEGAL COMMENTS

Pub. Law 117-2, Subtitle M, Sec. 9901 (The American Rescue Plan Act or "ARPA") allocated money to local governments for various purposes. The Aurora City Council has discretion to utilize this funding for the purpose described in this Resolution. (Allen)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: The program will pay a portion of building renovations to allow for the future use of existing spaces.

PRIVATE FISCAL IMPACT

☐ Not Applicable ☒ Significant ☐ Nominal

If Significant or Nominal, explain: The program will leverage private investments of both owners and tenants to reuse existing spaces for food and/or beverage outlets.

RESOLUTION NO. R2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AUTHORIZING STAFF TO USE FUNDS ALLOCATED TO THE
CITY UNDER THE AMERICAN RESCUE ACT TO ASSIST FOOD AND
BEVERAGE OUTLETS WITHIN THE CITY AND OTHER RELATED
MATTERS

WHEREAS, In Pub. Law. 117-2, Subtitle M, Sec. 9901, The American Rescue Act (“ARPA”) the US Congress allocated money to local government for various purposes; and the Department of the Treasury issued Rule 2021-10283 discussing several examples of lawfully permitted uses of the funds allocated by the US Congress; and

WHEREAS, the City of Aurora (the “City”) has received funds under ARPA and the City Council (the “Council”) recognizes that helping local organizations and businesses working within the City is beneficial to the health, safety and welfare of the people in the City; and

WHEREAS, the City and its businesses have been deeply impacted by the COVID-19 Coronavirus Pandemic and multiple food and beverage businesses in particular, have been affected economically by this; and

WHEREAS, the City has agreed to provide the funds to assist in the recuperation of such businesses by using ARPA funds for the revitalization of food and beverage establishments across the City that provide food and/or beverage services for the citizens of Aurora; and

WHEREAS, the City finds and determines that it is in the best interests of its citizens to provide the funds needed through grant agreements with local food and beverage outlets.

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

Section 1. The City Council has allocated two-million dollars (\$2,000,000.00) to aid local food and beverage outlets across the City with awards up to three-hundred thousand dollars (\$300,000.00) per business to overcome the impact of the COVID-19 Pandemic. The City Council hereby directs staff to spend the monies already allocated in the repair and refurbishment of local food and beverage establishments.

Section 2. As directed by Council, the City Staff has developed the following program criteria consistent with this Resolution, to affect the will of the City Council. Project criteria will include:

- a. Participation in the project by the property owner, the business operator and the City in approximately equal amounts, except that the City’s participation shall be capped at \$300,000 per business;
- b. Eligible properties will be located in the City of Aurora, Colorado, have been previously vacant and will have some existing infrastructure to allow for a food and beverage tenant; and
- c. Establishments assisted with this program shall be spread across the City.

City Council will review individual awards of grant agreements as consent agenda items at Study Session and Council Meeting if it meets the program criteria.

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

RESOLVED AND PASSED this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



RACHEL ALLEN, Client Group Manager



CITY OF AURORA

Council Agenda Commentary

Item Title: Amended IGA for VSPC and Ballot Drop Box Locations
Item Initiator: Kadee Rodriguez, City Clerk
Staff Source/Legal Source: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ARAPAHOE COUNTY AND THE CITY OF AURORA, AMENDING THE STANDING IGA BETWEEN THE PARTIES PERTAINING TO APPROVED VSPC'S FOR THE NOVEMBER 9, 2022 GENERAL ELECTION

Sponsor: Angela Lawson, Council Member

Staff: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

Estimated time: 10 minutes

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☒ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Federal, State & Intergovernmental Relations

Policy Committee Date: 6/17/2022

Action Taken/Follow-up: (Check all that apply)

There was not a quorum present during the FSIR Committee meeting. Council Member Lawson requested to move this item forward using her prerogative as a Council Member.

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.)

In May 2020, the City of Aurora approved an IGA with Arapahoe County for the operation of Voter Service & Polling Centers (VSPC) and drop box locations. The IGA granted Arapahoe County the use and occupancy of certain city-owned facilities for the 2020, 2021, and 2022 elections.

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

Arapahoe County is being required to add 3 new vote centers in November 2022 for a total of 32 (compared to 29 in November 2020), due to growth in voter counts. They also need to replace a gap in geographic coverage due to previously used VSPC locations being unavailable this year. Arapahoe County is requesting to include three locations to the existing IGA for the November 2022 General Election. The site visits and ADA inspections have been completed by Arapahoe County for each facility.

QUESTIONS FOR COUNCIL

Does Council support amending the existing IGA with Arapahoe County for VSPC and ballot box locations?

LEGAL COMMENTS

City Council is authorized by Article 10-12 of the City Charter, Section 2-31 of the City Code, and Colorado Revised Statutes Section 29-1-203, to enter into intergovernmental agreements upon adoption of a Resolution. (Lathers).

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



TO: FSIR Policy Committee

FROM: Kadee Rodriguez, City Clerk

MEETING DATE: June 17, 2022

RE: Amended IGA for VSPC Use and Ballot Drop Box Installation

History

In May 2020, the City of Aurora approved an IGA with Arapahoe County for the operation of Voter Service & Polling Centers (VSPC) and drop box locations. The IGA granted Arapahoe County the use and occupancy of certain city-owned facilities for the 2020, 2021, and 2022 elections.

Item Summary

Arapahoe County is being required to add 3 new vote centers in November 2022 for a total of 32 (compared to 29 in November 2020), due to growth in voter counts. They also need to replace a gap in geographic coverage due to previously used VSPC locations being unavailable this year.

Arapahoe County is requesting to include the following three locations to the existing IGA for the November 2022 General Election. The site visits and ADA inspections have been completed by Arapahoe County for each facility. The amended IGA will be provided to the city for approval in early July.

Location	Dates
Beck Recreation Center	November 2 nd - November 9 th
Aurora Center for Active Adults	November 2 nd – November 9 th
Murphy Creek Golf Course	November 5 th – November 9 th

CRS Excerpts Regarding VSPC Placement:

1-5-102.9 (c) (I) In designating voter service and polling center locations pursuant to this subsection:

1. Each county clerk and recorder shall consider the following factors to address the needs of the county:
 - a. Proximity to public transportation lines and availability of parking;
 - b. Geographic features, such as mountain passes, that tend to affect access and convenience;
 - c. Equitable distribution across the county so as to afford maximally convenient options for electors;
 - d. The existence and location of population centers;
 - e. Access for persons with disabilities;
 - f. Use of existing voting locations that typically serve a significant number of electors;
 - g. Use of public buildings that are known to electors in the county, especially to the extent that using such buildings results in cost savings compared to other potential locations;
 - h. When private locations are considered or designated as voter service and polling centers in accordance with section 1-5-105 (3), methods and standards to ensure the security of voting conducted at such locations;
 - i. Proximity to historically under-represented communities;
 - j. If a proposed location was used in a previous election, the number of electors that used the location in the previous election and the recorded wait times at the location, or the number of electors and recorded wait times at nearby locations; and
 - k. The need to place voter service and polling centers in population centers that had lower voter turnout in previous elections.

1-5-102.9(c)(I.5) A county clerk and recorder who requests the use of a public building that receives funding from government sources to designate as a voter service and polling center or drop box site shall be given priority over other uses of the building. The appropriate authority for the building may charge the clerk and recorder a reasonable rental fee not to exceed the usual rental rate for the building.

1-5-105(3) The polling locations or drop-off locations shall be in public locations wherever possible. A private location may be used only when no appropriate public location is available.

**INTERGOVERNMENTAL AGREEMENT
FOR VSPC USE AND BALLOT DROP BOX INSTALLATION**

THIS INTERGOVERNMENTAL AGREEMENT is made this 1st day of May, 2020 by and among the **BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO** (the "County"), for the use and benefit of the **ELECTIONS DIVISION OF THE CLERK AND RECORDER'S OFFICE**, and **CITY OF AURORA** (the "Jurisdiction"). Collectively the County and the Jurisdiction are referred to as the "Parties."

WHEREAS, pursuant to the Colorado Uniform Election Code of 1992, the County conducts election activities throughout Arapahoe County and governmental entities are encouraged to cooperate for the conduct of elections in order to reduce taxpayer expenses; and

WHEREAS, the County is statutorily required to operate a certain number of Voter Service and Polling Centers ("VSPC") and to have such VSPCs open for specified dates and times during every election; and

WHEREAS, in designating a VSPC, the county clerk and recorder shall take into account the factors described under COLO. REV. STAT. § 1-5-102.9(1)(c)(I), and the use of a public building as a VSPC location shall be given priority over other uses of the building; and

WHEREAS, the County and the Jurisdiction have met and discussed the establishing and operation of VSPCs at various locations on property owned or controlled by the Jurisdiction; and

WHEREAS, the County is statutorily required to install and maintain a certain number of election ballot drop boxes;

WHEREAS, pursuant to Colorado law, a drop box is defined as a secure receptacle established to receive mail ballots twenty-four hours a day, all drop box locations must be monitored by a video security surveillance recording system and the video security surveillance must be retained by the county clerk for a certain period of time after each election, and the video security surveillance of the drop box is an open record and may be subject to disclosure pursuant to the Colorado Open Records Act; and

WHEREAS, the County will provide, install and maintain each drop box and video security surveillance recording system; and

WHEREAS, the County and the Jurisdiction have met and discussed the location for installation of a drop box and video security surveillance recording system at various locations on property owned or controlled by the Jurisdiction; and

WHEREAS, the Jurisdiction desires to cooperate with the County for these purposes and such agreements are authorized by State law; and

NOW, THEREFORE, for and in consideration of the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

VOTER SERVICE AND POLLING CENTERS

1. **VSPC SITES.** The Jurisdiction grants to the County the use and occupancy of certain areas in the following locations for use as a VSPC. The County will also be allowed to use all improvements and common areas of each location that are made available on a non-exclusive basis for the general use of the public and tenants, their employees, agents and invitees.

- a. Aurora Municipal Center, 15151 E Alameda Pwky., Aurora 80012
- b. Central Recreation Center, 18150 E. Vassar Pl., Aurora 80013
- c. Martin Luther King, Jr. Library, 9898 E. Colfax Ave., Aurora 80010
- d. Mission Viejo Library, 15324 E Hampden Cir., Aurora 80013
- e. Tallyn's Reach Library, 23911 E Arapahoe Rd., Aurora 80016

2. **ELECTION TERMS AND ACCESS.** The County will have access to and use of the VSPC sites each day for the dates and hours listed below. The Parties agree that the VSPCs will be open to the public for the days and hours required by the Colorado Uniform Election Code for each election, and recognize that the VSPC hours of operation may be different than when the building is otherwise open to the public. The public will be allowed access to the VSPC during the required statutory hours of operation, even if the building is otherwise closed to the public.

The Parties may agree to renew and extend this Agreement for use of the VSPC sites for other future elections, which renewal(s) shall be indicated in writing and executed by both parties.

a. 2020 Primary Election Term (June 30, 2020 Election Day)

- County access: June 17, 2020—July 1, 2020, to be accessible by the County from 7 a.m. to 9 p.m. each day.
- VSPC hours of operation: June 22-30, 2020. Mon. – Fri.: 9 a.m. – 5 p.m.; Sat. June 27: 9 a.m. – 1 p.m.; Tues. June 30: 7 a.m. – 7 p.m.

b. 2020 General Election Term (November 3, 2020 Election Day)

- County access: October 14 - November 4, 2020, to be accessible by the County from 7 a.m. to 9 p.m. each day. These dates may vary based on the phased opening of VSPCs.
- VSPC hours of operation: October 19 – November 3, 2020. Mon. – Fri. and second Sat.: 8 a.m. – 5 p.m.; Tues. Nov. 3, 2020: 7 a.m. – 7 p.m. These dates may vary based on the phased opening of VSPCs.

c. 2021 Coordinated Election Term (November 2, 2021 Election Day)

- County access: October 20, 2021—November 3, 2021, to be accessible by the County from 7 a.m. to 9 p.m. each day.

- VSPC hours of operation: October 25 – November 2, 2021. Mon. – Fri.: 9 a.m. – 5 p.m.; Sat. Oct. 30: 9 a.m. – 1 p.m.; Tues. Nov. 2: 7 a.m. – 7 p.m.

d. 2022 Primary Election Term (June 28, 2022 Election Day)

- County access: June 15 – 29, 2022, to be accessible by the County from 7 a.m. to 9 p.m. each day.
- VSPC hours of operation: June 20 – 28, 2022. Mon. – Fri.: 9 a.m. – 5 p.m.; Sat. June 25: 9 a.m. – 1 p.m.; Tues. June 28: 7 a.m. – 7 p.m.

e. 2022 General Election Term (November 8, 2022 Election Day)

- County access: October 19, 2022—November 9, 2022, to be accessible by the County from 7 a.m. to 9 p.m. each day. These dates may vary based on the phased opening of VSPCs.
- VSPC hours of operation: October 24 – November 8, 2022. Mon. – Fri. and second Sat.: 8 a.m. – 5 p.m.; Tues. Nov. 8, 2022: 7 a.m. – 7 p.m. These dates may vary based on the phased opening of VSPCs.

3. **VSPC SCHEDULE.** The Parties understand and agree that the use of each VSPC is election dependent and that not all of the VSPC sites may be utilized each election. The Parties agree to the following schedule:

VSPC Site	2020 Primary	2020 General	2021 Coordinated	2022 Primary	2022 General
Aurora Municipal Center		X			X
Central Rec Center		X			X
MLK Jr. Library	X	X	X	X	X
Mission Viejo Library		X			X
Tallyn's Reach Library		X			X

4. **CONSIDERATION.** It is understood and agreed that the consideration provided in this agreement is non-monetary except for the allocation of costs as described herein.

5. **USE.** The County shall use each site as a voter service and polling center to conduct elections. The County shall not commit any waste or damage upon the VSPC site or any nuisance. The County shall keep the VSPC site free and clear from all waste resulting from its use or the use of its employees, officers, agents, invitees and visitors of the VSPC. The County agrees it will not unreasonably interfere with the use of the building for other regular operations or uses.

6. **AUTHORITY TO GRANT USE.** The Jurisdiction warrants and represents it is the lawful owner or lessee of the VSPC site and has the authority to grant the use contemplated by this Agreement.

7. **SERVICES FURNISHED BY JURISDICTION.** The Jurisdiction will furnish the building and the VSPC site and any and all services necessary to serve the VSPC, including the following:

- heating or cooling;
- electricity with sufficient power to operate the County's election equipment;
- internet service with sufficient bandwidth to support the County's election equipment through wired connection to the Jurisdiction's publicly available internet service network, and the Jurisdiction's IT staff will work with the County's IT staff to ensure that any special configurations are made to allow open internet communication to support this service;
- telephone outlets currently existing in the VSPC site;
- light fixtures present in the VSPC site and replacement of fluorescent tubes and light bulbs as required from time to time;
- customary janitorial services;
- access to parking facilities;
- removal of ice, snow and debris in the common areas and the parking facility; and
- any other customarily supplied utilities, maintenance, security, and building operation services.

8. **OBLIGATIONS OF THE COUNTY.** The County agrees to reimburse the Jurisdiction for staff and employee overtime incurred during the Election Term as a direct result of ensuring the VSPC site is open and available as provided herein. The Jurisdiction shall provide an accounting of resulting overtime to the County within 30 days of the holding of the subject Election. The County shall remit payment within 30 days of receipt of such accounting. It is expressly understood and agreed that the total amount to be paid by the County for reimbursement of Jurisdiction staff overtime shall not exceed \$1,500 for the Election Term, will extend only to monies appropriated for this purpose, and is not intended to create a multi-year debt or financial obligation of the County.

9. **VSPC SITE ACCESSIBILITY.** The VSPC site shall be maintained during each Election Term by the Jurisdiction in compliance with its building guidelines and the Americans with Disabilities Act ("ADA") concerning building accessibility for physically challenged citizens.

10. **PARKING.** During each Election Term of this Agreement, the Jurisdiction shall make available to the County the use of available parking spaces serving the VSPC site.

11. **SIGNAGE.** The County may install temporary signage in or on the VSPC site and the building where it is located concerning the conduct of the elections during each Election Term. All such signage will be removed at the termination of each Election Term.

12. **ALTERATIONS.** Because the site will be used as a voter service and polling center, the County may install additional electrical and/or telephone/internet wiring, cabling, or other hardware as necessary in order to operate and maintain the County's election equipment. Any such alterations will be discussed with the Jurisdiction in advance and require Jurisdiction approval in writing. The Jurisdiction acknowledges that such installation may result in a permanent alteration in and improvement to the VSPC site. Any costs associated with alteration shall be paid by the County. Any alteration work shall be supervised by the Jurisdiction staff to ensure any alterations do not impact Jurisdiction facilities, operation or equipment.

13. **ENTRY BY THE JURISDICTION.** The County shall permit representatives of the Jurisdiction to enter into and upon the VSPC site at all reasonable hours to inspect the same, and make any repairs deemed necessary by the Jurisdiction.

14. **SURRENDER OF POSSESSION.** The County agrees to surrender possession of the VSPC site to the Jurisdiction at the termination of each Election Term in as good condition and repair as when the County obtained the site, except for any and all alterations or improvements authorized by Jurisdiction or any damage caused by the elements (occurring without the fault of the County or other persons permitted by the County to occupy or enter the VSPC site).

15. **LOSS OR DAMAGE.** The County agrees to promptly remedy any damage to the VSPC site, at its expense, resulting from the County's use of the property under this Agreement and that was caused by the County and its employees, officers, agents or invitees. The County shall not be liable or responsible for any loss or damage to the building or VSPC site when such loss or damage is caused by "force majeure." "Force majeure" means acts of God, acts of the public enemy, unusually severe weather, fire, floods, epidemics, quarantines, strikes, or labor disputes.

16. **SUBSTITUTION OF SPACE.** In the event the VSPC site is not available for use as contemplated by this Agreement for any reason beyond the reasonable control of the Parties including, without limitation, damage or ongoing construction related to acts of nature, fire, flood, work stoppages, protests or other similar events, the Jurisdiction shall promptly notify the County and provide substitute space for use by the County. In the event such substituted space is not available or not acceptable to the County, the subject VSPC site will not be available for use that Election Term.

BALLOT DROP BOXES

17. **DROP BOX SITES.** The Jurisdiction hereby grants to the County a revocable non-exclusive license to use, in common with other licensees and the Jurisdiction, certain areas in the following locations to install and maintain an election ballot drop box and video security surveillance recording system.

- a. Aurora Center for Active Adults (Del Mar Park), 30 Del Mar Cir., Aurora 80011
- b. Aurora Municipal Center, 15151 E Alameda Pwky., Aurora 80012
- c. Beck Recreation Center, 800 Telluride St., Aurora 80012
- d. Central Recreation Center, 18150 E. Vassar Pl., Aurora 80013
- e. Martin Luther King, Jr. Library, 9898 E. Colfax Ave., Aurora 80010
- f. Mission Viejo Library, 15324 E Hampden Cir., Aurora 80013
- g. Tallyn's Reach Library, 23911 E Arapahoe Rd., Aurora 80016
- h. Utah Indoor Pool, 1800 S. Peoria St., Aurora 80012

18. **DESCRIPTION OF IMPROVEMENTS.** The County will install a ballot drop box and a video security surveillance recording system (the "Improvements"). The drop box may also include installing a cement pad to affix the box onto. The County will install a video security surveillance recording system that includes a camera (2 megapixel IP or better) and a recording system that allows for continuous recording during use of the mail ballot drop box. The video security surveillance recording system shall remain in place, functional and connected to a video recording system pursuant to Colorado law. The County will be responsible for obtaining and retaining the video data.

19. **FUNDING OF IMPROVEMENTS.** The County will fund the entire costs for obtaining, installing and maintaining the drop box and video security surveillance recording system.

20. **OWNERSHIP.** The County retains ownership of the drop box, video security surveillance recording system, and video footage. The Jurisdiction retains ownership of the property where each drop box is to be located.

21. **MAINTENANCE.**

A. At all times pertinent to this Agreement, the Jurisdiction shall, at the Jurisdiction's expense, maintain the property where each drop box is located in good repair, including removal of ice, snow and debris in the drop box area and any walkway to and from parking.

B. Following installation, the County shall at all times maintain the drop box and video security surveillance recording system in good repair.

22. **ACCESS.** The County, its agents and contractors shall have the right of ingress and egress in, to, through, over, and across the property where a drop box is located for any purpose necessary and at any and all times necessary or convenient for access and maintenance of the drop box and video security surveillance recording system.

23. **DAMAGE TO PREMISES.** The County shall be responsible for repair/replacement of Jurisdiction property damaged by the County related to the installation and maintenance of the drop box and video security surveillance recording system.

MISCELLANEOUS

24. **NOTICES.** Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that an email or fax was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To County: Joan Lopez
Arapahoe County Clerk and Recorder's Office
Elections Division
5334 S. Prince St.
Littleton, Colorado 80120
Fax: (303) 794-4625
Email: jlopez@arapahoegov.com; elections@arapahoegov.com

To Jurisdiction: Stephen Ruger
City of Aurora
City Clerk and Designated Election Official
15151 E. Alameda Parkway
Aurora, Colorado 80012
Email: sruger@auroragov.org

25. **TERMINATION.** This Agreement may be terminated by either Party at any time by providing written notice to the other of the termination, provided the Jurisdiction shall not terminate the Agreement within 90 days of the start of any Election Term described herein. This 90-day window shall not apply to terminations resulting from the inability to provide substitute premises for a VSPC under Section 16 of the Agreement.

26. **AMENDMENTS.** This Agreement may be amended only in writing, and following the same formality as the execution of the initial Agreement.

27. **INTEGRATION.** The Parties acknowledge that this Agreement constitutes the sole and entire Agreement between them relating to the subject matter hereof and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of that Party.

28. **CONFLICT OF LAW.** In the event that any provision in this Agreement conflicts with the Colorado Uniform Election Code or other statute, this Agreement shall be modified to conform to such law.

29. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** The Parties understand and agree that both Parties and their officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities, protections or defenses provided by the Colorado Governmental Immunity Act (the "CGIA"), §§ 24-10-101 to 120, C.R.S., or otherwise available to the County or the Jurisdiction. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the Jurisdiction and the County agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

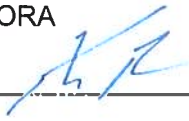
30. **NO THIRD PARTY BENEFICIARIES.** The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the County and the Jurisdiction, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement.

31. **GOVERNING LAW: JURISDICTION AND VENUE.** Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado. Venue for any and all legal actions arising under this IGA shall lie in the District Court in and for the County of Arapahoe, State of Colorado.

32. **SEVERABILITY.** Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Intergovernmental Agreement for VSPC Use and Ballot Drop Box Installation to be executed by their duly authorized representatives.

CITY OF AURORA

By:  _____

Name: Stephen J. Ruger

Title: City Clerk

Date: July 7, 2020

ARAPAHOE COUNTY, COLORADO

By:  _____

Name: Joan Lopez

Title: Clerk and Recorder

Date: 7-13-20

**AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT BETWEEN
CITY OF AURORA AND ARAPAHOE COUNTY**

THIS AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made this _____ day of _____, 2022 by and among the **BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO** (the “County”), for the use and benefit of the **ELECTIONS DIVISION OF THE CLERK AND RECORDER’S OFFICE**, and **CITY OF AURORA** (the “Jurisdiction”) (together referred to as the “Parties”).

WHEREAS, the Parties entered into the Agreement for Voter Service and Polling Center Use (VSPC) and Ballot Drop Box Installation on September 21, 2020; and

WHEREAS, the Parties desire to amend the Agreement to add additional VSPC locations for the November 2022 General Election and designated the phased opening of each VSPC location.

NOW, THEREFORE, the Parties agree to the following:

1. Paragraph 1 of the Agreement, VSPC Sites, is amended to add the following language:

- f. Aurora Center for Active Adults, 30 Del Mar Circle, Aurora 80011
- g. Beck Recreation Center, 800 Telluride St., Aurora 80011
- h. Murphy Creek Golf Course, 1700 S. Old Tom Morris Rd., Aurora 80018

2. Paragraph 2 of the Agreement, Election Terms and Access, is amended to add the following language:

2022 General Election Term (November 8, 2022 Election Day)

- Phase 1: County access: October 19, 2022—November 9, 2022, to be accessible by the County from 7 a.m. to 9 p.m. each day.
- Phase 2: County access: November 1, 2022—November 9, 2022, to be accessible by the County from 7 a.m. to 9 p.m. each day.
- Phase 3: County access: November 1, 2022—November 9, 2022, to be accessible by the County from 7 a.m. to 9 p.m. each day.

3. Paragraph 3 of the Agreement, VSPC Schedule, is amended to add the following language:

	VSPC Sites for Nov 2022 General Election	Phase 1	Phase 2	Phase 3
1.	Central Recreation Center	X		
2.	Tallyn’s Reach Library	X		
3.	Aurora Center for Active Adults		X	
4.	Aurora Municipal Center		X	
5.	Beck Recreation Center		X	

6.	MLK Jr. Library		X	
7.	Mission Viejo Library		X	
8.	Murphy Creek Golf Course			X

4. **LIMIT OF EFFECT AND ORDER OF PRECEDENCE.** This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement if any, remain in full force and effect except as specifically modified in this Amendment. In the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control.

CITY OF AURORA

By: _____

Name: Kadee Rodriguez

Title: City Clerk

Date: _____

ARAPAHOE COUNTY, COLORADO

By: _____

Name: Joan Lopez

Title: Clerk and Recorder

Date: _____

RESOLUTION NO. ____ _

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ARAPAHOE COUNTY AND THE CITY OF AURORA, AMENDING THE STANDING IGA BETWEEN THE PARTIES PERTAINING TO APPROVED VSPC'S FOR THE NOVEMBER 9, 2022 GENERAL ELECTION

WHEREAS, pursuant to the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, C.R.S.) governmental entities are encouraged to cooperate and consolidate elections in order to reduce taxpayer expenses; and

WHEREAS, the City of Aurora, Colorado (the "City"), and Arapahoe County, Colorado (the "County"), wish to enter into an agreement setting forth the respective responsibilities of the City and the County regarding the approved VSPC's for the November 9, 2022, general election; and

WHEREAS, the City Council of the City finds and determines that such agreement is in the best interests of the City and its citizens; and

WHEREAS, the City Council is authorized by City Charter Article 10-12, City Code Section 2-31, and Colorado Revised Statutes Section 29-1-203, to enter into intergovernmental agreements upon adoption of a Resolution;

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

Section 1. The Intergovernmental Agreement between the City of Aurora, Colorado, and Arapahoe County, Colorado, for the list of approved VSPC's for the general election to be held November 9, 2022 is hereby amended and approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver said Intergovernmental 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 this Resolution.

Section 3. All Resolutions or parts of Resolutions of the City of Aurora, Colorado, in conflict herewith are hereby rescinded.

Section 4. This Resolution shall take effect immediately without reconsideration.

RESOLVED AND PASSED this ____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk and Designated Election Official

APPROVED AS TO FORM:

DAVE LATHERS, Senior Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Southeast Recreation Center and Fieldhouse Dedication Plaque (Resolution)
Item Initiator: Joe Sack, Recreation Services Manager
Staff Source/Legal Source: Joe Sack, Recreation Services Manager/ Tim Joyce, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

Joe Sack, Recreation Services Manager/ Tim Joyce, Assistant City Attorney
Estimated Time: 15 Mins

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☒ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |

☐ Minutes Attached

☐ Minutes Not Available

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.)*

According to Administrative Policy Memorandum 4.8, Dedication Plaques, the Parks, Recreation and Open Space Division is seeking approval for a dedication plaque for the Southeast Recreation Center and Fieldhouse.

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

Staff is seeking approval of the for Southeast Recreation Center and Fieldhouse dedication plaque. The purpose of the plaque is to give recognition to the past and present public servants responsible for the creation of the Southeast Recreation Center and Fieldhouse so present and future generations can recognize their service to the City in making this project possible.

The public servants listed on the plaque have been verified according to policy by the Director of Communication and Marketing and the City Clerk.

Staff requests approval to move item to City Council meeting for final approval.

QUESTIONS FOR COUNCIL

Does Council wish to support this item?

LEGAL COMMENTS

The City shall mark the dedication of public facilities with a permanent dedication plaque containing the names of elected officials and staff responsible for the project. (Resolution R92-07) All dedication plaques will be reviewed by the Director of Communications and all contents verified with the City Clerk. The City Council and City Manager shall approve the contents of the plaque. (Administrative Policy Memorandum 4.8) The City has the powers that are necessary, requisite, or proper for the government and administration of its local and municipal matters. (City Charter, art. I, sec. 1-3). Council shall act by ordinance, resolution, or motion. (City Charter, art. V, sec. 5-1). (TJoyce)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: The cost for the plaque is estimated at \$2,236 and is budgeted in the construction budget of the Southeast Recreation Center and Fieldhouse.

PRIVATE FISCAL IMPACT

☐ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2022- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF THE SOUTHEAST RECREATION CENTER AND FIELDHOUSE DEDICATION PLAQUE

WHEREAS, the City of Aurora, Colorado ("City") has constructed the Southeast Recreation Center and Fieldhouse; and

WHEREAS, the City desires to mark the dedication of the Southeast Recreation Center and Fieldhouse with a permanent dedication plaque: and

WHEREAS, the purpose of the plaque is to give recognition to the past and present public servants responsible for the creation of the Southeast Recreation Center and Fieldhouse so present and future generations can recognize their service to the City in making this project possible.

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

The Aurora City Council resolves is approval of the dedication plaque for the Southeast Recreation Center and Field House.

RESOLVED AND PASSED this ____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



Tim Joyce, Assistant City Attorney



1891 - 1991

JOHN L. PAZOUR

City Manager
1470 South Havana Street
Aurora, Colorado 80012
303-695-7019

ADMINISTRATIVE POLICY MEMORANDUM 4.8

Page 1 of 2

Date: **January 21, 1992**

Subject: **DEDICATION PLAQUES**

I. POLICY:

To outline responsibilities and procedures relating to dedication plaques.

II. SCOPE:

This Administrative Policy applies to all departments and will serve as a policy in preparing and ordering dedication plaques for City facilities according to Council Resolution 92-07.

III. RESPONSIBILITIES:

A. Department Directors:

The appropriate Department Director will be responsible for ordering and preparing the wording on dedication plaques, locating where the plaque is to be positioned, and take all actions necessary to obtain approvals and order the plaque in time for the dedication ceremony.

B. Management Review:

All dedication plaques will be reviewed by the Director of Communications, and all contents verified with the City Clerk. The City Council and City Manager shall approve the contents prior to an order being placed.

IV. CONTENTS OF DEDICATION PLAQUES:

- A. Elected officials, to include those in office when the project was approved in the budget, through the Mayor and City Council in office at the time of the project's completion, shall be listed on the plaque.
- B. City Manager(s) serving the City during the time period, stated above, shall also be listed on the plaque.
- C. Council appointees, directors, construction firms, or other staff members may be identified on the plaque, as designated and approved by Council. (Normally, on construction projects, the contractor, engineer and architect firms are listed on the plaque.)
- D. The listing shall list first the Mayor or Mayors in chronological order with their years of service during the above stated time period; second all City Council Members listed alphabetically, during the above stated time period; third, City Manager(s) listed in chronological order serving during said time period; fourth, appropriate Council appointees listed alphabetically; fifth, approved staff members alphabetically; and sixth, construction, engineer and architect firms.

V. APPROVAL:

EFFECTIVE DATE:


John Pazour, City Manager1/22/92

Mayors	
Bob LeGare	2018 - 2019 (At-Large CM 2015-2019)
Mike Coffman	2019 - 2023
City Council Members	
Francoise Bergan	2015 - 2023
Marsha Berzins	2013 - 2021
Alison Coombs	2019 - 2023
Curtis Gardner	2019 - 2023
Dave Gruber	2017-2021
Allison Hiltz	2017 - 2021
Nicole Johnston	2017 - 2021
Danielle Jurinski	2021 - 2025
Angela Lawson	2015 - 2023
Juan Marcano	2019 - 2023
Ruben Medina	2021 - 2025
Crystal Murillo	2017 - 2025
Charlie Richardson	2015 - 2019
Bob Roth	2011 - 2019
Steve Sundberg	2021 - 2025
Johnny Watson	2018-2019
Dustin Zvonek	2021 - 2025
City Manager	
Jim Twombly	2018 - Present
Deputy City Managers	
Jason Batchelor	2008 – Present
Nancy Freed	1994 - 2021
Laura Perry	2021 - Present
Roberto Venegas	2012 - Present
Michelle Wolfe	2008 -2018
Directors	
Tom Barrett	1989 - 2019
Brooke Bell	1999 – 2006 and 2016 -Present
Project Managers	
Kelli Arnold	2021- Present
John Perkins	2016 - Present

**SOUTHEAST RECREATION CENTER
AND FIELDHOUSE**

JANUARY 2023

MAYORS

**BOB LEGARE
MIKE COFFMAN**

CITY COUNCIL MEMBERS

FRANÇOISE BERGAN	MARSHA BERZINS
ALISON COOMBS	CURTIS GARDNER
DAVE GRUBER	ALLISON HILTZ
NICOLE JOHNSTON	DANELLE JURINSKY
ANGELA LAWSON	JUAN MARCANO
RUBEN MEDINA	CRYSTAL MURILLO
CHARLIE RICHARDSON	BOB ROTH
STEVE SUNDBERG	JOHNNY WATSON
DUSTIN ZVONEK	

**CITY MANAGER
JIM TWOMBLY**

DEPUTY CITY MANAGERS

**JASON BATCHELOR NANCY FREED LAURA PERRY
ROBERTO VENEGAS MICHELLE WOLFE**

**DIRECTORS OF PARKS, RECREATION & OPEN SPACE
TOM BARRETT BROOKE BELL**

**PROJECT MANAGERS
KELLI ARNOLD JOHN PERKINS**

**CONTRACTOR
SAUNDERS CONSTRUCTION, INC.**

**ARCHITECT
POPULOUS**



CITY OF AURORA

Council Agenda Commentary

Item Title: Kum and Go Convenience Store and Fueling Station Zoning Map Amendment
Item Initiator: Rachid Rabbaa, Planner I
Staff Source/Legal Source: Rachid Rabbaa, Planner I / Daniel L. Money, Senior Assistant City Attorney
Outside Speaker: Michael Drago, Entitlement and Engineering Solutions, Inc.
Council Goal: 2012: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/25/2022

ITEM DETAILS:

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 2.99 ACRES, MORE OR LESS, AT THE SOUTHWEST CORNER OF EAST MISSISSIPPI AVENUE AND SOUTH KENTON WAY FROM MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2) TO MIXED-USE CORRIDOR DISTRICT (MU-C) AND AMENDING THE ZONING MAP ACCORDINGLY (KUM AND GO ZONING MAP AMENDMENT)

Rachid Rabbaa, Planner I / Daniel L. Money, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning and Zoning Commission

Policy Committee Date: 6/22/2022

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| ☒ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 Planning and Zoning Commission heard the applicant's request for a Zoning Map Amendment in a public hearing on June 22, 2022 and voted unanimously (7-0) to recommend approval to City Council. The Planning Commission Meeting Summary is attached (see Exhibit F) and this details the discussion and Planning Commission action on this item.

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

The applicant, Kum & Go LLC. is requesting approval of a Zoning Map Amendment from R-2 District (Medium Density Residential) to MU-C (Mixed Use Corridor District). The zoning map amendment includes the proposed fueling station site and a similarly-sized vacant parcel to the south for future development. The property is located at 10950 E Mississippi Avenue on the southwest corner of E. Mississippi Ave and S. Kenton Way on 1.58 acres and is currently zoned R-2. The subject site is undeveloped and is surrounded by MU-C and POS (Parks and Open Space) zoning to the north, MU-OI (Mixed-Use Office Institutional) to the east, R-4 to the west, and Planned Development Zoning to the south. The proposed site will include a 5,620 square-foot single-story convenience store, and an 8-pump fueling station with a canopy and is within the City Corridor Placetype (Aurora Places). No adjustments are requested or required with the application.

Eighteen (18) registered neighborhood organizations and three (3) adjacent property owners were notified of the application. One comment was received from a community member expressing concern that the applicant is requesting two conditional uses and rezone. A neighborhood meeting was held on January 20, 2022 to discuss the concerns of the resident. Only one person showed up. The person was also heard during the Planning and Zoning Commission hearing, and was satisfied with the application.

QUESTIONS FOR COUNCIL

Does the City Council wish to approve the Zoning Map Amendment from the R-2 District to the MU-C District?

LEGAL COMMENTS

An application for initial zoning, rezoning, and changes to the Zoning Map for individual parcels or small areas shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council, after a public hearing, finds that the following criteria have been met.

(1) The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or

(2) The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:

(a) The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);

(b) The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and

(c) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application. (City Code Sec. 146-5.4.1.C) (Money)

PUBLIC FINANCIAL IMPACT

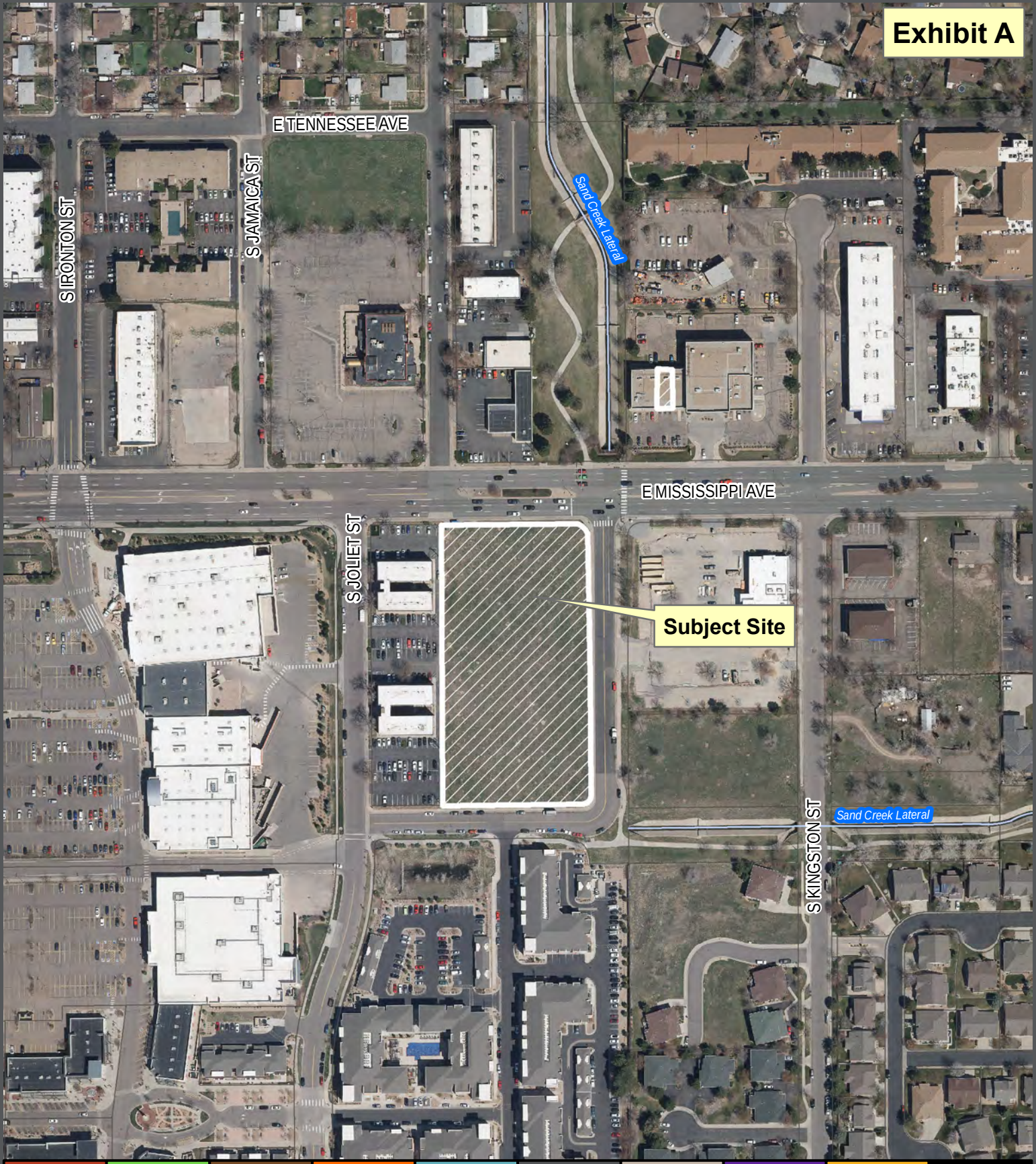
☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



Kum & Go C-Store and Fueling
Two Conditional Uses
Site Plan

Case Number: 20201-6044-00, 2021-6044-01,
2021-6044-02, 2021-2007-00
Development Application: #2278-00



Aurora is
Worth Discovering!



City of Aurora, Colorado

Feet
0 230 460

Planning &
Development Services

15151 E. Alameda Parkway
Aurora CO 80012 USA
AuroraGov.org
303.733.2177
GIS@aurora.gov



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Glendale, CO 80246
www.ees.us.com
303-572-7997

June 13, 2022

Mr. Rachid Rabbaa
Office of Development Assistance
15151 E. Alameda Parkway
Aurora, Colorado 80012

SUBJECT: Public Hearing Letter of Introduction – Block 1, Lot 1, Kum & Go
SWC of E. Mississippi Ave. and S. Kenton Way
Aurora, Colorado 80016
Pre-Application Meeting #1542614

Dear Mr. Rabbaa:

On behalf of Kum & Go, EES is pleased to submit our Site Plan, CUP, Replat, and Rezone application and required documents to your office for consideration as we continue the process of seeking City of Aurora approvals of our intended development. The intent of this project is to develop the 1.58-acre parcel known as Block 1, Lot 1, K&G Subdivision Filing No. 1. The project site was previously an undeveloped lot on the southwest corner of E. Mississippi Ave and S. Kenton Way. This application constitutes the first submittal of the Site Plan, Conditional Use, Replat, and Rezone submittals specific to Block 1, Lot 1 and includes the development of a proposed Kum & Go Gas Station with Convenience Store (3,968 sf – 0.04 FAR) and associated parking, drives and landscaping.

A pre-application meeting held via. conference call due to COVID-19, was held on May 27, 2021, and the feedback from the City of Aurora received by EES June 10th, 2021 was utilized in the development of these documents. Four subsequent reviews have taken place in order to create the plan set prepared for planning commission.

As part of this application, a rezoning from R-2 to MU-C will be required. The rezoning of the property will be required to allow for a gas station and convenience store to be built on the property. The proposed convenience store and fueling canopy abide by all zoning criteria found within section 2.4.3 of the current UDO, more specifically section 3.3.5.OO – Motor Vehicle Fuel Dispensing Station.

As part of this submittal, Conditional Use criteria must be met in order for the fueling station use and 24-hour operation to be approved. For the conditional use of the fueling station and 24-hour use component, the following guidelines are met:

- The application complies with the applicable standards in this UDO, other adopted City regulations (including but not limited to any use-specific standards for the proposed conditional use in Section 146-3.3), any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property;



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- o All standards within the UDO were met in order to prepare the plan set and EES and Kum & Go have worked closely with the city throughout the SDP process to meet all city standards.
- The application is consistent with the Comprehensive Plan;
 - o The proposed development is consistent with the Comprehensive Plan, which designates this property as "City Corridor" fits in with the typical uses of a City Corridor as a commercial/retail and auto-oriented business. The project proposes updated sidewalks, lighting, crosswalks, ADA ramps, and landscaping throughout the entire property to make it easy for pedestrians to navigate the area safely and comfortably. The focus of the City Corridor placetype is commercial activity, which this rezoning will allow for.
- The size, scale, height, density, multi-modal traffic impacts, and hours of operation of the proposed use are compatible with existing and planned uses in the surrounding area;
 - o This use and 24-hour operations will provide a needed service to the surrounding community. The size, scale, height, density, and traffic impacts of the proposed use are compatible with the existing and planned uses.
- The proposed use will not change the predominant character of the surrounding area;
 - o The proposed use will not change the predominant character of the surrounding area which is currently surrounded by other MU-C uses as well as various commercial developments.
- The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable; and
 - o The proposed development will update multiple curb ramps and sidewalks throughout the property to bring them up to current City of Aurora standards, which have adequate capacity to serve the proposed development.
- The application demonstrates that the proposed use will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.
 - o There are no current tenants or occupants of the property, therefore no one will be displaced.
- The application mitigates any adverse impacts on the surrounding area to the degree practicable
 - o Stormwater detention and water quality treatment will be provided on-site to mitigate any adverse stormwater impacts to surrounding developments. In addition, a traffic study was performed which concluded the proposed development will not have an adverse impact on surrounding roadways. All utility



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connections will be bored within Mississippi Ave, reducing adverse impacts to typical traffic patterns.

The proposed use will require a zoning map amendment to be made from the R-2 zone to the MU-C zone. The staff reviewed the potential change to MU-C and the request was labeled as "neutral". The application mitigates any adverse impacts to the surrounding area to the highest degree by complying to various site restraints as identified above.

A Subdivision Plat of Lot 1, Block 1 of K&G Subdivision Filing No. 1. It subdivides one lot into two; creating the subject parcel Lot 1 for the proposed Kum & Go development and Lot 2 as a future development.

We look forward to seeing this project through to completion. If there are any questions or concerns, please feel free to contact me directly via phone 610.547.2267 or email michael.drago@ees.us.com. Thank you in advance.

Respectfully Submitted,

Michael Drago

Michael Drago, P.E. - Project Civil Engineer
Entitlement and Engineering Solutions



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June 13, 2022

Mr. Rachid Rabbaa
Office of Development Assistance
15151 E. Alameda Parkway
Aurora, Colorado 80012

SUBJECT: Rezone Request Justification R-2 to MU-C – Block 1, Lot 1, Kum & Go
SEC of E. Mississippi Ave. and S. Kenton Way
Aurora, Colorado 80016

1) The change to the Zoning Map is needed to correct an error; or the change is required because of changed conditions or circumstances and:

a) The applicant has demonstrated that the proposed rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by City Council;

- The proposed development is consistent with the Comprehensive Plan, which designates this property as “City Corridor” fits in with the typical uses of a City Corridor as a commercial/retail and auto-oriented business. The project proposes updated sidewalks, lighting, crosswalks, ADA ramps, and landscaping throughout the entire property to make it easy for pedestrians to navigate the area safely and comfortably. The focus of the City Corridor placetype is commercial activity, which this rezoning will allow for.
- The proposed development will front the commercial building along Mississippi Avenue to ensure visibility and accessibility. The development abutting Mississippi Avenue will provide quick and easy access to the proposed business for drivers, cyclists, and pedestrians.

b) The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed rezoning are compatible with surrounding development;

- A traffic impact study has been prepared and was previously approved by City staff showing there will be no adverse impacts due to the zone change.

c) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property or that any impacts are outweighed by other public benefits

- There are currently no residents or occupancy within the proposed development, therefore the project does not create any significant dislocations.



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We look forward to seeing this project through to completion, if there are any questions or concerns, please feel free to contact me directly via phone 610.547.2267 or email michael.drago@ees.us.com. Thank you in advance.

Respectfully Submitted,

Michael Drago

Michael Drago, P.E. - Project Civil Engineer
Entitlement and Engineering Solutions



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DEDICATION AND LEGAL DESCRIPTION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT THEY ARE THE OWNERS OF A PARCEL OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 5.00 ACRES OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 (EXCEPT PART PLATTED; THE NORTH 55.00 FEET AND THE EAST 70.00 FEET AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF BUCKINGHAM SQUARE SUBDIVISION FILING NO. 5 RECORDED AUGUST 6, 1985 UNDER RECEPTION NO. 2561647), SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO.

ALSO BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BUCKINGHAM SQUARE - FOURTH FILING; THENCE ALONG THE RIGHT-OF-WAY LINES OF EAST MISSISSIPPI AVENUE, SOUTH KENTON AY AND EAST ARIZONA PLACE THE FOLLOWING FIVE (5) COURSES:

1. NORTH 89°59'25" EAST, A DISTANCE OF 235.88 FEET;
2. THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A CENTRAL ANGLE OF 90°15'05" AND A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.98 FEET;
3. THENCE SOUTH 00°14'30" WEST, A DISTANCE OF 459.96 FEET;
4. THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A CENTRAL ANGLE OF 89°44'55" AND A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.50 FEET;
5. THENCE SOUTH 89°59'25" WEST, A DISTANCE OF 245.83 FEET TO A POINT ON THE EAST LINE OF BUCKINGHAM SQUARE - FOURTH FILING; THENCE NORTH 00°13'01" EAST ALONG THE EAST LINE OF BUCKINGHAM SQUARE - FOURTH FILING, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING, COUNTY OF ARAPAHOE, STATE OF COLORADO.

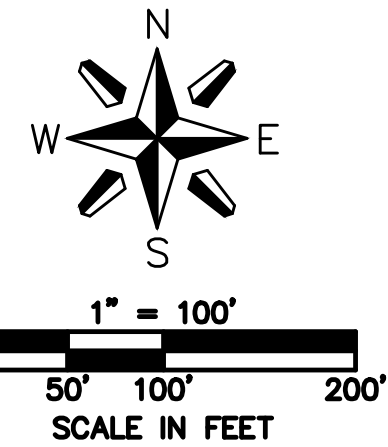
CONTAINING 130,245 SQUARE FEET OR 2.990 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS AND A BLOCK AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF K & G SUBDIVISION FILING NO. 1, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS AND EASEMENTS AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

P:\KUM & GOCO, AURORA 2333- MISSISSIPPI AND KENTON WAY\08 CAD\EXHIBITS\ZONING MAP AMENDMENT EXHIBIT.DWG



ZONING MAP AMENDMENT LEGEND



CASE NUMBER: SITE-DA-2278-00



1459 Grand Ave
Des Moines, IA 50309
P: 888-458-6646

KUM & GO GAS AND C-STORE SITE PLAN
WITH TWO CONDITIONAL USES
MISSISSIPPI AVE, AURORA, CO
ZONING MAP AMENDMENT EXHIBIT

KG PROJECT TEAM: EES
RDM: RF
SDM: DG
CPM: BS

DATE	REVISION DESCRIPTION
△	

DATE: 04-13-2022

EX-01

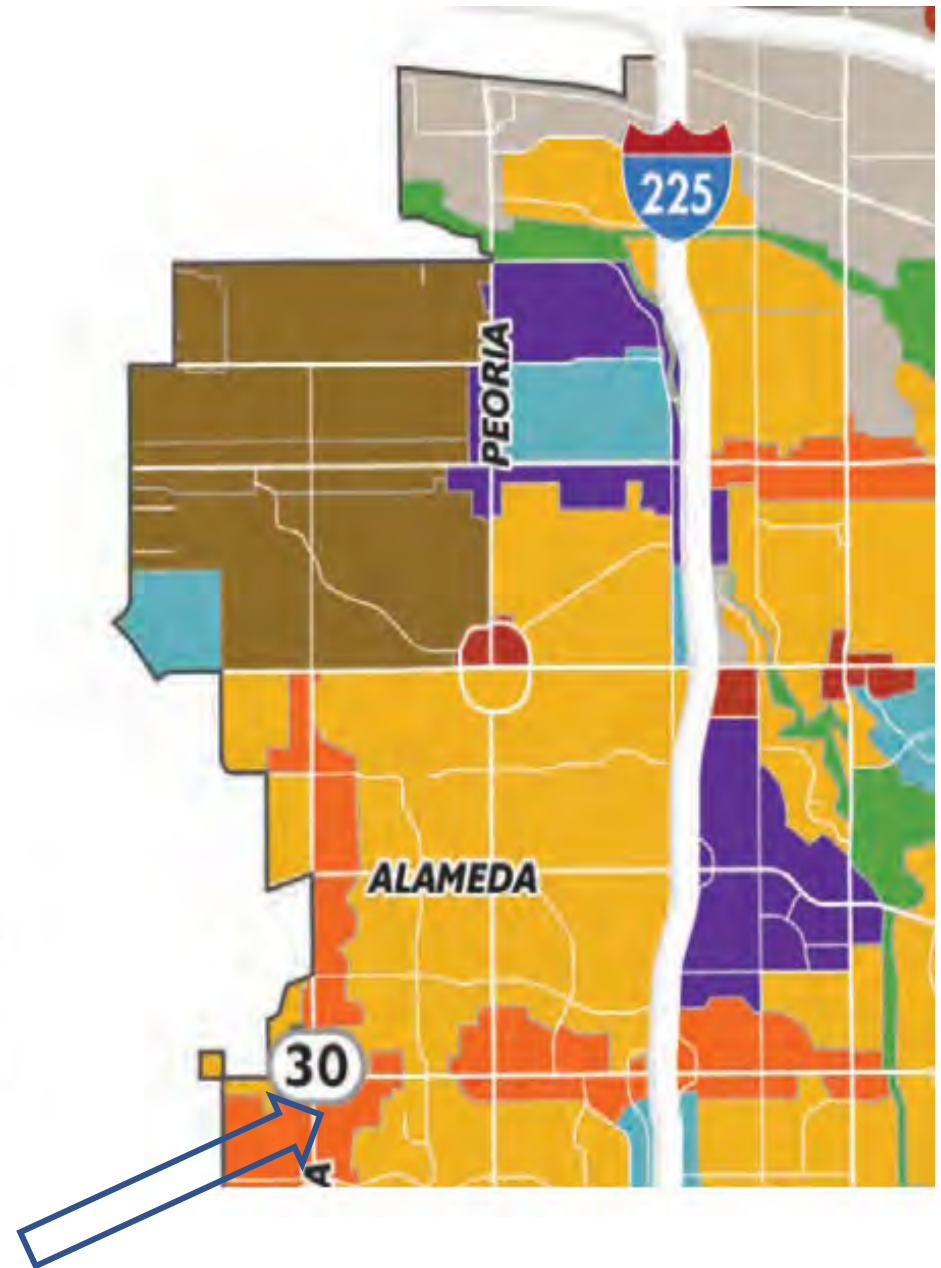
REVISIONS

PLACETYPES

- Urban District
- Innovation District
- Industry Hub
- Buckley Air Force Base
- Urban Green Space
- City Corridor
- Established Neighborhood
- Emerging Neighborhood
- Original Aurora
- Commercial Hub
- Special Use
- State Land Boundary

This map identifies placetype designations for all areas within the city of Aurora's adopted planning and annexation boundaries. See page 51 for additional information about these boundaries.

Placetype designations for areas outside of the city limits are for long-range planning purposes only. These properties are subject to rules and regulations of their appropriate jurisdiction(s). The city of Aurora does not enforce zoning, subdivision or development standards in unincorporated areas.





**Planning and Zoning Commission
DRAFT MINUTES
June 22, 2022**

Commissioners Present

**Melvin Bush
Sonda Banka
Robert Gaiser
Becky Hogan
Gayle Jetchick
Garrett Walls
Garrett Ahern**

- 1. Study Session – No Study Session Held**
- 2. Regular Meeting - Call to Order 6:10 p.m.**
- 3. Roll Call**

- 4. Pledge of Allegiance**
Not Conducted Due to Virtual Meeting

5. Approval of the Planning Commission Minutes

5.a June 8, 2022 Draft Minutes

A MOTION WAS MADE BY COMMISSIONER JETCHICK AND SECONDED BY COMMISSIONER HOGAN TO APPROVE THE MINUTES AS SUBMITTED.

MINUTES APPROVED UNANIMOUSLY

6. Adoption of Agenda

- 6.a.** A MOTION WAS MADE BY COMMISSIONER BANKA AND SECONDED BY COMMISSIONER WALLS.

MOVE TO APPROVE THE DRAFT AGENDA AS THE PERMANENT AGENDA. AGENDA ITEMS 7a-k WILL BE HEARD AT THIS MEETING ALL OTHER AGENDA ITEMS HAVE EITHER BEEN WITHDRAWN, ARE INACTIVE, OR ARE BEING CONTINUED TO A LATER DATE.

MOTION PASSED UNANIMOUSLY.



**Planning and Zoning Commission
DRAFT MINUTES
June 22, 2022**

7.c - f Kum and Go C-Store and Fueling – Zoning Map Amendment, Two Conditional Uses, and Site Plan

The applicant, Kum & Go LLC, is requesting approval of a Zoning Map Amendment from R-2 District (Medium Density Residential) to MU-C (Mixed Use Corridor District). The zoning map amendment includes the proposed fueling station site and a similarly-sized vacant parcel to the south for future development. The applicant is also requesting approval of a Site Plan for a convenience store and fueling station, a Conditional Use Permit for a fueling station in a Mixed-Use (MU-C) zone district, and a Conditional Use Permit for a 24-hour use within 300 feet of residential zoning.

The property is located at 10950 E Mississippi Avenue on the southwest corner of E. Mississippi Ave and S. Kenton Way on 1.58 acres and is currently zoned R-2. The subject site is undeveloped and is surrounded by MU-C and POS (Parks and Open Space) zoning to the north, MU-OI (Mixed-Use Office Institutional) to the east, R-4 to the west, and Planned Development Zoning to the south. The proposed site will include a 5,620 square-foot single-story convenience store and eight fuel pump islands and a canopy. The site is within the City Corridor Placetype (Aurora Places). No adjustments are being requested or required.

The proposed building will be constructed primarily of brick, and with a cast stone base, with glazing and aluminum accents. Vehicular access to the site will be provided from the existing access points on S. Kenton Way, which are proposed to be widened to allow for fuel truck access. The proposed site plan design ensures that all potential negative impacts are mitigated and that the size, scale, height, density, and traffic impacts of the proposed use are compatible with existing development.

Eighteen (18) registered neighborhood organizations and three (3) adjacent property owners were notified of the application. One comment was received from a community member expressing concern that the applicant is requesting two conditional uses and rezone. A neighborhood meeting was held on January 20, 2022, to discuss the concerns of the resident; they were the only community resident in attendance. Only one citizen was in attendance. (See Exhibit G – Community Comment)

Testimony Given at the Hearing:

Rachid Rabbaa, Case Manager, gave a presentation of the item, including the staff recommendation.

Commissioner Hogan requested clarification on what was the concern of the neighborhood and/or individuals who objected to this project. Mr. Rabbaa responded the individual who objected expressed concern with requests to rezone and two conditional uses. Mr. Rabbaa stated a neighborhood meeting was held and an explanation was given to the individual for these requests.

Krysta Houtchens, Entitlement and Engineering Solutions Inc., representing the applicant, gave a presentation of the item. Michael Drago, Entertainment Engineering Solutions Inc., Dan Graneu, and Rob Fiebig, Kum & Go, representing the applicant, were available for questions.



**Planning and Zoning Commission
DRAFT MINUTES
June 22, 2022**

Commissioner Walls asked why the canopy would be placed on the south. Ms. Houtchens responded, that per the Unified Development Ordinance (UDO), the building needed fronting to the main street, and flow to the site worked best with this layout.

Commissioner Ahern asked if the ingress/egress for fueling trucks would take place on Hutchinson Way. Ms. Houtchens responded that the right-in/right-out access would be down Kenton Way. Trucks would take the right in at Kenton Way, circle the canopy, park in front of the fuel tanks to refuel, then right out on Mississippi Avenue.

Arnie Schultz, representing the Village East Neighborhood Association, gave public comments on the item. Mr. Schultz stated the Village East Neighborhood Association initially objected to the project. Following the neighborhood meeting, Mr. Schultz stressed that they now support the project, though their preference would have been for affordable housing in the space.

Planning Commission Results

AGENDA ITEM 7C: ZONING MAP AMENDMENT

A MOTION WAS MADE BY COMMISSIONER HOGAN AND SECONDED BY COMMISSIONER BANKA.

MOVE TO RECOMMEND APPROVAL OF THE ZONING MAP AMENDMENT FROM R-2 TO MU-C TO THE CITY COUNCIL BECAUSE THE PROPOSAL COMPLIES WITH THE CRITERIA IN SECTION 146-5.4.1.C.3.A OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. THE ZONING MAP AMENDMENT IS CONSISTENT WITH THE SPIRIT AND INTENT OF THE COMPREHENSIVE PLAN;
2. THE ZONING MAP AMENDMENT IS BETTER ALIGNED WITH THE ZONING DISTRICT AND OTHER REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;
3. THE ZONING MAP AMENDMENT DOES NOT IMPACT COMPATIBILITY WITH THE SURROUNDING AREAS OR USES; AND,
4. THE ZONING MAP AMENDMENT WILL NOT CREATE ANY DISLOCATIONS OF TENANTS OR OCCUPANTS OF THE PROPERTY.

Further Discussion:

Commissioner Walls expressed appreciation for the submission by Kum & Go.

Commissioner Jetchick stated that the previous owner of the lot had problems with dumping and RV parking in the space and that the development with Kum & Go would clean up the area and make it safer.

MOTION PASSED UNANIMOUSLY.



**Planning and Zoning Commission
DRAFT MINUTES
June 22, 2022**

AGENDA ITEM 7D: CONDITIONAL USE FOR A FUELING STATION IN THE MU-C ZONE DISTRICT

A MOTION WAS MADE BY COMMISSIONER GAISER AND SECONDED BY COMMISSIONER WALLS.

MOVE TO APPROVE THE CONDITIONAL USE OF A FUELING STATION IN A MU-C ZONE DISTRICT BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.A.3 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE FOLLOWING REASONS:

1. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN "CITY CORRIDOR" PLACETYPE AND WILL HELP FURTHER CITY GOALS OF DEVELOPING NEW COMMERCIAL USES WITHIN THIS PLACETYPE;
2. THE PROPOSAL IS COMPATIBLE WITH THE ADJACENT AUTO-ORIENTED BUSINESSES;
3. THE PROPOSED USE WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA
4. THE SIZE, SCALE, HEIGHT, DENSITY, TRAFFIC IMPACTS, AND HOURS OF OPERATION ARE COMPATIBLE WITH EXISTING USES IN THE AREA AND WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA;
5. THERE IS ADEQUATE CAPACITY WITH CITY INFRASTRUCTURE TO SERVE THE PROPOSED DEVELOPMENT; AND,
6. THE APPLICATION MITIGATES ADVERSE IMPACTS ON THE SURROUNDING AREA.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 7E: CONDITIONAL USE FOR 24-HOUR OPERATIONS ADJACENT TO RESIDENTIAL

A MOTION WAS MADE BY COMMISSIONER JETCHICK AND SECONDED BY COMMISSIONER BANKA.

MOVE TO APPROVE THE CONDITIONAL USE FOR 24-HOUR OPERATIONS ADJACENT TO RESIDENTIAL, BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.A.3 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE FOLLOWING REASONS:

1. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN "CITY CORRIDOR" PLACETYPE AND WILL HELP FURTHER CITY GOALS OF DEVELOPING NEW COMMERCIAL USES WITHIN THIS PLACETYPE;
2. THE PROPOSAL IS COMPATIBLE WITH THE ADJACENT AUTO-ORIENTED BUSINESSES;
3. THE PROPOSED USE WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA;



Planning and Zoning Commission
DRAFT MINUTES
June 22, 2022

4. THE SIZE, SCALE, HEIGHT, DENSITY, TRAFFIC IMPACTS, AND HOURS OF OPERATION ARE COMPATIBLE WITH EXISTING USES IN THE AREA AND WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA;
5. THERE IS ADEQUATE CAPACITY WITH CITY INFRASTRUCTURE TO SERVE THE PROPOSED DEVELOPMENT; AND,
6. THE APPLICATION MITIGATES ADVERSE IMPACTS ON THE SURROUNDING AREA.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 7F: SITE PLAN

A MOTION WAS MADE BY COMMISSIONER WALLS AND SECONDED BY COMMISSIONER GAISER.

MOVE TO APPROVE, WITH A CONDITION, THE SITE PLAN BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.B.2 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. COMPLIES WITH THE STANDARDS OF THE UDO;
2. IS COMPATIBLE WITH THE SURROUNDING DEVELOPMENT;
3. PROVIDES HIGH-QUALITY FOUR-SIDED ARCHITECTURE;
4. MITIGATES NEGATIVE EXTERNAL EFFECTS ON NEARBY USES; AND
5. ESTABLISHES ADEQUATE VEHICULAR AND PEDESTRIAN CIRCULATION AND CONNECTIVITY.

A MOTION WAS MADE BY COMMISSIONER WALLS AND SECONDED BY COMMISSIONER GAISER TO AMEND THE ORIGINAL MOTION TO INCLUDE THE FOLLOWING CONDITIONS.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF ALL OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN AND ISSUANCE OF ANY BUILDING PERMITS.
2. APPROVAL OF THE ZONING MAP AMENDMENT TO MU-C BY THE CITY COUNCIL.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

City of Aurora
Planning and Zoning Commission Case Report

**Kum and Go Convenience Store and Fueling Station
Zoning Map Amendment, Two Conditional Uses and Site Plan
Development Application Number: DA-2278-00
Case Manager: Rachid Rabbaa**

June 22, 2022

Project Summary:

The applicant, Kum & Go LLC, is requesting approval of a Site Plan for a convenience store and fueling station, a Conditional Use Permit for a fueling station in a Mixed-Use (MU-C) zone district, and a Conditional Use Permit for a 24-hour use within 300 feet of residential zoning.

The applicant is also requesting approval of a Zoning Map Amendment from R-2 District (Medium Density Residential) to MU-C (Mixed Use Corridor District). The zoning map amendment includes the proposed fueling station site and a similarly-sized vacant parcel to the south for future development. The property is located at 10950 E Mississippi Avenue on the southwest corner of E. Mississippi Ave and S. Kenton Way on 1.58 acres and is currently zoned R-2. The subject site is undeveloped and is surrounded by MU-C and POS (Parks and Open Space) zoning to the north, MU-OI (Mixed-Use Office Institutional) to the east, R-4 to the west, and Planned Development Zoning to the south. The proposed site will include a 5,620 square-foot single-story convenience store, and an 8-pump fueling station with a canopy and is within the City Corridor Placetype (Aurora Places). No adjustments are requested or required with the application.

The proposed building will be constructed primarily of brick, and with a cast stone base, with glazing and aluminum accents. Vehicular access to the site will be provided from the existing access points on S. Kenton Way which is proposed to be widened to allow for fuel truck access. The proposed site plan design ensures that all potential negative impacts are mitigated and that the size, scale, height, density, and traffic impacts of the proposed use are compatible with existing development.

Applicant's Request:

Zoning Map Amendment
Two (2) Conditional Use Approvals
Site Plan Approval

Neighborhood Comments:

Eighteen (18) registered neighborhood organizations and three (3) adjacent property owners were notified of the application. One comment was received from a community member expressing concern that the applicant is requesting two conditional uses and rezone. A neighborhood meeting was held on January 20, 2022 to discuss the concerns of the resident. Only one person showed up. **(See Exhibit G – Community Comment)**

Major Issues Discussed During Development Review:

- Site Layout and Design
- Conditional Uses
- Zoning Map Amendment
- Building Architecture

Results of Development Review:

Site Layout and Design: Site design standards for Motor Vehicle Fuel Dispensing Stations are highlighted in Section 146-3.3.5.OO, which call for primary buildings along the street and fueling areas to locate interior to the site. The applicant has met this requirement with the building located along Mississippi Avenue and canopy to the south. The applicant provides two accesses from Kenton Way, one of which is a right in and right out. The proposal includes an outdoor seating area and meets all landscaping and parking requirements. A monument sign is proposed at the northeast corner of the site.

Zoning Map Amendment. In Aurora Places, the City Corridor placetype is described as another placetype that will contribute to the economic and fiscal success of the city. Corridors are centered along the city's major roadways, home to a wide range of uses, including commercial, retail, service and some residential. This placetype is generally auto-oriented. The proposed Zoning Map Amendment is consistent with this placetype and complies with the approval criteria such as the proposed zoning is consistent with the spirit and intent of the Comprehensive Plan; is compatible with the surrounding areas or uses; and, it will not create any dislocations of tenants or occupants of the property.

Conditional Uses: Both motor vehicle fueling stations and 24-hour Retail establishments within 300 feet of a residential zone district are subject to Conditional Use approvals. The approval criteria involve a general evaluation of compatibility of the proposed use with existing and planned uses. A traffic study has determined the existing street network will support the proposed use. Access to the new convenience store and fueling station from S. Kenton Way is adjacent to other commercial uses. The proposed site plan and operations plan meets UDO requirements and provides reasonable assurances that all impacts are mitigated. The size, scale, and height of the proposal are similar to surrounding development patterns.

Architectural Design: The applicant worked with staff to ensure the building architecture follows the requirements set forth in the Unified Development Ordinance (UDO). The walls are articulated and architectural elements including changes in wall plane, varying parapet height, and materials change in color and texture, meet or exceed UDO requirements. Building materials include various colors of brick veneer, a stone panel base, metal coping and canopies, a colored aluminum accent panel, and an aluminum storefront. The gas canopy columns exhibit matching colors and materials, meeting code requirements.

Summary of Staff Recommendation:

Approval of the Zoning Map Amendment from the R-2 District to the MU-C District. See last page for summary.
Approval of two (2) Conditional Uses
Approval of a Site Plan

Detailed Case Analysis

Public Notification:

Legal notice appeared in the Aurora Sentinel on June 9, 2022. The applicant has submitted a certificate of mailing and public hearing notices to adjacent property owners. Signs were posted on the site.

Community Referrals:

Referrals were provided to the following registered neighborhood organizations within one mile of the project: Neighborhood Organization along Havana NOAH, Tyndall Green, Carriage Village HOA, Pinnacle Ranch HOA, Cedar Cove II HOA, Cedar Cove Condo Association, Rangeview Neighborhood Association, Parkside II HOA Inc, Village East Neighborhood Association, Kings Mark HOA, High Hollows Condos, Cobblewood HOA, Tyndall Green II HOA, Havana Heights Steering Committee, Mississippi Group LLC, The Community Center of the Bukharian Jews of Colorado, Ethiopian Orthodox Tewahedo Church, and Clean.

Conformance with Code Criteria:

1. Zoning Map Amendment Approval Criteria

Zoning Map Amendment approval criteria are found in Section 146-5.4.1.C.3.a of the Unified Development Ordinance. An application for changes to the Zoning Map for individual parcels shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met:

1. *The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or*
2. *The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:*
 - a. *The applicant has demonstrated that the proposed rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district;*
 - b. *The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through development conditions; and*
 - c. *The applicant demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.*

The proposed Zoning Map Amendment complies with the approval criteria for the following reasons:

- The zoning map amendment is consistent with the spirit and intent of the Comprehensive Plan;
- The zoning map amendment is better aligned with the zone district and other regulations of the Unified Development Ordinance;
- The zoning map amendment does not impact compatibility with the surrounding areas or uses; and,
- The zoning map amendment will not create any dislocations of tenants or occupants of the property.

2. Conditional Use Approval Criteria

Per Section 146-5.4.3.A.3, a Conditional Use shall be approved, approved with conditions, or denied based on the following criteria: (a) The application complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property; (b) The application is consistent with the Comprehensive Plan; (c) The size, scale, height, density, multi-modal traffic impacts, and hours of operation of the proposed use are compatible with existing and planned uses in the surrounding area; (d) The proposed use will not change the predominant character of the surrounding area; (e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable; (f) The application demonstrates that the proposed use will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application; and (g) The application mitigates any adverse impacts on the surrounding area to the degree practicable.

The Conditional Use requests complies with the code criteria for the following reasons:

- The application is consistent with the Comprehensive Plan “City Corridor” Placetype and will help further city goals of developing new commercial uses within this placetype;
- The proposal is compatible with the adjacent auto-oriented businesses;
- The proposed use will not change the predominant character of the area
- The size, scale, height, density, traffic impacts and hours of operation are compatible with existing uses in the area and will not change the predominant character of the area;
- There is adequate capacity with City infrastructure to serve the proposed development; and,
- The application mitigates adverse impacts to the surrounding area.

3. Site Plan Criteria

Per Section 146-5.4.3.B.2. the Site Plan shall be approved, approved with conditions, or denied based on the following criteria:

(a) The application complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property. (b) The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable. (c) Major Site Plans shall be designed to preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands, and floodplains affected by the proposed development and to integrate those areas into site design where practicable. (d) The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers. (e) The application is compatible with surrounding uses in terms of size, scale and building façade materials. (f) The application mitigates any adverse impacts on the surrounding area to the degree practicable.

The Site Plan complies with the code criteria regarding design, circulation, landscaping, building architecture, and compatibility. Therefore, the application as proposed:

- Complies with the standards of the UDO;
- Is compatible with the surrounding development;
- Provides for high quality four-sided architecture;
- Mitigates negative external effects on nearby uses; and
- Establishes adequate vehicular and pedestrian circulation and connectivity.

Applicant Information:

Applicant: Kum & Go LLC (Dan Garneau)
Agent: Entitlement and Engineering Solutions (Michael Drago)

Exhibits:

Exhibit A Vicinity Map
Exhibit B Letter of Introduction
Exhibit C Zoning Map Amendment Justification
Exhibit D Site Plan
Exhibit E Landscape Plan
Exhibit F Building Elevations
Exhibit G Community Comments

Project Statistics:

Land Use Analysis

Item	Existing	Permitted or Required	Proposed
Zoning	(R-2) Medium-Density Residential District	N/A	(MU-C) Mixed-Use Corridor District
Land Use	Vacant	N/A	Gas Station and Convenience Store
Parcel Size	1.58 acres	N/A	No Change
% Building and Canopy Coverage	N/A	N/A	14.6%
% Landscape Area	N/A	N/A	30.6%
% Hard Surface Area	N/A	N/A	54.8%
Building Height	N/A	75 feet	22.6 feet
Total Signage	N/A	5	TBD
Total Sign Area	N/A	Per City Code	TBD
Number of On-Site Parking Spaces	N/A	12 spaces 1 Accessible 1 Bike Spaces	23 spaces 1 Accessible 4 Bike Spaces

Surrounding Properties

Direction	Zoning	Actual Use
North	MU-C (Mixed-Use Corridor District) POS (Parks and Open Space District)	Firestone Complete Auto Care
East	MU-I (Mixed-Use Office/Institutional District)	Golden Corral Buffet & Grill Restaurant
South	PD (Planned Development)	Centro Apartment Building
West	R-4 (High-Density Residential District)	Joliet Towers Apartments

Staff Recommendations:

Agenda Item 7a: Zoning Map Amendment

Recommend approval of the Zoning Map Amendment because the proposal complies with the criteria in Section 146-5.4.1.C.3.a for the following reasons:

- The zoning map amendment is consistent with the spirit and intent of the Comprehensive Plan;
- The zoning map amendment is better aligned with the zone district and other regulations of the Unified Development Ordinance;
- The zoning map amendment does not impact compatibility with the surrounding areas or uses; and,
- The zoning map amendment will not create any dislocations of tenants or occupants of the property.

Agenda Item 7b: Conditional Use for 24-Hour Operations Adjacent to Residential

Approve the Conditional Use because the proposal complies with the requirements of Code Section 146-5.4.3.A.3 of Unified Development Ordinance, for the following reasons:

- The application is consistent with the Comprehensive Plan “City Corridor” Placetype and will help further city goals of developing new commercial uses within this placetype;
- The proposal is compatible with the adjacent auto-oriented businesses;
- The proposed use will not change the predominant character of the area
- The size, scale, height, density, traffic impacts and hours of operation are compatible with existing uses in the area and will not change the predominant character of the area;
- There is adequate capacity with City infrastructure to serve the proposed development; and,
- The application mitigates adverse impacts to the surrounding area.

Agenda Item 7c: Conditional Use for a Fueling Station in MU-C Zone District

Approve the Conditional Use because the proposal complies with the requirements of Code Section 146-5.4.3.A.3 of Unified Development Ordinance, for the following reasons:

- The application is consistent with the Comprehensive Plan “City Corridor” Placetype and will help further city goals of developing new commercial uses within this placetype;
- The proposal is compatible with the adjacent auto-oriented businesses;
- The proposed use will not change the predominant character of the area
- The size, scale, height, density, traffic impacts and hours of operation are compatible with existing uses in the area and will not change the predominant character of the area;
- There is adequate capacity with City infrastructure to serve the proposed development; and,
- The application mitigates adverse impacts to the surrounding area.

Agenda Item 7d: Site Plan

Approve Site Plan because the proposal complies with the requirements of Code Section 146-5.4.3.B.2 of the Unified Development Ordinance for the following reasons:

- Complies with the standards of the UDO;
- Is compatible with the surrounding development;
- Provides for high quality four-sided architecture;
- Mitigates negative external effects on nearby uses; and
- Establishes adequate vehicular and pedestrian circulation and connectivity.

Approval to be subject to the following condition:

1. Resolution of all outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.

ORDINANCE NO. 2022 - ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 2.99 ACRES, MORE OR LESS, AT THE SOUTHWEST CORNER OF EAST MISSISSIPPI AVENUE AND SOUTH KENTON WAY FROM MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2) TO MIXED-USE CORRIDOR DISTRICT (MU-C) AND AMENDING THE ZONING MAP ACCORDINGLY (KUM AND GO ZONING MAP AMENDMENT)

WHEREAS, the applicant has requested that 2.99 acres of land, more or less, located at the Southwest corner of East Mississippi Avenue and South Kenton Way be rezoned from Medium-Density Residential District (R-2) to Mixed-Use Corridor District (MU-C); and

WHEREAS, Section 146-5.4.1.C.3 of the City Code provides that all applications for the rezoning of property within the City of Aurora, Colorado (the “City”), shall be presented for a public hearing, both to the Planning and Zoning Commission, who shall render a recommendation to City Council, and to City Council for final decision; and

WHEREAS, on June 22, 2022, following a public hearing, the Planning and Zoning Commission voted to recommend the rezoning of the parcel.

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

Section 1. Based on the evidence presented at tonight’s public hearing, City Council finds and determines that: the rezoning is consistent with the spirit and intent of the Comprehensive Plan, is compatible with surrounding development, and would not result in a significant dislocation of tenants or occupants of the property.

Section 2. The parcel, as more particularly described in “Exhibit A” attached hereto and incorporated herein, is zoned Mixed-Use Corridor District (MU-C) and the zoning map is hereby amended in accordance with said zoning.

Section 3. All ordinances or parts of ordinances of the City in conflict herewith are expressly repealed.

Section 4. Pursuant to Section 5-5 of the City Charter, 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 _____, 2022.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Daniel L Money RLA

DANIEL L. MONEY, Senior Assistant City Attorney



501 S Cherry St
Suite 300
Glendale, CO 80246
www.ees.us.com
303-572-7997

DEDICATION AND LEGAL DESCRIPTION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT THEY ARE THE OWNERS OF A PARCEL OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 5.00 ACRES OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 (EXCEPT PART PLATTED; THE NORTH 55.00 FEET AND THE EAST 70.00 FEET AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF BUCKINGHAM SQUARE SUBDIVISION FILING NO. 5 RECORDED AUGUST 6, 1985 UNDER RECEPTION NO. 2561647), SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO.

ALSO BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BUCKINGHAM SQUARE - FOURTH FILING; THENCE ALONG THE RIGHT-OF-WAY LINES OF EAST MISSISSIPPI AVENUE, SOUTH KENTON AY AND EAST ARIZONA PLACE THE FOLLOWING FIVE (5) COURSES:

1. NORTH 89°59'25" EAST, A DISTANCE OF 235.88 FEET;
2. THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A CENTRAL ANGLE OF 90°15'05" AND A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.98 FEET;
3. THENCE SOUTH 00°14'30" WEST, A DISTANCE OF 459.96 FEET;
4. THENCE ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A CENTRAL ANGLE OF 89°44'55" AND A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.50 FEET;
5. THENCE SOUTH 89°59'25" WEST, A DISTANCE OF 245.83 FEET TO A POINT ON THE EAST LINE OF BUCKINGHAM SQUARE - FOURTH FILING; THENCE NORTH 00°13'01" EAST ALONG THE EAST LINE OF BUCKINGHAM SQUARE - FOURTH FILING, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING, COUNTY OF ARAPAHOE, STATE OF COLORADO.

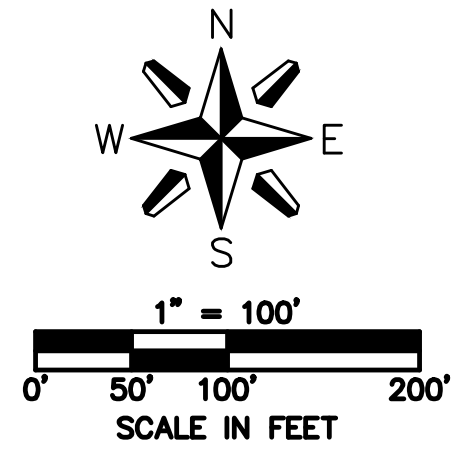
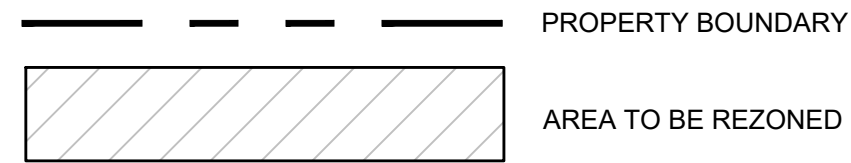
CONTAINING 130,245 SQUARE FEET OR 2.990 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS AND A BLOCK AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF K & G SUBDIVISION FILING NO. 1, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS AND EASEMENTS AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

P:\KUM & GOCO, AURORA 2333- MISSISSIPPI AND KENTON WAY\08 CAD\EXHIBITS\ZONING MAP AMENDMENT EXHIBIT.DWG



ZONING MAP AMENDMENT LEGEND



CASE NUMBER: SITE-DA-2278-00



1459 Grand Ave
Des Moines, IA 50309
P: 888-458-6646

KUM & GO GAS AND C-STORE SITE PLAN
WITH TWO CONDITIONAL USES
MISSISSIPPI AVE, AURORA, CO
ZONING MAP AMENDMENT EXHIBIT

KG PROJECT TEAM: EES
RDM: RF
SDM: DG
CPM: BS

DATE	REVISION DESCRIPTION
△	

DATE: 04-13-2022

EX-01



CITY OF AURORA

Council Agenda Commentary

Item Title: E 38th Ave and Helena St - Zoning Map Amendment

Item Initiator: Erik Gates, Planner 1

Staff Source/Legal Source: Erik Gates, Planner 1 / Daniel L. Money, Senior Assistant City Attorney

Outside Speaker: N/A

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

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/11/2022

ITEM DETAILS:

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL DISTRICT (R-R) TO BUSINESS/TECH DISTRICT (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE & HELENA STREET ZONING MAP AMENDMENT)

Erik Gates, Planner 1 / Daniel L. Money, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning and Zoning Commission

Policy Committee Date: 6/8/2022

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☒ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 Planning and Zoning Commission heard the applicant's request for a Zoning Map Amendment in a public hearing on June 8, 2022 and voted unanimously (6-0) to recommend approval to City Council. The Planning Commission Meeting Summary is attached (see Exhibit F) and this details the discussion and Planning Commission action on this item.

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

The applicant, Modern Design Construction, is requesting approval of a Zoning Map Amendment to rezone the 5-acre subject site from Residential – Rural (R-R) to Business/Tech (I-1). The subject property is located within Subarea B, at the southeast corner of E 38th Ave and Helena St. The anticipated use for this property following a rezoning to I-1 would be Flex Office uses.

The subject site is surrounded by the R-R zone district to the north, east, and south; and the MU-C district to the west. Low-density residences occupy lots to the south and east, but the R-R zoned lot to the north and adjacent to I-70 is vacant. The property is located within the Industrial Hub Placetype within the Aurora Places Comprehensive Plan. The proposed I-1 zone district is a compatible zoning district with the designated placetype and permits compatible uses described within the comprehensive plan.

A specific use has not been officially proposed. Future development will require site plan approval and infrastructure improvements. Other zoning applications may be required depending on the request.

Nine adjacent property owners and two registered neighborhood organizations were notified of the application. No comments were received by Staff regarding the zoning map amendment application during Staff review. Therefore, no neighborhood meeting was held. Staff did receive a letter of concern following notification of the Planning and Zoning Commission hearing. The author of this letter was also heard during the Planning and Zoning Commission hearing.

QUESTIONS FOR COUNCIL

Does the City Council wish to approve the Zoning Map Amendment from the R-R District to the I-1 District?

LEGAL COMMENTS**INITIAL ZONING AND REZONE**

An application for initial zoning, rezoning, and changes to the Zoning Map for individual parcels or small areas shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council, after a public hearing, finds that the following criteria have been met.

(1) The change to the Zoning Map is needed to correct an error (change in the character of surrounding

areas does not constitute an error in the map); or

(2) The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:

(a) The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);

(b) The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and

(c) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application. (City Code Sec. 146-5.4.1.C) (Money)

PUBLIC FINANCIAL IMPACT

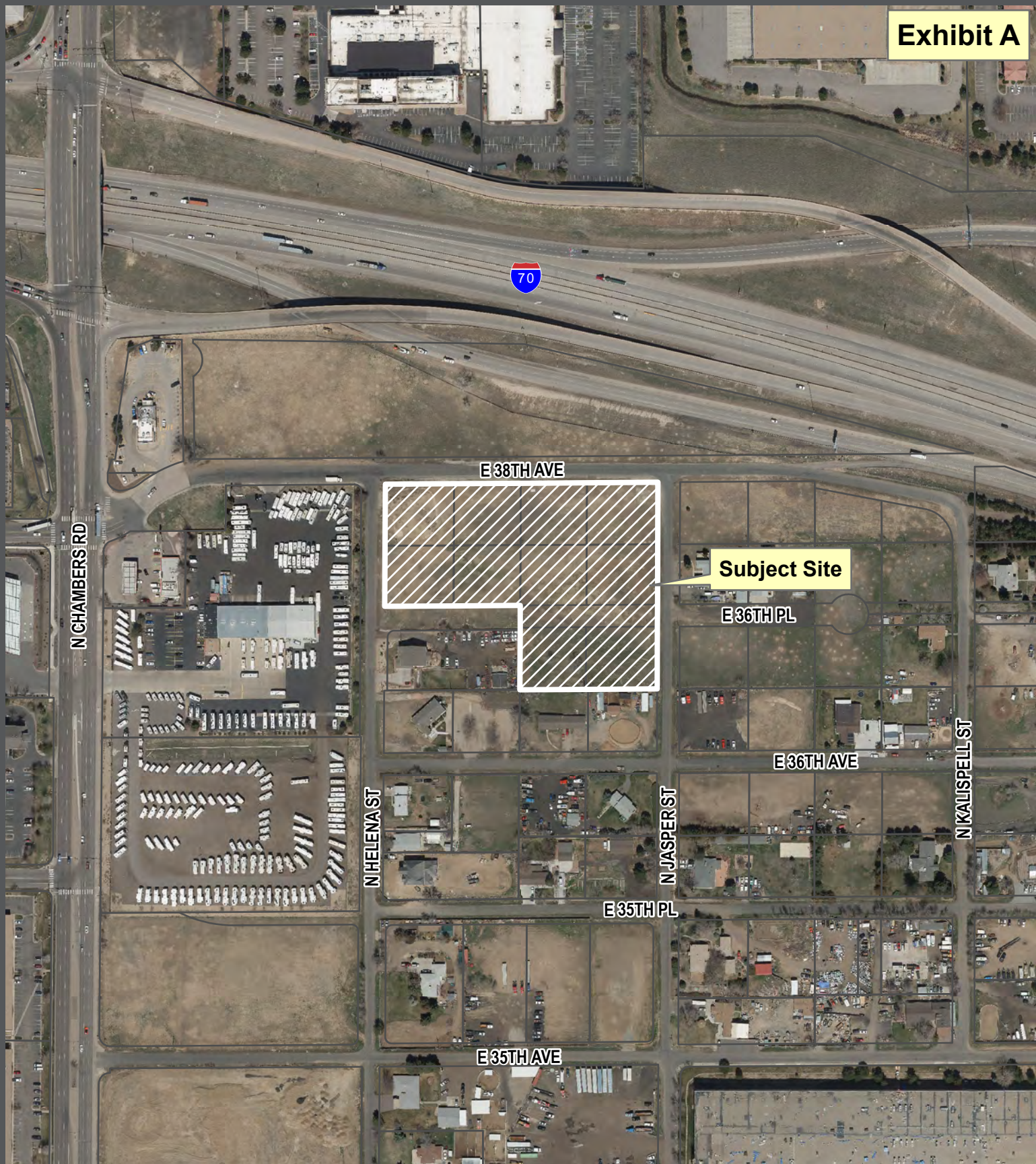
☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



**E 38th Ave & N Helena St
Zoning Map Amendment**

Case Numbers: 1982-2015-00
Development Application: #2311-00



*Aurora is
Worth Discovering!*



City of Aurora, Colorado

Feet
0 280 560

**Planning &
Development Services**
15151 E. Alameda Parkway
Aurora CO 80012 USA
AuroraGov.org
303.734.7217
GIS@auroragov.org

May 17, 2022

DESIGN **EDGE**

Erik Gates - Planner
 Planning and Development Services
 City of Aurora Planning Division
 15151 East Alameda Parkway, Suite 2300
 Aurora, CO 80012
 303-739-7132

RE: Zoning Map Amendment - 38th Avenue and Helena Street
Application Number – DA-2311-00,
Case Numbers – 1982-2015-00

Erik,

This letter shall serve as our letter of introduction for the project.

The proposed project is the rezoning of two parcels within the City of Aurora. The lots are located as Parcel 1 – Lots 1-8, Block 1, Peterson Subdivision and Parcel 2 – Lots 3-4, Block 4, Peterson Subdivision. The property is currently zoned R-R (Rural Residential District) and it is the intent to rezone to I-1 (Business Tech District). We believe this is consistent with city plans which indicate this site located within the “Industry Hub” placetype in Aurora Places.

We have included a schematic plan of a proposed option for both parcels. Parcel one is a series of office/flex industrial spaces that could be leased as small space or combined into larger spaces. Viewed as offices from the street with loading located internally will provide a desirable view from all streets and blend into the surrounding neighborhood and provide a transition from commercial uses along Chambers and buffer I-70 nicely. Parcel two is currently planned as a standalone flex office/industrial building that could be occupied by one or multiple tenants.

The goal of all projects would be to meet all standards within the newly proposed I-1 for setbacks, height, parking and other requirements of the city. In addition, we have incorporated items discussed at our pre-application meeting into the sketch plan. Those items include setback adjustments, site access adjustments, on site detention, and a few other clerical items.

In addition to the items indicated above, we are including some additional supporting documentation that was requested at the first round of comments provided by the City. Those are listed as Appendix “A” Letter of Introduction Supplement.

Thank you for your time and consideration and we look forward to meeting soon to discuss this project in greater detail. If there is other information you require, please let me know and we will try and provide that to you in a timely manner.

Sincerely,



Andy Olree – Principal
 Design Edge, P.C.

Architecture
Interior Design
Planning
Construction
Management

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Denver, CO
 Colorado Springs, CO

APPENDIX A

Letter of Introduction Supplement – 38th & Helena Rezoning Application

As part of our introduction letter, we wanted to take the opportunity to address the City of Aurora's comments included in their feedback letter dated April 21, 2022. The content specifically relates to comment (2) which asked the applicant to address specific code criteria found in Section 146-5.4.1.C(3)(a)(ii) of the Unified Development Ordinance, namely:

1. The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);
2. The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and
3. The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

Consistency with Spirit and Intent of the Comprehensive Plan

We conducted a thorough review of "Aurora Places," the City's comprehensive plan, to demonstrate the considerable support for the rezoning request from Rural-Residential to Industrial-1. The content below will outline pertinent sections of Aurora Places and highlight how they support our request.

Chapter 2 – A City in Transition

- Fiscal Health
 - *"Aurora is deeply dependent on local sales tax to support its budget. In the 2018 Adopted Budget, sales tax revenue is the largest operating source of revenue, contributing 55 percent of General Fund sources. This source of revenue is largely driven by population demographics the availability of disposable income of Aurora households. Consumer spending by daytime Aurora-based employees and spending by visitors to the city are other sales tax contributors" (pg. 14)*
 - *"The second largest revenue source is local property taxes, which comprises 11 percent of the General Fund revenue." (pg. 15)*

Applicant Response

- The proposed rezoning to I-1 and subsequent development of an industrial flex/office park would help to improve Aurora's fiscal health by creating new jobs where Aurora-based employees and products sold by associated business can help grow the City's tax base. Furthermore, the development of this vacant parcel would increase the value of the land and the property tax revenue collected by the City.

Chapter 3 – Community Conversation

- A Strong Economy
 - *"The participants in the community conversation stressed the importance of economic growth for Aurora...According to participants, job creation and access to workforce*

APPENDIX A

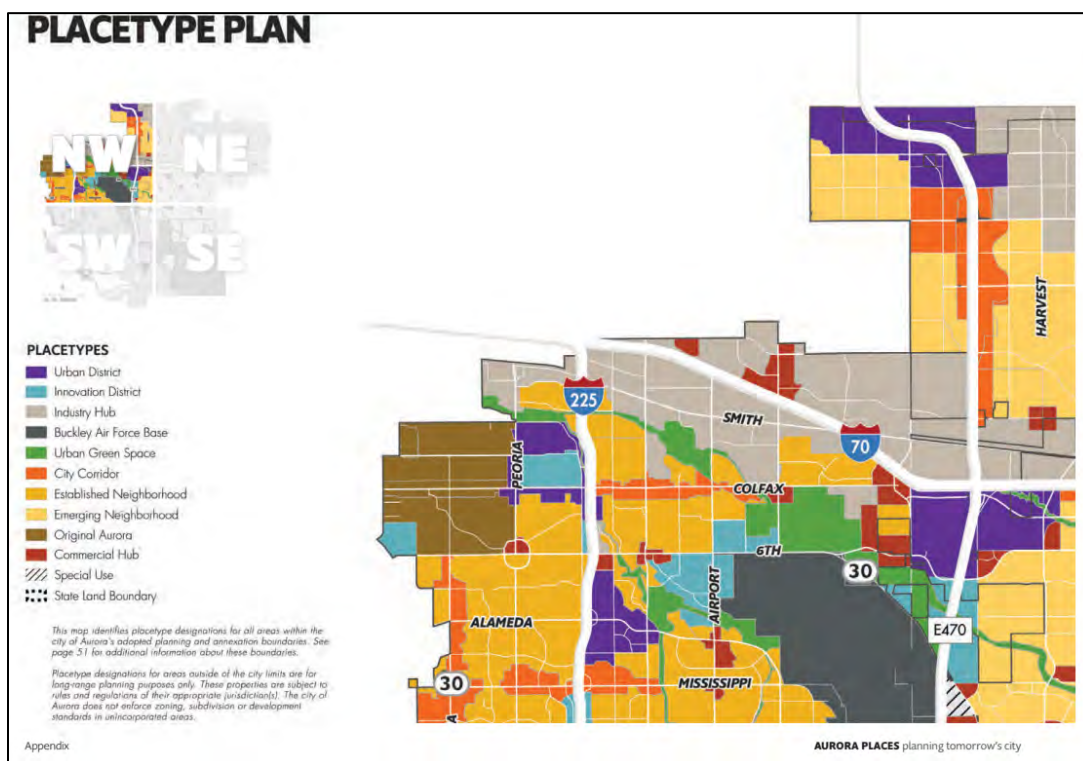
training resources are very important. There is a strong desire to improve support for small and local businesses.” (pg. 20)

Applicant Response

- Aurora prides itself, and as it should, on the community outreach conducted as part of the recent passage of Aurora Places. In their feedback, Aurora residents stressed the importance of economic growth and a strong focus on job creation and support for local businesses. The proposed rezoning to I-1 would allow for the development of small-scale commercial buildings which lends themselves to local businesses/employers rather than large corporate users. The I-1 would foster development on a currently vacant piece of land and support economic growth along the I-70 corridor which is exactly where this type of development should be located.

Chapter 4 – Placetypes

- Placed Based Approach
 - *“The placetypes provide a great deal of flexibility and potential for innovation. This place-based approach promotes the full potential of vacant and undeveloped properties by allowing them to draw on different types of land uses. The creation of places not only depends on the land uses but also on their specific design, functionality and access to infrastructure.” (pg. 24)*
- Placetype Plan



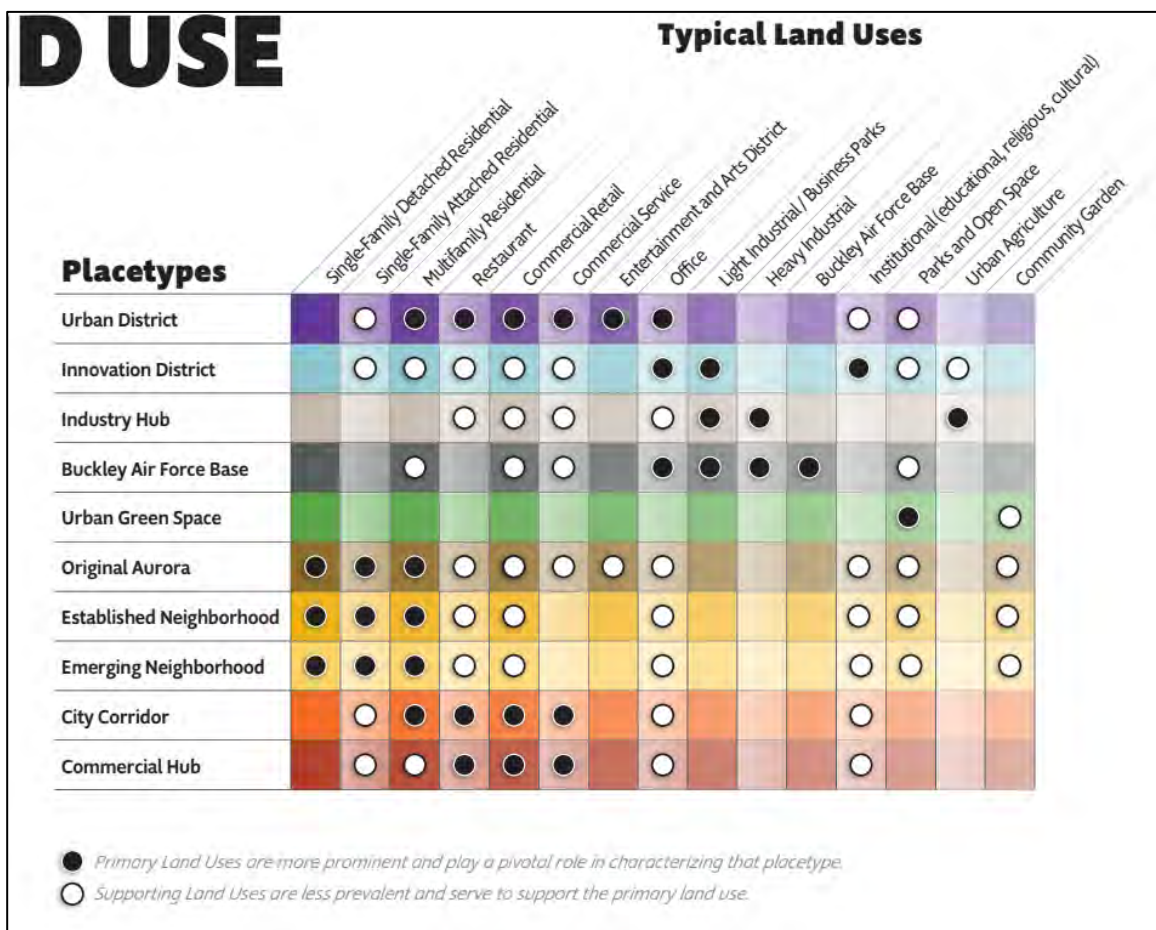
Applicant Response

- The property in question is situated comfortably within the Industry Hub placetype designation. The overarching placetype description on pg. 24 notes the city’s place-based approach “promotes the full potential of vacant and undeveloped properties...” The property in question

APPENDIX A

at 38th Ave and Helena St is a vacant, undeveloped parcel, and as such, has strong potential for a higher and better use.

- Placetypes and Land Use
 - *“Primary land uses are prominent and play a pivotal role in characterizing the placetype. Supporting land uses are less prevalent and strengthen the primary land uses.” (pg. 26)*
- Typical Land Uses
 - *“Light Industrial, Business Parks, and office space cover a wide range of uses that include storage, warehouse, research, light processing or assembly, office parks and others.” (pg. 27)*



Applicant Response

- The chart above depicts primary and supporting land uses within the Industry Hub placetype designation. The rezoning of the property to I-1 would allow for the development of a light industrial/business park which is a primary land use and plays a “pivotal role in characterizing that placetype.” The typical uses found within the Industry Hub zone district align closely with our planned use if the I-1 rezoning request is approved.

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▪ Industry Hub

- *“The Industry Hub includes areas typically dedicated to manufacturing, warehousing, distribution, fulfillment centers, freight operations and renewable energy enterprises. This placetype plays an important role in the city's employment base and economy, but can sometimes create outdoor activity and should be appropriately buffered from residential and commercial areas. It can generate high volumes of traffic from both its employees and associated truck traffic. Adjoining roadways should accommodate traffic without negatively impacting quieter placetypes or traffic on local streets serving residential areas4” (pg. 32)*
- *“Locate Industrial Hubs near major highways. Configure a street grid sufficient to accommodate large industrial facilities and truck traffic.” (pg. 32)*

Applicant Response

- The location of the proposed zoning on 38th Ave and Helena St. lends itself well to buffering from adjacent land uses and limiting traffic associated with development under the I-1 zoning. The site is adjacent to Chambers Rd. and I-70. Most traffic will access the site from 38th Ave off Chambers and then enter the property through curb cuts on 38th Ave and Helena St. Our preliminary site plan was intentionally crafted so that vehicular travel will predominantly remain to the west and avoid using roads within the area to the south and east of the property. The property is located adjacent to I-70 and we'll be reconnecting the street grid in the area (Helena to Jasper Streets) per staff's request. The construction of the new street will help buffer our property from the one to the south. Additional buffering will occur through building orientation and ample landscaping which will be further developed during the site development plan process.

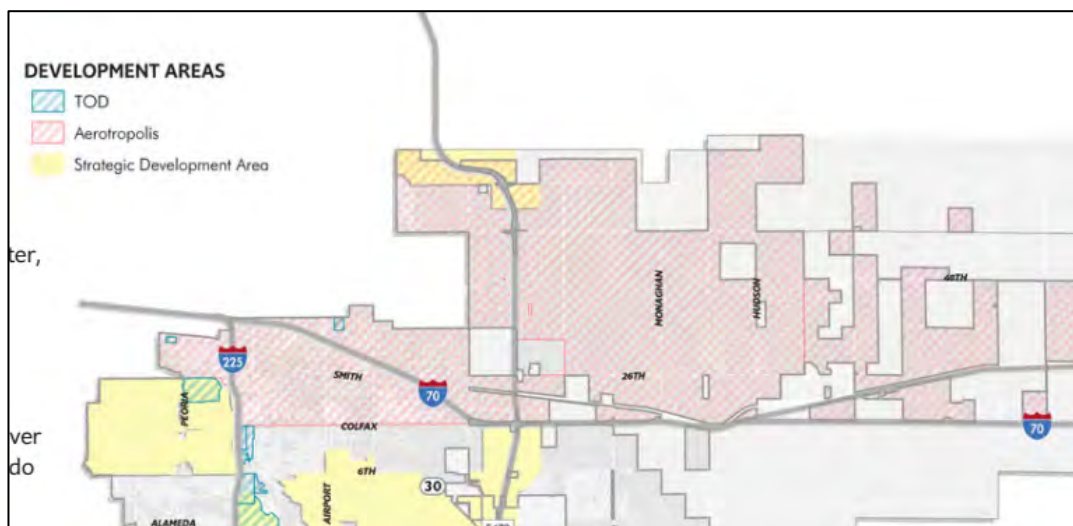
Chapter 5 – Connecting Places

▪ Redevelopment and Reinvestment

- *“Like many communities that developed substantially since the mid-20th century, Aurora's aging neighborhoods and commercial centers face a growing need for revitalization. Housing, commercial buildings, infrastructure and public facilities are aging and in need of repair or replacement to return those areas to a place of vibrancy and desirability. While most of this reinvestment will come from the private sector, the city has an active role to play in planning, initiating and supporting reinvestment in key areas and projects.” (pg. 57)*
- *“Targeted Industries The city and its partners work to attract and expand key industries in order to broaden and deepen the diverse local economy. These businesses may be growth industries with a strong long-term outlook, complementary or support industries to existing job sectors, or emerging industries in which Aurora offers a competitive advantage. However, Aurora's employment is diverse, and opportunities in other sectors will be pursued as well. Targeted industries include: Advanced manufacturing, Aerospace and defense, Bioscience, Creative industries, Healthcare, Hospitality, Energy, Transportation and logistics.” (pg. 59)*

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Strategic Development Areas



Aerotropolis

- o *“An aerotropolis is a dynamic, urban place in which the layout, infrastructure, and economy center around the airports. An aerotropolis is more than any single development, it is largely characterized by a collection of transportation-linked businesses and supporting industrial and commercial development. However, appropriately-located residential, retail and restaurants will also be included.” (pg. 63)*

Applicant Response

- The Rural-Residential zoning located adjacent to Chambers Rd. and I-70 presents a unique opportunity for the City of Aurora to help promote revitalization and investment. Numerous properties in the area are undeveloped despite their visibility and immediate access off I-70. A zoning change in this area to I-1, and the city’s support for such a change, could help spark considerable reinvestment along a major economic corridor. Additionally, Aurora Plans identifies the subject site within the Aerotropolis development area that generally supports industrial and commercial development rather than residential uses.

Chapter 6 – Goals, Policies and Practices

A Strong Economy

- o *“Goals*
 - *Support a growing availability of job opportunities for people with a variety of skill levels and experience.*
 - *Achieve greater balance between the number of residents and jobs in Aurora. Continue to support the growth of primary employment to bolster the local economy.*
 - *Support locally grown businesses along with business startups and expansions.*
- o *Recommended Practices*
 - *Work with the development community to encourage construction of high-quality office space in urban districts, innovation districts and other placetypes.*

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- *Identify and reserve ideal locations for significant and strategic commercial and employment uses in Urban District, Innovation District, City Corridor, Commercial Hub and Industry Hub placetypes.*
- *Continue to use zoning designations to locate industry hubs, particularly along the I-70 corridor and in the Aerotropolis area, in large land areas well-suited for industrial and distribution operations.*
- *Take advantage of Aurora's proximity to Denver International Airport for new economic opportunities. Focus on job creation and industrial development opportunities in those areas.*
- *Work with existing and potential businesses to support a vibrant local economy with increasing numbers and a diversity of high-quality, high-paying jobs at all skill levels, particularly at employment centers." (pg. 88)*

Applicant Response

- Many of the goals and recommended practices above apply extremely well to this rezoning request. A rezoning to I-1 would help support greater commercial and employment uses within the Industry Hub placetype located adjacent to the I-70 corridor within the Aerotropolis area.

Consistency with the I-1 Intent Statement in the Unified Development Ordinance (UDO)

Aurora's UDO provides the following intent statement for the I-1 zone district in 146-2.5.3 – "The purpose of the I-1 district is to provide employment centers with offices, office showrooms, light manufacturing, research and development operations, and a limited range of associated retail services, at a low- to medium scale with high building design quality in an integrated or campus-like setting." The intent statement expressed in the UDO is consistent with Aurora Places and bolsters our rezoning request for I-1. If approved, the request will foster the development of an industrial flex/office park that will serve as an additional employment center in the area.

Ensuring Compatibility with Surrounding Development

The property's location near Chambers and I-70 makes it optimal for the I-1 zone district and limits impacts to surrounding development. For starters, most of the ingress and egress from the property will occur on 38th Avenue and Helena Street as these will be the closest access points from those vehicles turning onto 38th from Chambers. Because the site is located closer to Chambers and west of the Rural-Residential zoning, traffic traveling beyond the property to the east will be minimal.

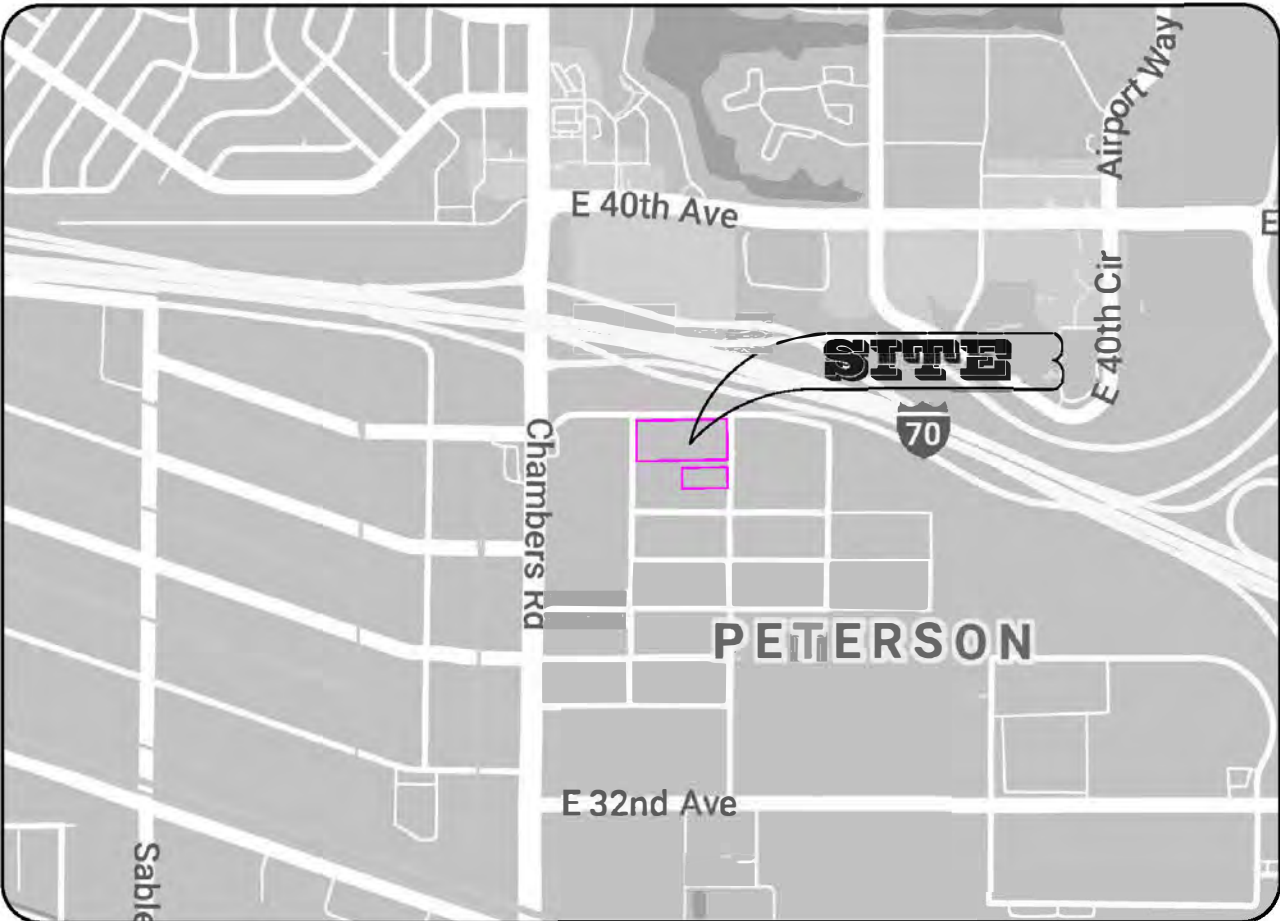
We have put together a high-level site plan that shows ample setbacks between future structures on the property and surrounding uses. It's anticipated that an industrial flex/office park on the property would be one-story and commiserate with the height of other structures in the area. Future buffering from surrounding uses will be accomplished during the site plan process if the rezoning is approved. Per staff's request, we have committed to reconnecting the street grid from Helena to Jasper Street. This new road, curb and gutter will provide an additional separation from the proposed use and the property to the south.

The I-1 zoning, and more intense commercial uses are common within the area. Industrially zoned properties are located to the south of 35th Avenue, just three short blocks away from the subject property while several Rural-Residential properties are adjacent to the Lazydays RV dealership.

APPENDIX ALimit Dislocation of Tenants/Occupants of the Property

The property is undeveloped thus the rezoning request will not lead to the dislocation of any tenants or occupants from the site. Rather, if the rezoning is approved, the I-1 zoning will provide the opportunity for future small business to locate on the site and provide a positive economic benefit to the City of Aurora.

EXHIBIT A
ZONE AMENDMENT MAP
A PART OF BLOCKS 1 AND 4, PETERSON SUBDIVISION,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 29,
TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF
COLORADO
VACANT LAND



VICINITY MAP
SCALE: NTS

LAND DESCRIPTION

PARCEL 1:
LOTS 1 THROUGH 8, BLOCK 1,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.

PARCEL 2:
LOTS 3 AND 4, BLOCK 4,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.

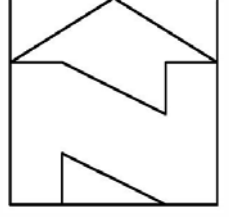
ZONING

PARCEL 1:
LOTS 1 THROUGH 8, BLOCK 1,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.
EXISTING ZONING DESIGNATION: RR, RURAL RESIDENTIAL DISTRICT
PROPOSED ZONING DESIGNATION: I-1: BUSINESS/TECH DISTRICT

PARCEL 2:
LOTS 3 AND 4, BLOCK 4,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.
EXISTING ZONING DESIGNATION: RR, RURAL RESIDENTIAL DISTRICT
PROPOSED ZONING DESIGNATION: I-1: BUSINESS/TECH DISTRICT



GORDON S. PAGE III
COLORADO P.L.S. 29048
FOR & ON BEHALF OF
GILLIANS LAND CONSULTANTS



SCALE: 1" = 500' US SURVEY FEET
500' 0 25' 50'

NO	REVISION RECORD	DATE	BY
1			

EXHIBIT A
ZONE LOT AMENDMENT MAP
COUNTY OF ADAMS, COLORADO

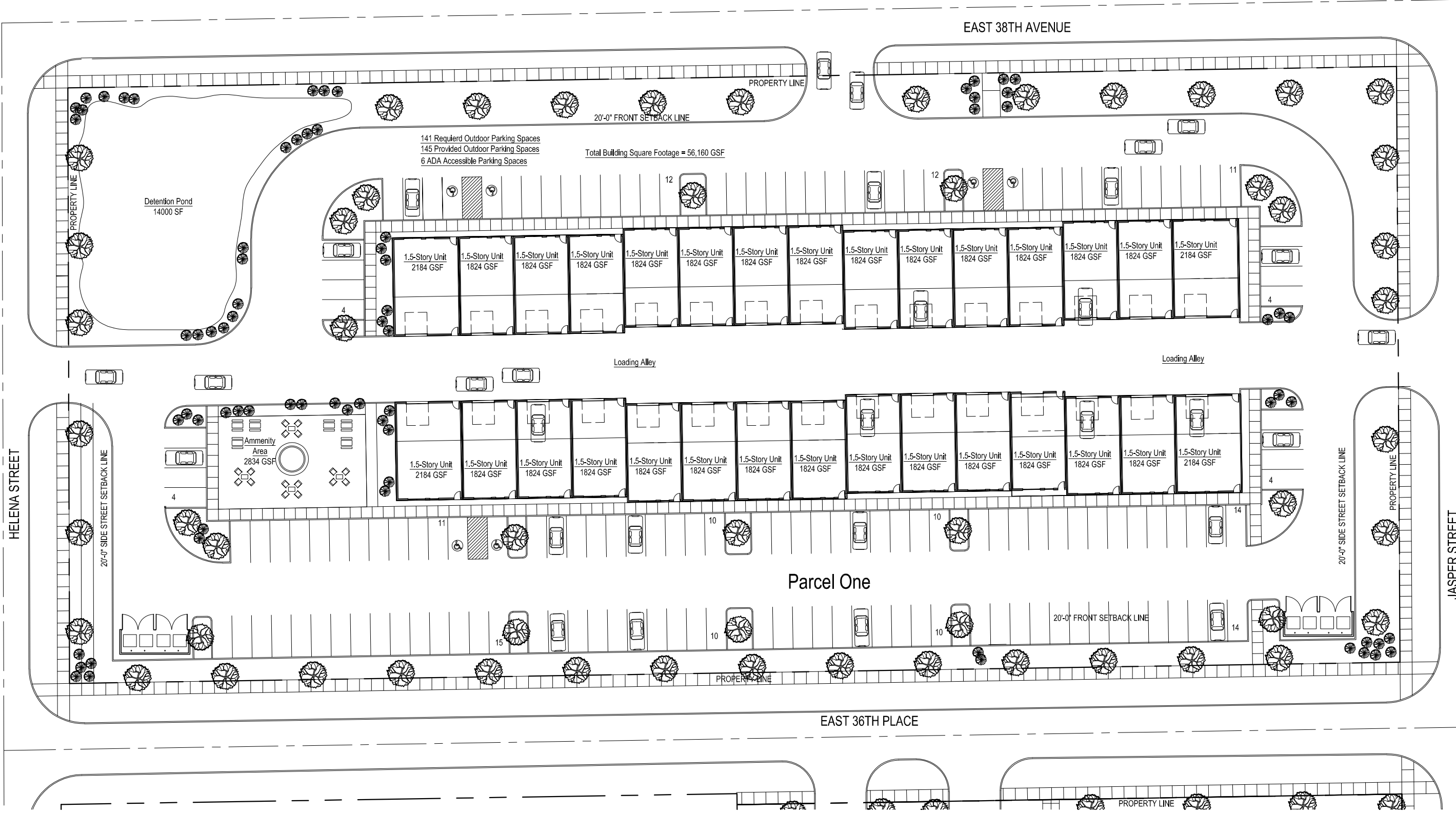
CERTIFICATION

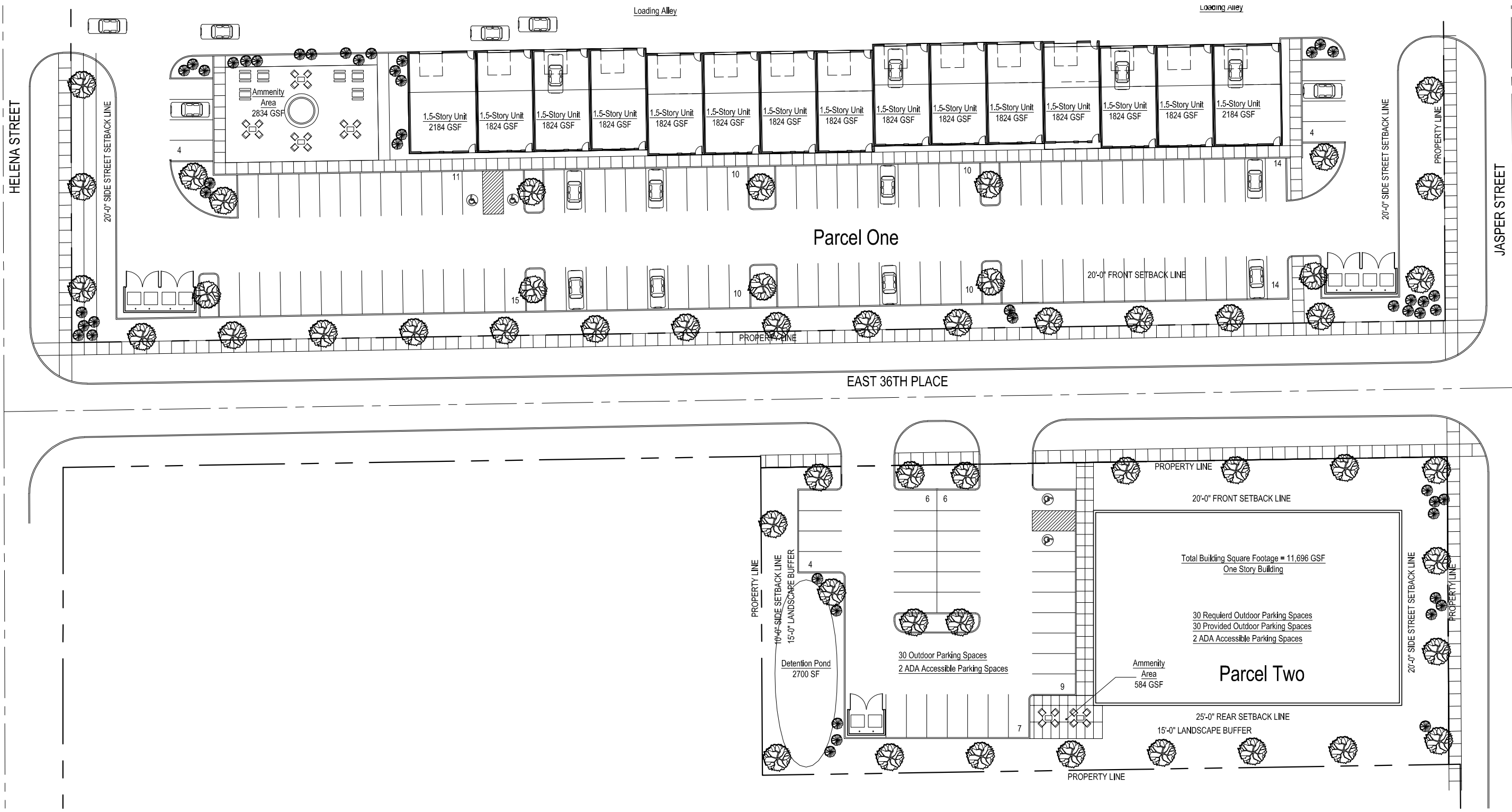
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LAND SURVEYING
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JOB NO: 21108
DRAWN: GP
CHECKED: NA
FIELD: NA
ISSUE DATE: 3-10-2022
SCALE: 1"=50'
FILE: CAD

1 OF 1





To: The Aurora Zoning Commission
 From: Hillary Jorgensen and Josh Winkler
 3560 Helena St, Aurora CO 80011

Re: Rezoning application for 38th and Helena (Application Number – DA-2311-00, Case Numbers – 1982-2015-00)

Applicants have requested that the plot of land on the corner of 38th and Helena be rezoned from Residential Rural to I-1. Our home is on Helena street and our driveway and front door are accessed from this residential street. We are opposed to this rezoning request for the following reasons:

Traffic and safety concerns: Both Helena and Jasper are residential streets. They were not built to handle commercial traffic and an industrial build will greatly increase traffic on both Helena and Jasper. In addition, Aurora municipal code requires two separate egress points for commercial properties. There is no way to add a second egress to the property in question without having at least one entrance/exit spill onto a residential street. The corner of Helena and 38th is already dangerous during high traffic times (morning and evening) due to reduced sightlines from the fence installed by Lazy Days RVs. That corner sees additional traffic and parking on the mornings when the food truck is present on 38th Ave. Adding any kind of commercial establishment to that corner will only increase traffic, including more commercial vehicles, and the risk of accidents. Even though 38th is not designated as a residential street, it is also not wide enough or properly striped to handle an influx of commercial traffic. This is a Residential Rural neighborhood without sidewalks and with horse riders and children walking and bicycling regularly.

Noise, light, and waste concerns: As previously mentioned, Helena and Jasper are residential streets. The rezoning of the property at 38th and Helena and any attendant development will increase noise, light spillage, and commercial waste in the neighborhood. People bought their homes on the same block where the property in question resides with the expectation that that property would continue to be residential. While Aurora's municipal code does have provisions to protect residential properties that abut commercial ones, those codes are imperfect in that they still do not prevent nuisance and decreased use and enjoyment of property by residents of the adjoining residential properties. The property between Helena and Chambers is commercial and they have installed very bright lights. They are fully compliant with municipal code, after we filed a complaint, but we still cannot use the front bedroom in our house at night without considerable light mitigation at our expense. The existence of a commercial property so close to our residence has diminished our full use and enjoyment of our residential property. In this case, however, we knew the property was commercial when we purchased the house. This is not the case with the parcel of land at 38th and Helena.

There is a property used as a church on the block with the proposed rezoning, that is an allowable use under current Residential Rural zoning. This only increases neighborhood traffic one morning each week, and that does not include any commercial vehicles.

Any kind of commercial development on the corner of 38th and Helena will also increase noise and waste. An I-1 designation allows for businesses ranging from a night club to a hospital to an office park and beyond. Since this is just a rezoning application, we have no way of knowing what kind of business will actually end up occupying that lot. An after hours club or a hospital would be extremely disruptive because of the noise and produce additional waste that should not be so close to a residential area. While the applicants have submitted a preliminary plan for an office park, there is no guarantee that an office park will end up being what is built on that lot.

I-1 vs MU-C: While we are opposed to any rezoning of the property from residential, we believe that if the property is going to be rezoned, a more appropriate designation would be MU-C. An industrial designation for the property will eliminate the possibility that this property could ever be used for residential purposes without another rezoning application. At a time when Aurora - and the entire metro area - is experiencing a severe housing shortage, it is short sighted to rezone this property in a way that would preclude it from ever being used for residential purposes.

Additionally, an MU-C district is designed to provide for the needs of the neighborhood, not those of industry. It would make far more sense to zone this property MU-C as it directly abuts a neighborhood. An MU-C designation also requires developers to think about access for not just cars, but also pedestrians, bikes and public transit. Peterson is a unique residential neighborhood that doesn't have a lot of the traditional neighborhood infrastructure that many other Aurora neighborhoods enjoy. An MU-C designation would force any future developer to consider the unique needs of neighborhood residents in any future development.

Property Value: Finally, we have serious concerns about what a potential industrial or commercial development could do to property values in this Residential Rural neighborhood. There are some businesses that may increase property values, but there are many, many allowed uses under both an I-1 and MU-C designation that would decrease property value for surrounding homes. As mentioned elsewhere in these comments, since this is just a rezoning application, there is no guarantee that the office park plans the applicants have submitted will eventually be what is developed on that lot. A large part of the applicant's case for an I-1 designation is built on using the property as an economic driver for the city, but the question must be asked: an economic driver for whom? Residents will likely not benefit in a real financial way from non residential development of this property and may even be harmed in the form of reduced property values.

The applicants make the claim that Aurora would collect more tax revenue from an industrial property than they currently do from the vacant property, however, unimproved land taxes are currently higher than for parcels of land zoned for industrial uses. Bringing additional business to the city also means nothing if workers do not have anywhere to live. It is meaningless to bring commercial development to the neighborhood if those who run and work at the business cannot afford to live in the city. The economic arguments that the applicant makes in their rezoning request are far more nuanced than the case made in the application suggests. There are plenty

of places in Aurora where businesses can be started (the office park on the west side of Chambers, directly across from the Peterson neighborhood, currently has several vacancies), but land for the building of single family homes is scarce.



**Planning and Zoning Commission
DRAFT MINUTES
June 8, 2022**

Commissioners Present

**Melvin Bush
Sonda Banka
Robert Gaiser
Becky Hogan
Gayle Jetchick
Garrett Walls
Garrett Ahern**

- 1. Study Session - 5:00 p.m.**
 - 1.a CSTP Urban Renewal Plan Amendment – Chad Argentar**
 - 1.b General Discussion**
- 2. Regular Meeting - Call to Order 6:14 p.m.**
- 3. Roll Call**
- 4. Pledge of Allegiance**
ABSTAINED
- 5. Approval of the Planning Commission Minutes**
 - 5.a May 25, 2022 Draft Minutes**

A MOTION WAS MADE BY COMMISSIONER HOGAN AND SECONDED BY COMMISSIONER BANKA TO APPROVE THE MINUTES AS SUBMITTED.

MINUTES APPROVED UNANIMOUSLY
- 6. Adoption of Agenda**
 - 6.a.** A MOTION WAS MADE BY CHAIRMAN BUSH AND SECONDED BY COMMISSIONER BANKA.

MOVE TO APPROVE THE DRAFT AGENDA AS THE PERMANENT AGENDA. AGENDA ITEMS 7a-b WILL BE HEARD AT THIS MEETING ALL OTHER AGENDA ITEMS HAVE EITHER BEEN WITHDRAWN, ARE INACTIVE OR ARE BEING CONTINUED TO A LATER DATE.

MOTION PASSED UNANIMOUSLY.



Planning and Zoning Commission
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June 8, 2022

7. General Business

7.a Horizon Uptown Phase 6 – Site Plan with Adjustment

The applicant, DR Horton, is requesting approval of a Site Plan for Horizon Uptown Phase 6, a 28.7-acre traditional neighborhood development organized around a highly connected street, open space, and pedestrian network. The site is in the western portion of the Horizon Uptown Master Plan and will contain 160 residences with a range of housing types and lot sizes, including alley-loaded single-family detached, alley-loaded duplexes, and green courts. A 5-acre detention pond is also proposed within this phase. The development is bounded by Picadilly Road to the west, 8th Avenue to the south, Riviera Court to the east, and 11th Avenue to the north. The site is within the Medium Density Residential (R-2) District and is designated as a Flexible Residential Lot Option neighborhood in the Master Plan, which offers additional lot size flexibility for the creation of diverse residential housing types in exchange for higher-quality design standards.

Along with the 160 single-family residences, an interconnected system of open spaces is proposed, with the focal points being two small urban parks that include gathering areas, playground equipment, public art, and open lawns. The Site Plan also features pedestrian paseos (passage ways) to create a well-connected open space network throughout the site to connect to the existing neighborhood park to the south and a future community park to the east. Detached sidewalks and street trees are also proposed and are integral to the walkable nature of Horizon Uptown. Infrastructure improvements for the development include both on and off-site utilities, roadway construction, storm water detention, and water quality.

The overall Master Plan for Horizon Uptown, a 503-acre development with a mix of residential, commercial, civic, and open space uses, was originally approved in 2007 and was amended most recently in 2019. The Master Plan estimates that 3,000 dwelling units (1,600 single-family homes and 1,400 multi-family apartments), 3.7 million square feet of retail and office uses, and 90 acres of parks and open spaces will be constructed in Horizon Uptown over the next 15-20 years. The subject application will be the sixth phase of development within Horizon Uptown. The first three phases are currently under construction.

One Site Plan adjustment is requested as part of the application for maximum green court length. More detailed information about the adjustment request is discussed later in the report. The Site Plan is consistent with the approval criteria in the UDO, and staff is supportive of the adjustment request.

Twenty-six adjacent property owners and seven registered neighborhood organizations were notified of the application. No comments were received from any interested parties, so a neighborhood meeting was not held.



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Testimony Given at the Hearing:

Sarah Wile, Case Manager, gave a presentation of the item, including the staff recommendation.

Commissioner Hogan asked who will be maintaining the alleys and removing snow. Ms. Wile responded that the Horizon Uptown Metro District will be responsible for alley maintenance. Commissioner Hogan asked if the streets are also maintained by the metro district. Ms. Wile indicated that the streets are public streets and would be maintained by the city.

Commissioner Walls asked if the 6 turn lanes on Picadilly that are recommended for 2026 are included in the current plan. Ms. Wile responded that the traffic counts along Picadilly are not high enough to trigger the improvements yet. Because the warrants are not being met the applicant was not required to include those improvements with this application. Within the next few years the counts will increase, the warrants will be met, and then the applicant will submit a new application for the infrastructure and public improvements.

Steve Gomez, Traffic Engineer, Public Works, responded that by 2040 Picadilly will be widened. Commissioner Walls stated that according to the traffic study the 6 turn lanes should be added by 2026.

Mr. Gomez asked for clarification of which intersections were being referred to. Commissioner Walls explained the intersections being referenced by the traffic study. Mr. Gomez responded that yes there will be six turn lanes added when the counts are met.

Ms. Wile explained that the Picadilly Road improvements are not triggered by this development, but any new streets within the development that intersect with Picadilly Road will be designed to meet the Picadilly levels of service outlined within the traffic study. Commissioner Walls asked if the intersections of 11th and 10th will be included. Ms. Wile indicated that they will comply with the stop-controlled intersections to meet the level of service required outlined in the traffic study, but the actual improvements on Picadilly Road are not occurring at this time.

Commissioner Hogan asked if there was some adjacency to Picadilly Road but with tracts separating. Ms. Wile responded that was correct and added that the tracts are where the future right-of-way will be. Commissioner Hogan asked if the right-of-way is being dedicated via the tracts and if DR Horton is contributing to the improvements along Picadilly Road. Ms. Wile responded that the right-of-way is not being dedicated yet; the tracts are there to reserve where the future right-of-way will be. The master developer is required to do improvements to Picadilly Road when they are triggered, and the responsibility to pay for that, DR Horton or the master developer, is a private agreement. This development is responsible for improving their half of Picadilly Road when the public improvement triggers occur.

Commissioner Hogan indicated that she was not clear on when the Picadilly Road improvements would occur, the timing seems a little unusual.



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Riley Hillen, DR Horton, 9555 S Kingston Court, Englewood, CO, representing the applicant, explained the Picadilly improvements are per the plan for the larger Horizon development. This portion of the development does not trigger the greater improvements. The designs for the intersections of 10th and 11th will cause minimal improvements to be made when work on Picadilly begins at a future time. Design work for what Picadilly will be in the future has begun but when the improvements will be done is not certain at this time.

Mr. Hillen gave a presentation of the item. He stated that the applicant is excited to continue working through the Horizon development. He addressed the warranty question from the citizen and stated that they are actively working through issues. There has been a shortage of superintendents and warranty representatives, but the positions are now filled. The open tickets have been cut by 50% and meetings are held weekly to ensure issues are addressed in a timely fashion.

Commissioner Hogan asked if the detention pond is shared or specifically for this development. Mr. Hillen stated that it is his understanding that it is a temporary pond that will be expanded for future developments. Commission Hogan asked who is responsible for the maintenance of the detention pond. Mr. Hillen responded that the metro district will be responsible for maintenance.

Commissioner Hogan asked what kind of materials will be used to conserve water in the green courts and open spaces.

Kurt Moje, PCS Group, 200 Kalamath Street, Denver, CO, representing the applicant, explained that the city code will not allow more than 33% of the overall landscape to be classified as non-water conserving. The development currently sits at 15%. The fact that Kentucky Blue Grass does take up a lot of water has been taken into account. Commissioner Hogan thanked the developer for the actions to conserve the city's water resources.

Planning Commission Results

A MOTION WAS MADE BY COMMISSIONER JETCHICK AND SECONDED BY COMMISSIONER BANKA.

MOVE TO APPROVE WITH ONE CONDITION, THE SITE PLAN WITH ONE ADJUSTMENT FOR GREEN COURT LENGTH BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-5.4.3.2.B OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. IT IS CONSISTENT WITH THE APPLICABLE UDO STANDARDS WITH THE EXCEPTION OF THE REQUESTED ADJUSTMENT, WHICH COMPLIES WITH THE APPROVAL CRITERIA IN SECTION 146-5.4.4.D;
2. IT ENHANCES THE EXISTING CITY INFRASTRUCTURE;
3. IT IMPROVES MULTI-MODAL CONNECTIVITY WITHIN THE DEVELOPMENT AND TO ADJACENT SITES;
4. IT IS COMPATIBLE WITH SURROUNDING LAND USES; AND
5. IT MITIGATES ANY ADVERSE IMPACTS TO THE SURROUNDING AREA.



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APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN MYLARS AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.



Planning and Zoning Commission
DRAFT MINUTES
June 8, 2022

7.b East 38th Avenue and Helena Street – Zoning Map Amendment

The applicant, Modern Design Construction, is requesting approval of a Zoning Map Amendment to rezone a vacant 5-acre site from Residential – Rural (R-R) to Business/Tech (I-1). The subject property is located within Subarea B, at the southeast corner of E 38th Ave and Helena St. The anticipated use for this property following a rezoning to I-1 would be flex office uses.

The property is located within the Industrial Hub Placetype within the Aurora Places Comprehensive Plan. The proposed I-1 zone district is a compatible zoning district with the designated placetype, permitting compatible uses described within the Comprehensive Plan.

A site plan proposal has not been made. Future development will require site plan approval and infrastructure improvements. Other zoning applications may be required depending on the request.

Nine adjacent property owners and two registered neighborhood organizations were notified of the application. No comments were received by staff regarding the zoning map amendment application during the review process. Therefore, no neighborhood meeting was held. Staff did receive a comment from a citizen and it was included in the backup materials

Testimony Given at the Hearing:

Erik Gates, Case Manager, gave a presentation of the item, including the staff recommendation.

Peter Wall, The Wall Group, LLC, 142 S Jackson Street, Denver, CO, representing the applicant, gave a presentation of the item.

Commissioner Jetchick asked if the parking will be on the north along 38th.

Mr. Wall responded parking will be on the north and the south.

Commissioner Hogan indicated that she is pleased to see office/flex being built again and is looking forward to seeing the site plan in the future.

Joshua Winkler, 3560 Helena Street, Aurora, CO, a citizen, spoke in opposition, citing concerns that the ultimate use of this property is not known, and the development could be incompatible with the surrounding residential neighborhood when it is ultimately developed.



Planning and Zoning Commission
DRAFT MINUTES
June 8, 2022

Planning Commission Results

A MOTION WAS MADE BY COMMISSIONER GAISER AND SECONDED BY COMMISSIONER AHERN.

MOVE TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE ZONING MAP AMENDMENT TO REZONE THE SUBJECT PROPERTY FROM R-R (RURAL-RESIDENTIAL) TO I-1 (BUSINESS/TECH), BECAUSE THE PROPOSAL COMPLIES WITH THE CRITERIA IN SECTION 146-5.4.1.C.1.3 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

IT REMAINS CONSISTENT WITH THE SPIRIT AND INTENT OF THE COMPREHENSIVE PLAN;
THE ZONING MAP AMENDMENT DOES NOT IMPACT COMPATIBILITY WITH THE SURROUNDING AREAS OR USES; AND,
IT WILL NOT CREATE ANY DISLOCATIONS OF TENANTS OR OCCUPANTS OF THE PROPERTY.

Further Discussion:

Commissioner Ahern asked if this area falls under the placetype of “Industry Hub” in the Aurora Places Comprehensive Plan. Mr. Gates answered affirmatively.

MOTION PASSED UNANIMOUSLY.



**Planning and Zoning Commission
DRAFT MINUTES
June 8, 2022**

8. Public Invited to be Heard

There was no public to comment.

9. Commissioner Comments/Miscellaneous Items of Business

Commissioner Hogan stated she concurs with the citizen who spoke regarding East 38th Avenue and Helena Street stating that in other jurisdictions; rezonings are tied to site plans. She further stated that if there is a site plan there is more objectivity. She asked if this should be a policy change for the city for future rezonings.

Brandon Cammarata, Planning Manager, identified that there often is a site plan with a rezone. However, it is the applicant's prerogative on how they want to submit the request. He further noted that with initial zonings rarely is a site plan submitted at the same time as the zoning request. He indicated that a policy change can be pursued.

Dan Money, Assistant City Attorney, explained that rezonings are never permanent, and the Planning and Zoning Commission only makes recommendations on rezonings to the City Council. There is always the concern about what will be ultimately built but there is also the risk that a site plan is submitted and is never built. He also explained the legislative process of initial zonings.

Jeannine Rustad, Director of Planning and Development Services, stated that the UDO will be going under a review in 2023 and this is a question that can be added to the list of needed changes.

10. Reports

10.a Report by Planning Division Manager

Brandon Cammarata, Planning Manager, reviewed the Administrative Decisions made over the past two weeks. Projects include Transport Colorado, Waterstone Site Plan No 4, and Horizon Uptown Phase 4.

He stated that the Aurora One rezones were approved by City Council and that the Council upheld the Planning Commission's decision regarding ALTA Addison. Station 60 appeal was postponed to June 27th per the appellant's request to give time for the applicant and appellant to work out an agreement.

In regard to green courts, Planning works closely with Aurora Water and both departments are on the same page regarding water conservation for the more densely populated projects.

Chair Bush noted that the Anshutz Campus uses water that is non-potable for grassy areas and flowerbeds. Mr. Cammarata stated that he does not know where the gray water source comes from for that purpose on the campus.

Commissioner Walls asked about tightening up the standards for greenbelts and turf in the future for water conservation purposes.



**Planning and Zoning Commission
DRAFT MINUTES
June 8, 2022**

Mr. Cammarata responded that he believes that those will be the next steps and ongoing conversations throughout the region.

Kristin Tanabe, Civil Engineer, Public Works, asked if the turf ordinance has been made available to the Planning Commission, she noted that it might be of benefit for the Commissioners to read and understand as developments come forward. Mr. Cammarata stated that the turf ordinance has not been adopted and there will probably be changes to the UDO to reciprocate that ordinance; he concurred that it could be made available to the Commission.

Commissioner Jetchick stated that the study session covered a good topic.

Commissioner Ahern asked if there has been thought given to the usage of reclaimed water.

A general discussion ensued.

10.b Report by City Attorney

Dan Money, Senior Assistant City Attorney, spoke regarding the one item that was turned down due to gentrification which was part of the study session topic.

11. Adjournment

Chairman Bush adjourned the meeting at 7:29 p.m. until Wednesday, June 22, 2022.



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL (R-R) TO BUSINESS/TECH (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE & HELENA STREET ZONING MAP AMENDMENT)

Item Initiator: Erik Gates, Planner 1

Staff Source /Legal Source: Erik Gates, Planner 1

Outside Speaker: N/A

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

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: N/A

Regular Meeting: 7/11/2022

EXPLANATION: (Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)

All of the attachment and report materials for this item were posted on-time by the end of the workday on June 24th. The only reason it was submitted late was due to the Escribe system not giving me an option to start the workflow officially. This item was noticed for the July 11th City Council Hearing on the week of June 20th. As such, the applicant and interested adjacent property owners have been anticipating a hearing on this date. It should not be pushed back due to a system error when all of the required materials were present on the day the item was due.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Erik Gates, Planner 1
Agenda Item Initiator Name

Erik Gates

Agenda Item Initiator Signature

6/27/2022
Date

Jason P. Batchelor
Late Submission Approver Name

Jason P. Batchelor

Late Submission Approver Signature

06/27/22
Date

ORDINANCE NO. 2022 - ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES, MORE OR LESS, AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL DISTRICT (R-R) TO BUSINESS/TECH DISTRICT (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE AND HELENA STREET ZONING MAP AMENDMENT)

WHEREAS, the applicant has requested that 5 acres of land, more or less, located at the Southeast corner of East 38th Avenue and Helena Street be rezoned from Residential-Rural District (R-R) to Business/Tech District; and

WHEREAS, Section 146-5.4.1.C.3 of the City Code provides that all applications for the rezoning of property within the City of Aurora, Colorado (the “City”), shall be presented for a public hearing, both to the Planning and Zoning Commission, who shall render a recommendation to City Council, and to City Council for final decision; and

WHEREAS, on June 8, 2022, following a public hearing, the Planning and Zoning Commission voted to recommend the rezoning of the parcel.

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

Section 1. Based on the evidence presented at tonight’s public hearing, City Council finds and determines that: the rezoning is consistent with the spirit and intent of the Comprehensive Plan, is compatible with surrounding development, and would not result in a significant dislocation of tenants or occupants of the property.

Section 2. The parcel, as more particularly described in “Exhibit A” attached hereto and incorporated herein, is zoned Business/Tech District (I-I) and the zoning map is hereby amended in accordance with said zoning.

Section 3. All ordinances or parts of ordinances of the City in conflict herewith are expressly repealed.

Section 4. Pursuant to Section 5-5 of the City Charter, 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 _____, 2022.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

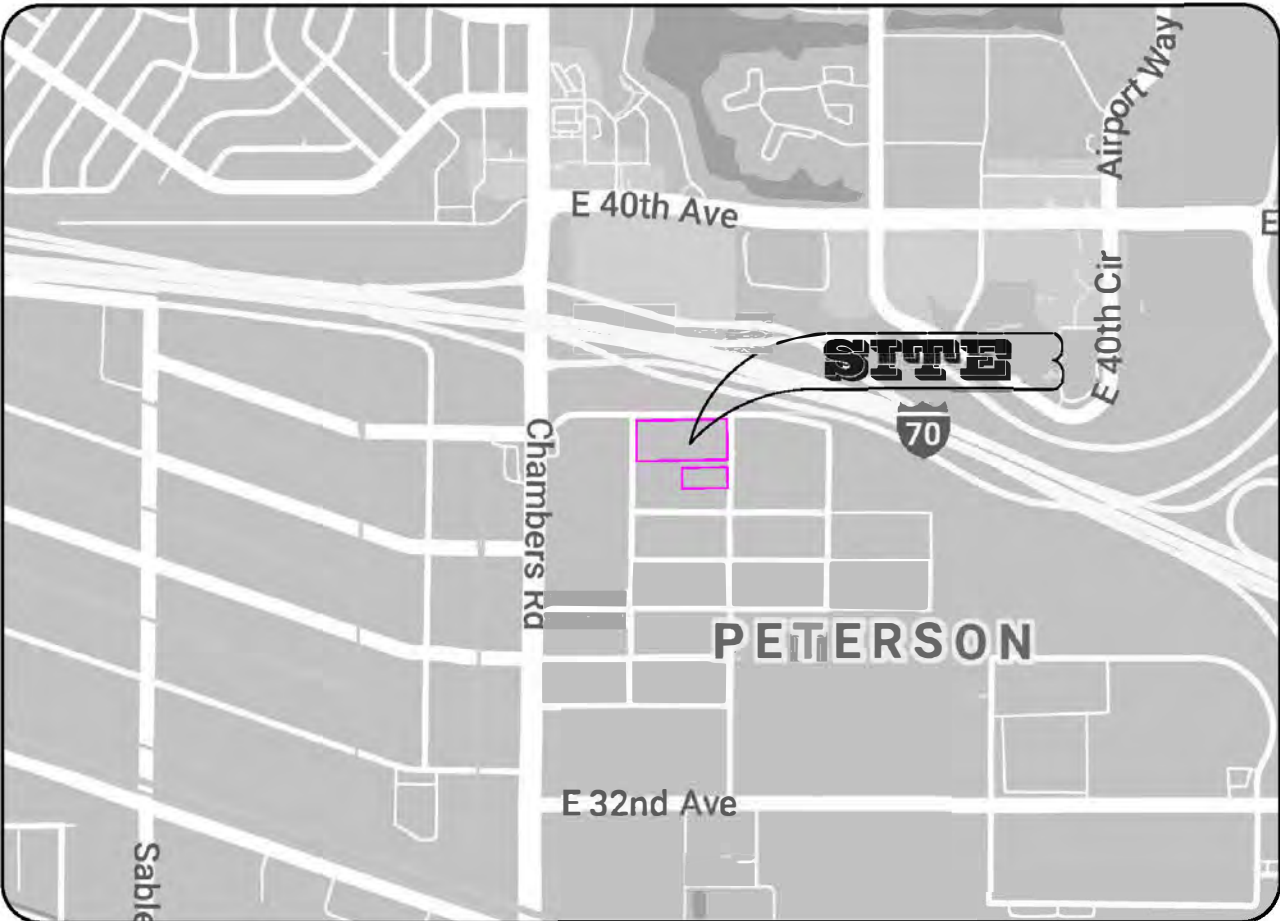
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Daniel L Money RLA

DANIEL L. MONEY, Senior Assistant City Attorney

EXHIBIT A
ZONE AMENDMENT MAP
A PART OF BLOCKS 1 AND 4, PETERSON SUBDIVISION,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 29,
TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF
COLORADO
VACANT LAND



LAND DESCRIPTION

PARCEL 1:
LOTS 1 THROUGH 8, BLOCK 1,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.

PARCEL 2:
LOTS 3 AND 4, BLOCK 4,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.

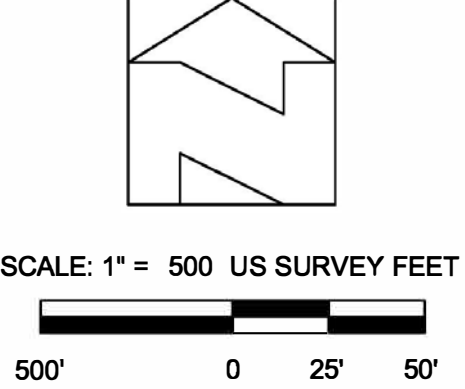
ZONING

PARCEL 1:
LOTS 1 THROUGH 8, BLOCK 1,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.
EXISTING ZONING DESIGNATION: RR, RURAL RESIDENTIAL DISTRICT
PROPOSED ZONING DESIGNATION: I-1: BUSINESS/TECH DISTRICT

PARCEL 2:
LOTS 3 AND 4, BLOCK 4,
PETERSON SUBDIVISION, CITY OF AURORA
COUNTY OF ADAMS,
STATE OF COLORADO.
EXISTING ZONING DESIGNATION: RR, RURAL RESIDENTIAL DISTRICT
PROPOSED ZONING DESIGNATION: I-1: BUSINESS/TECH DISTRICT

3.8984
0.9932
4.8916 ac

GORDON S. PAGE III
COLORADO P.L.S. 29048
FOR & ON BEHALF OF
GILLIANS LAND CONSULTANTS



NO	REVISION RECORD	DATE	BY
1			

EXHIBIT A
ZONE LOT AMENDMENT MAP
COUNTY OF ADAMS, COLORADO

CERTIFICATION

GILLIANS LAND CONSULTANTS
P.O. BOX 746358
ARVADA, CO 80006-6358
303-972-6640
www.gillianslc.com

LAND SURVEYING
ALTIMETERS SURVEYS
TOPOGRAPHIC MAPS
CONSULTING SERVICES

JOB NO:	21108
DRAWN:	GP
CHECKED:	NA
FIELD:	NA
ISSUE DATE:	3-10-2022
SCALE:	1"=50'
FILE:	CAD

1 OF 1



CITY OF AURORA

Council Agenda Commentary

Item Title: A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242

Item Initiator: Aja Tibbs, Senior Planner

Staff Source/Legal Source: Aja Tibbs, Senior Planner; Daniel L. Money, Senior Assistant City Attorney

Outside Speaker: N/A

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

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: 7/11/2022

ITEM DETAILS:

A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242 ACRES OF LAND, LOCATED WEST OF E-470 AND ALONG THE 48TH AVENUE ALIGNMENT (WINDLER ZONING MAP AMENDMENT)
Aja Tibbs, Senior Planner / Daniel L. Money, Senior Assistant City Attorney

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

- | | |
|---|---|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☐ Approve Item and Move Forward to Regular Meeting | ☒ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning and Zoning Commission

Policy Committee Date: 6/22/2022

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|--|
| ☒ Recommends Approval | ☐ Does Not Recommend Approval |
|---|--|

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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 Planning and Zoning Commission heard the applicant's request for a Zoning Map Amendment in a public hearing on June 22, 2022 and voted unanimously (7-0) to recommend approval to City Council. The Planning Commission Meeting Summary is attached (see Exhibit D) and details the discussion and Planning Commission action on this items.

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

The applicant, GVP Windler, LLC, is requesting approval of a second Zoning Map Amendment to rezone three MU-A parcels to AD and R-2. This zoning request is only located in the parts of the Windler Master Plan which are west of E-470 and along the north and south sides of 48th Avenue. The proposed zone map amendment area is comprised of three parcels. The first parcel is approximately 111 acres located on the northwest corner of E-470 and 48th Avenue to be rezoned from MU-A to AD. The second parcel is approximately 35 acres located on the southwest corner of E-470 and 48th Avenue to also be rezoned from MU-A to AD. The third parcel is approximately 96 acres located west of the second parcel and on the southeast corner of Tibet Road and 48th Avenue to be rezoned from MU-A to R-2.



The purpose for this request is to allow conditional industrial uses, that are intended for the first and second parcels through the approved Windler Master Plan, to be permitted as "by-right" uses. The remaining third parcel is master planned for residential development, but would be limited to 50% residential uses, if it remained MU-A. Therefore, the applicant is requesting this parcel be rezoned to R-2 to be consistent with the other planned residential parcels located on the east side of E-470 within the Windler Master Plan.



Windler Master Plan Land Use Map (areas west of E-470)

The purpose and intent of each of the existing and proposed districts are as follows:

- The Mixed-Use Airport (MU-A) district is to enable the development of master planned developments that allow for a mix of uses, located and designed in accordance with the Comprehensive Plan, and that allow Aurora to leverage the economic opportunities created by Denver International Airport. A wide variety of attached and detached single-family, two-family and low to medium-density multi-family housing is permitted.
- The Airport District (AD) is intended to take advantage of the nearby regional and national transportation hubs and infrastructure, to expand employment opportunities created by the strategic location of these lands near the airports operating in or near Aurora, and to ensure that development is located and designed to be consistent with the continued efficient operation of those airports.
- The Medium Density Residential (R-2) district is to promote and preserve various types of medium density housing with adequate amounts of usable common space and amenities.

QUESTIONS FOR COUNCIL

Does the City Council wish to approve the Zoning Map Amendment 2 to rezone two parcels from MU-A to AD and the remaining parcel from MU-A to R-2?

LEGAL COMMENTS

An application for initial zoning, rezoning, and changes to the Zoning Map for individual parcels or small areas shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council, after a public hearing, finds that the following criteria have been met.

- (1) The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or
- (2) The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:
 - (a) The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);

(b) The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and

(c) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application. (City Code Sec. 146-5.4.1.C) (Money)

PUBLIC FINANCIAL IMPACT

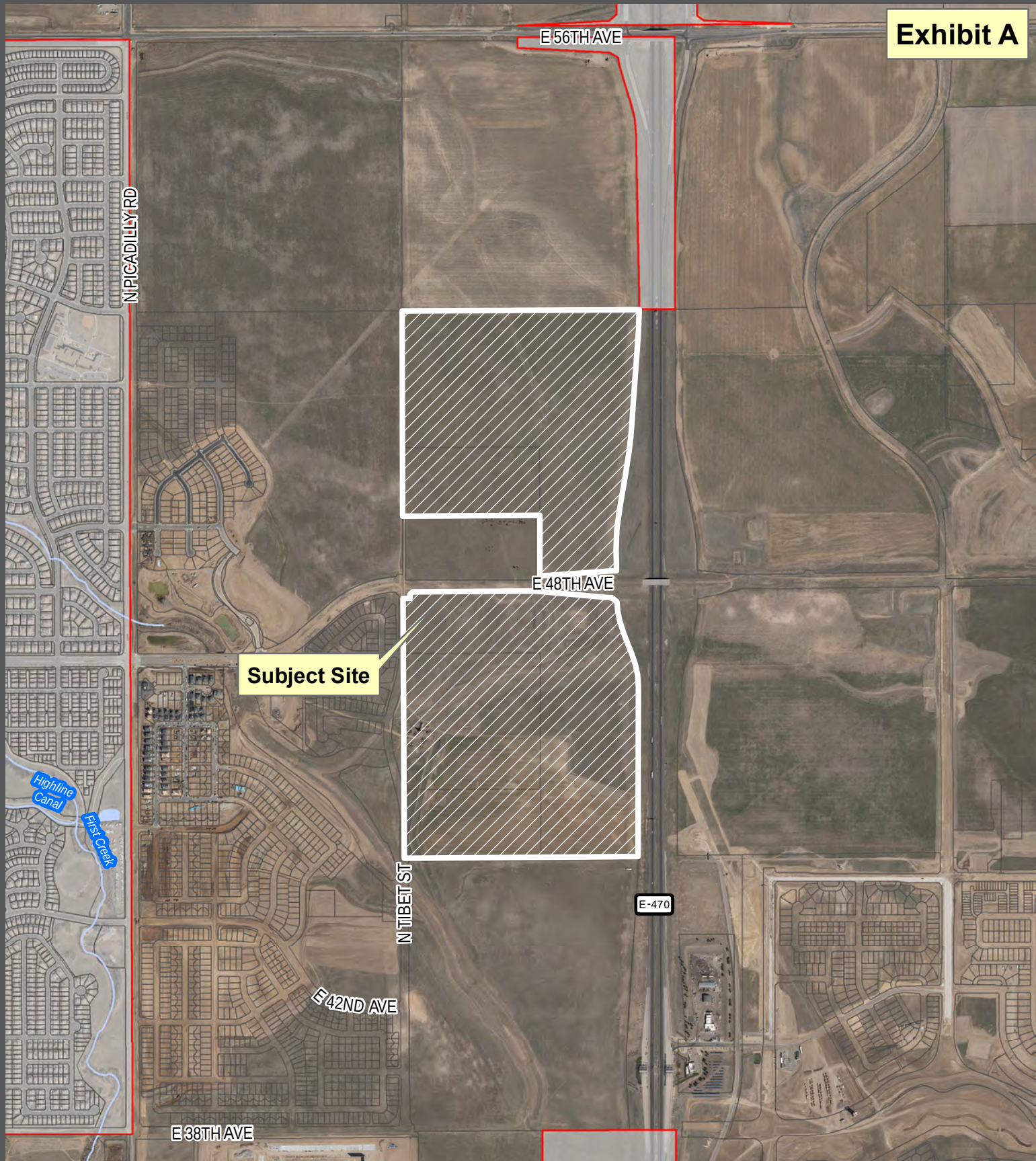
☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



Windler Zoning Map
Amendment 2

Case Number: 2005-2017-02
Development Application: #1707-16



Aurora is
Worth Discovering!



City of Aurora, Colorado

Feet
0 1,250 2,500

Planning &
Development Services

15151 E. Alameda Parkway
Aurora CO 80012 USA
AuroraGov.org
303.737.217
GIS@aurora.gov

Windler – Rezoning Request and Justification

4.19.22

Introduction:

This is a formal request to rezone a portion of the “Windler” Master Plan. The requested zoning does not fundamentally change the uses which are already permitted under existing zoning, nor does it change what is envisioned under the just approved Windler Master Plan Amendment. Further, and most importantly, the requested rezoning does not change the expected outcome and built environment. This rezoning will ensure the investment of capital along this already established primary logistics/commercial corridor. Please see the attached Windler Look Book as a reference demonstrating the best in class, visionary master plan that is Windler.

This request refines what is already permitted under existing zoning, by adding clarity, predictability, certainty and giving longer term surety of outcomes in order to allow investors, owners, developers and corporate users of the property to be able to make responsible investment decisions on multi-hundred-million-dollar projects.

- This request is consistent with the Aurora Comprehensive Plan – “*Aurora Places*”.
- This request is compatible surrounding land uses.
- This request is consistent and compatible with the just adopted Windler Master Plan Amendment.
- This request is necessary as a result of changes in the market.
- This request is complimentary and supportive of the existing land uses in the corridor.

Current Zoning:

The subject parcel is currently zoned MU-A.

This zoning allows, and even causes a mix of commercial and residential uses with a limitation on how much can be residential. The Conditional commercial uses include Storage, Distribution, and Warehousing, Outdoor Storage, and Self-storage Facility.

Requested Zoning:

A combination of AD (Airport District) and R-2.

This zoning will allow a mix of commercial and residential uses with a limitation on how much can be residential. The Permitted commercial uses include Storage, Distribution, and Warehousing, Outdoor Storage, and Self-storage Facility..

Comparison:

The existing zoning, and the proposed zoning combination, result in the same permitted uses and built outcome. The difference is with the requested zoning, Storage, Distribution, and Warehousing, Outdoor

Storage, and Self-storage Facility uses are not “Conditional” uses, they are Permitted uses. Therefore, rather than a short 3–5-year vesting period, the use by right is vested permanently.

This is vitally important to be able to attract capital to invest in a multi-hundred-million-dollar project, and to agree to design standards that will be the highest in the region and best in class.

“A significant portion of investment will come from property owners, investors, and businesses working to stimulate real estate market forces.” (pg. 24, AP)

Description:

As described above, there is almost no difference in permitted uses, nor in likely built outcome between the existing zoning and the proposed zoning.

The requested zoning categories allow for precisely what the existing MU-A allows for, except it would permit the certainty and predictability of outcomes which is requisite for major investment in infrastructure and development. That investment provides for higher quality, earlier realization of property taxes for the City, maximizing the attributes of the site, and creation of hundreds of primary jobs.

The current zoning conditionally permits Storage, Distribution, and Warehousing, Outdoor Storage, and Self-storage Facility uses but they are uses which require conditional approval. Needing to have conditional approvals, which will not vest permanently, will prevent major financial investments in the site, and will result in slower development, less investment in infrastructure and less ability to invest in quality design and implementation.

The applicant has developed design standards that ensure the project is best in class. The design standards are the highest and most restrictive in the region and will promote a fantastic business park. Please reference pages 26-28 of the Architectural Design Standards and Guidelines in the approved Winder Master Plan. A copy of those standards is attached hereto.

Consistent with City Comprehensive Plan:

This request is consistent with the City’s Comprehensive Plan – “*Aurora Places*”, in fact the City’s Comprehensive Plan anticipated this very circumstance:

“ The plan’s intent is to identify key areas of focus, define a vision for future growth and development, and provide guidance for city actions and investments over the next 10-20 years.” (pg.3, AP)

Fundamentally, this request is to allow a permitted, but conditional use, to be a permitted use without the conditions, so that investors, financiers and developers can make a 20 year investment, with certainty about permitted uses.

“The plan should serve as a foundation for zoning regulations, subdivision regulations, the official zoning map.....and other decisions guided by these regulations. Amendments to these regulations should be made as needed to support the long-term objectives of the plan.” (pg 3, AP)

Further Background:

The request is, specifically, to rezone a portion of the Windler Master Plan on the west side of E-470 (143 acres) from MU-A to Airport District (“AD”); and, to rezone the remaining portion of the Windler Master Plan that is west of E-470 from MU-A to R-2.

The resulting built environment, or built outcome, is expected to be exactly what it would be under the existing zoning, except it brings clarity, predictability and dependability for current investments in infrastructure and for investment by future users which is necessary in the current environment in order to attract investment and financing to achieve the vision of the Windler Master Plan.

Thus, deductively and by definition, if the requested rezoning permits and results in the same uses and same built environment that the current zoning permits, then the requested rezoning must be consistent with the City Comprehensive Plan, and the Windler Master Plan.

The most significant reason for the rezoning is that the proposed use, which is envisioned and required for 143 acres of the property west of E-470 deals with “logistics/distribution” uses. Storage, Distribution, and Warehousing, Outdoor Storage, and Self-storage Facility are a conditional permitted use under the current zoning but is a “Conditional” use, meaning it requires an Administrative approval, and that approval only “vests” for 3 years under City rules. For a master developer to develop the scale and quality of project, which is desired in this case, it will require an investment of well over \$200,000,000. Developers and investors are, understandably, not willing to make a commitment of over \$200,000,000 without more than a 3-year certainty in the right to use the property for their intended purpose. Those stakeholders need to know they have a certain and permanent, vested, use by right to build the logistic/distribution facilities envisioned for Windler.

This need for certainty of outcome is heightened by the fact that the Windler developer is imposing significantly enhanced design standards and requirements for significantly enhanced architecture and design. This will increase costs of construction and increase the need for a predictable use of the property.

Also, the Windler development team is embarking on investing approximately \$20,000,000 to widen the bridge and add ramps to the 48th Avenue/ E-470 Interchange bringing significant and important infrastructure to enhance the transportation infrastructure in the area. Certainty and predictability of outcome is necessary to make that kind of commitment as well.

“The plan should guide and assist in the evaluation of public and private development proposals and help ensure that proposed developments support the City’s long-term objectives.” (pg. 2, AP)

The requested zoning would encourage long-term investment in the City, higher quality design and development, and investment in key infrastructure as well as create long -term property tax revenue. These factors all support the City’s long-term objectives.

- The proposed plan for the 143 acre “Distribution/Logistics” portion of the property is primarily for a high design, high finish, “Best-in-Class” Storage, Distribution and Warehousing Park. The applicant has created design guidelines which call for higher design, higher finish, buildings and aesthetics than any similar project in the area. It will be a unique urban district and commercial project creating jobs, areas for innovation, and significant property taxes for the City. It will also promote investment

in the infrastructure desired by the City. The project will create a unique place, create primary jobs, and add a unique urban district. All these outcomes are consistent with the vision in *Aurora Places*.

“The plan emphasizes the importance of creating and improving the variety and types of places throughout the city. These placetypes include urban districts, neighborhoods, commercial and industrial areas and areas for innovation.” (pg. 2. AP)

“A strong economy Principle: A strong economy with active urban place is essential for the well-being of residents, businesses and the community.” (pg. 2. AP)

Again, the requested zoning adjustment meets the vision and goals of the City’s Comprehensive Plan. In this case, an amendment to the zoning map is needed to achieve the intent of the plan, Master Plan, and City objectives.

This request will further demonstrate the value, quality, benefits and justification for the rezoning, as well as compliance with the *Aurora Places* Comprehensive Plan plus the Windler Master Plan, including factors such as changes in circumstances, compatibility with surrounding land uses and correction of an error; but, fundamentally, the requested rezoning merely facilitates the implementation of uses which are already permitted under the existing zoning and which are compatible with the Windler Master Plan. Therefore, there should not be any debate over compatibility with *Aurora Places* or the Windler Master Plan.

Change in Circumstances:

There has been a change in circumstances from when the subject parcel was originally zoned.

WINDLER is an approximately 847-acre parcel of ground and master planned community that was envisioned originally in 2001 and first received land use approvals by the City of Aurora (“COA”) in 2003.

Since that time many things have occurred which warrant adjustments to the land use planning, Master Plan, and Zoning of the subject property:

- i) The subject property transitioned from a large parcel with common ownership into an array of parcels with disparate ownership.
- ii) A long period transpired wherein no “common vision” or master developer existed for the vision or development of the WINDLER Master Planned property.
- iii) Numerous changes occurred which affect land use economics and real estate demands in the WINDLER environs. Particularly the continued rapid evolution of this corridor into a world class logistics/distribution market.
- iv) Surrounding parcels have developed with unique use types and various regional infrastructure which affect the future and proper vision for nearby real estate.
- v) In 2018 the COA adopted a new comprehensive plan “*Aurora Places*” (“AP”). This plan was adopted to create a well-articulated vision for the COA and to guide the COA Planning Commission and City Council in making land use decisions.

- ***“It is the foundation for decision-making and focuses on planning and connecting places”. (pg. 1 AP)***

- *It is designed to serve as a foundation for decision-making related to growth and development in Aurora.” (pg.2 AP)*

- vi) The COVID virus created a world-wide pandemic having enormous impact on economic forces and buyer behaviors. These forces have had a major effect on real estate and land use economics. Those forces have accelerated and increased already existing trends toward needing more distribution, logistics and fulfillment businesses and capacity. Pressure to “de-centralize office and work environments, and trends toward more “work at home” options are tremendous.
- vii) In 2021 the disparate ownership of the parcels formerly comprising the WINDLER Master Plan area were successfully re-assembled (lead by the vision and efforts of Alberta Development Partners) under one common ownership of a master developer allowing updated planning and a unified vision to be established and presented to the COA, and to bring the planning of the property into compliance with *Aurora Places* and its’ vision.
- viii) Transition in the best practices for residential real estate have evolved and emerged.
- ix) New typologies for residential real estate in Aurora were brought to bear and proven to be successful. New views on the benefits of more dense, more compact and more diverse residential development have been adopted.

Macro-economically a transformation in commercial real estate demand(s) nationwide occurred. Demand for traditional “bricks and mortar” retail experienced a major decline while the demand and need for logistics, distribution, warehouse and light industrial space to fulfill the demand created by the E-Commerce economy.

Traditional high rise office space demand and large-scale office space demand decreased significantly, as work at home and technology driven alternatives have given rise to wonderful alternatives to the old large format office space needs (this has been radically accelerated by the effects of COVID, with many companies and many individuals desiring work at home, or use small format and shared format office solutions).

Regionally, in Colorado, the realities of economic forces and demands created by the construction and incredibly successful operations of Denver International Airport have become known and are readily apparent:

- i) There is a huge demand for distribution, logistics, fulfillment and light industrial development.
- ii) There is demand for some hotel, retail and perhaps some small format office space.
- iii) There is demand for services such as restaurant and entertainment facilities.
- iv) There is significant demand for diverse housing products in a wide variety of types, densities, and price points.

In the immediate environs of WINDLER:

- i) The Porteos project has been very successful and is building out as a major distribution/logistics hub.
- ii) The Fulenwider property at 56th & E-470, immediately north of WINDLER is under construction for a data center that will encompass hundreds of acres and will include millions of square feet of industrial/data space.

- iii) The Aurora Highlands development has been created and serving much of the demand for traditional, lower density, front-loaded single-family housing product.

DIA, E-470 and proximity to I-70 create a reality where there is clearly a huge demand for distribution/logistics/fulfillment/warehouse and light industrial properties and businesses. That commercial growth along with DIA, Gaylord and Fitzsimmons also create a need for a vast amount of diverse and dense variety of housing across a broad spectrum of price points and product types.

All of the factors listed above demonstrate a need for updating the Windler Master Plan (which was recently approved) and adjusting zoning designations. The Aurora Places Comprehensive Plan speaks directly to this:

- *“The plan emphasizes the importance of creating and improving the variety and types of places throughout the city. These placetypes include urban districts, neighborhoods, commercial and industrial areas and areas for innovation”. (pg.2 AP)*

That is exactly what this request does. It complements the recently updated WINDLER Master Plan, brings the zoning and Master Plan into compliance with the current COA Comprehensive Plan and adjusts the vision to account for changes in market conditions, changes in economic factors and related growth in the nearby environs.

- *“The creation of places not only depends on the land uses but also on their specific design, functionality and access to infrastructure.” (pg.24 AP)*

It is appropriate, even necessary, to allow *Aurora Places* to warrant and guide the request for zoning adjustment and Master Plan update:

- *The plan should serve as a foundation for zoning regulations, subdivision regulations, the official zoning map.....and other decisions guided by these regulations. Amendments to these regulations should be made as needed to support the long-term objectives of the plan”. (pg.3 AP)*

Again, this request is not for the purpose of fundamentally changing the permitted underlying uses, it is to adopt a zoning code which allows for certainty and predictability which is required to provide the certainty to developers and investors.

Compliance with Master Plan

Aurora Places shows zoning designations for properties throughout the City, including the subject parcel. These areas are shown to indicate current zoning and to express a vision. But the Comprehensive Plan is not and was not intended to be a zoning document. Nor was it intended to live without adjustment or modification. In fact, quite the opposite. The Comprehensive Plan, on its face, anticipated changes, modifications and adjustments would be needed and should be made. *Aurora Places* and the zoning classifications it references were not intended to be static, inflexible, non-adaptive in nature. *Aurora Places* states in several places it is intended to allow for flexibility and response to real world, changing market conditions.

The requested rezoning does not change the use types or “Placetype” which is envisioned and shown on the *Aurora Places Plan*. The uses proposed under the requested zoning are the same as those permitted under the existing zoning.

Although the *Aurora Places Comprehensive Plan* envisioned and even anticipates more significant adaptations and alterations, it specifically envisions and permits the nature of request being made by this application:

- ***“This placetype map is intended to depict general locations of each placetype and not necessarily the land-use designation of specific parcels.” (pg. 25, A.P.)***

The requested zoning is clearly permitted given the statement above.

- ***“The plan emphasizes the importance of creating and improving the variety and types of places throughout the city. These placetypes include urban districts, neighborhoods, commercial and industrial areas and areas for innovation”. (pg. 2 AP)***

Approval of the requested zoning will serve to create and improve the variety and types of places throughout the City, particularly the logistics/distribution and innovation center.

- ***“The creation of places not only depends on the land uses but also on their specific design, functionality and access to infrastructure.” (pg. 24, AP)***

The requested zoning will allow the applicant to deliver a best-in-class commercial/industrial park as well as an outstanding mixed-use residential community, which will include a park (“1881”) which has already won awards for creativity and design! The design standards which have been created and submitted for the site are Best-in-Class and will help create the finest distribution/logistics park in the region. Again, not only permitted by and consistent with the *Comprehensive Plan*, but encouraged.

- ***“The plan should guide and assist in the evaluation of public and private development proposals and help ensure that proposed developments support the City’s long term objectives.” (pg. 3 AP)***

In other words, the *Aurora Comprehensive Plan* does not prohibit or even discourage zoning changes and adjustments, it actually anticipates and welcomes them. This request for rezoning should be viewed as more of an adjustment and clarification, warranted by market changes and conditions, rather than a significant rezoning

Airport District

The requested Airport District (“AD”) zoning classification in Aurora permits Distribution, Office, Retail and hospitality uses. That is the predominant zoning for the *Porteos* project which is contiguous to the northeast corner of Windler.

Although it is envisioned that the entire 143 acres on the west side of E-470 will be built out as high quality, high design distribution and logistics space, a zone classification which allows that use and also allows office, hotel and retail is appropriate adjacent to a freeway and situated between two interchanges. It is also appropriate given the property is in the immediate vicinity of many other major distribution/logistics parks and projects including:

- *Porteos*

- *Denali Logistics Park*
- *High Point*
- *Sun Empire*
- *Shamrock*
- *Amazon*
- *Majestic*

Compatible with Surrounding Uses

Given that the requested zoning is expected to result in virtually the same uses and built outcome as would occur under the existing zoning, it is therefore appropriate to conclude that on its face, the proposed zoning must be compatible as that is a test already applied to the current zoning. Clearly the proposed uses are compatible due to the following:

1. Immediately east of the Windler project is a new project known as the Sun Empire which is anticipated to be developed by Opus and will be a distribution/logistics park. That property is currently zoned Airport District.
2. Contiguous to the north east corner of Windler is the Porteos Project. It has been enormously successful project, being built out primarily as logistics/distribution and zoned AD, the zoning being requested for a portion of the subject property.
3. Immediately to the north of Windler on the east side of E-470, is the Denali logistics park being developed by Fulenwider. That project will be logistics/distribution and data in nature. In fact, a huge data center, to be developed by Microsoft was just announced immediately adjacent to Windler. The plan is for 3,000,000 square feet of data center along 56th Ave on a piece of property primarily zoned Airport District.
4. North of 56th, on the west side of E-470, Fulenwider owns ground zoned and planned for mixed use commercial including retail, office, hotel, distribution and logistics. That property is currently being rezoned to Airport District.
5. To the east of the subject property, across E-470, is land owned by this applicant. The uses planned for the property immediately adjacent to E-470 include distribution, logistics, retail, hotel, office and multi-family residential.
6. To the south and southwest of the subject parcel are the Shamrock distribution building, the Amazon distribution building and the Majestic logistics and distribution park.
7. In the general vicinity there are distribution buildings under construction and many more planned. A new Pepsi bottling plant is planned. A new hospital is in planning.

The subject parcel is:

- Adjacent to E-470, and major freeway currently undergoing expansion to 6-lanes.
- Adjacent to the 48th Avenue/E-470 Interchange slated for bridge expansion and addition of freeway ramps this year.

- The parcel is less than 5 miles from Denver International Airport, therefore totally in the influence area of DIA driven economic factors.
- A few miles from I-70 a major industrial corridor with influences reaching miles in both north and south directions from I-70.

Clearly, the requested zoning and resulting land use are consistent and compatible with surrounding land uses. They are also almost identical to the existing zoning.

Description of Vision

As mentioned above, the portion of the site that is proposed to be zoned Airport District, is envisioned to be a high design, Best-in-Class Storage, Distribution, and Warehousing park. The applicant/developer of Windler has created and submitted to the City design guidelines demonstrating commitment to a visionary project. The description above also indicates why this location is appropriate for the proposed uses given the proximity to E-470, I-70, DIA, and other distribution facilities.

On the portion that will be zoned R-2 the Windler team will bring best practices to bear, to create a mixed-use residential community, with an acclaimed park paying homage to the Windler homestead. The Windler team is implementing tools and practices which were honed as the same team developed Painted Prairie, in Aurora, the National Association of Homebuilders, National “Master Planned Community of the Year”. This will be a neighborhood of approximately 600 homes, in multiple product types and densities, creating a wonderful neighborhood next to a magnificent and unique park “1881”. Please refer to the attached Windler Look Book.

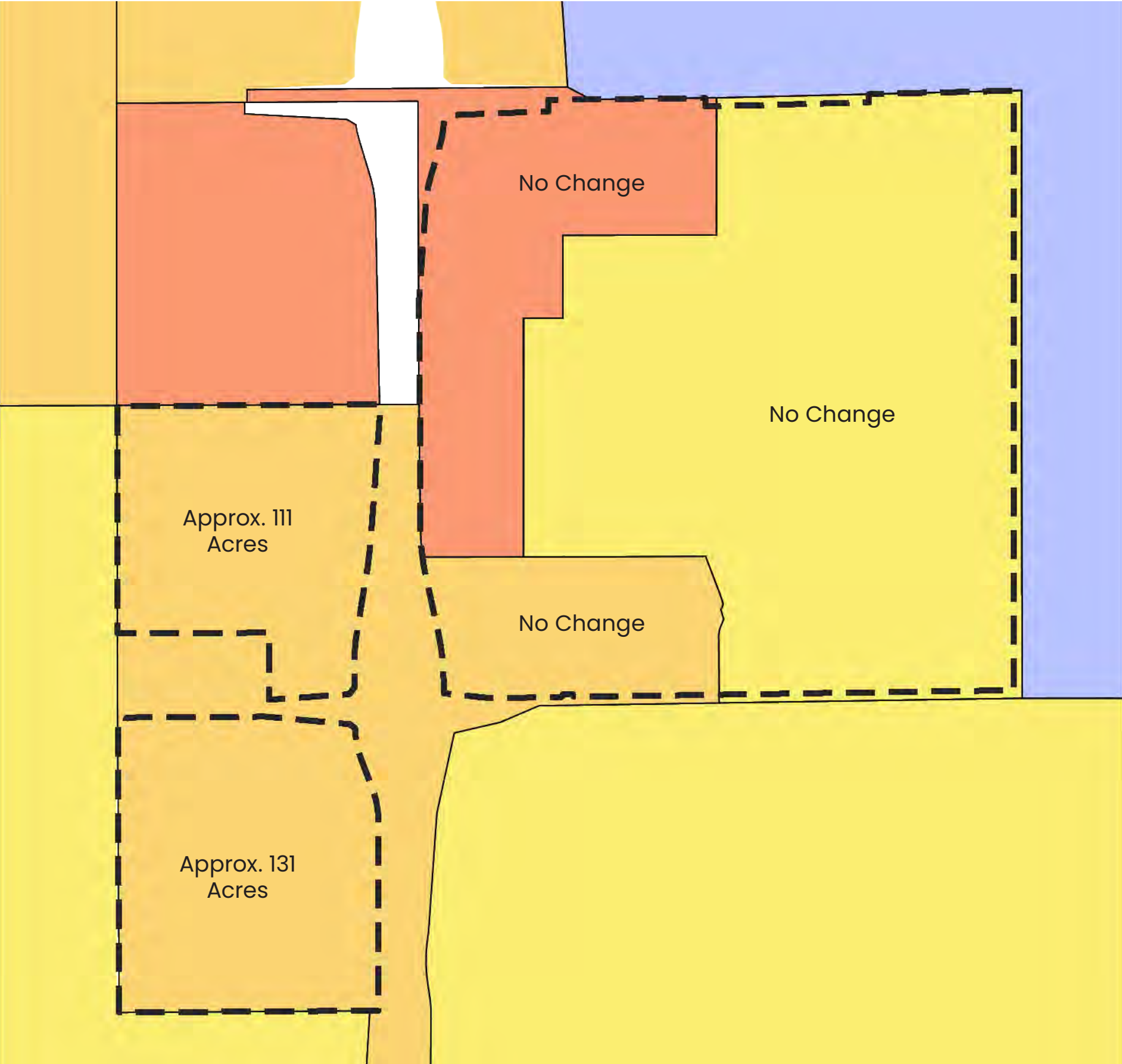
Summary

The outcome and built environment which will result from the requested zoning change will be the same as what the outcome and built environment would be from the existing zoning. The zoning change is needed fundamentally, and almost solely, to facilitate the certainty and dependability of use by right which is absolutely required for investors and developers to make the multi-hundred-million-dollar investment which is needed to bring the project, development, construction, operations management and marketing required to create a world class logistics park which will bring exactly the property taxes and jobs to Aurora that the City and The City Comprehensive Plan desire.

The requested combination of AD (Airport District) and R-2 zoning will allow for and result in virtually exactly the uses that the existing MU-A zoning allows. The difference is that the primary use envisioned for the commercial portion of the subject property is distribution/logistics, which is a permitted but conditional use under MU-A, it is a permitted use under AD zoning.

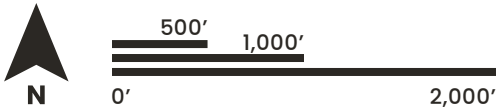
The requested zoning will provide the necessary clarity, certainty and dependability to ensure the execution of this best in class, market leading Storage, Distribution, and Warehousing Park.

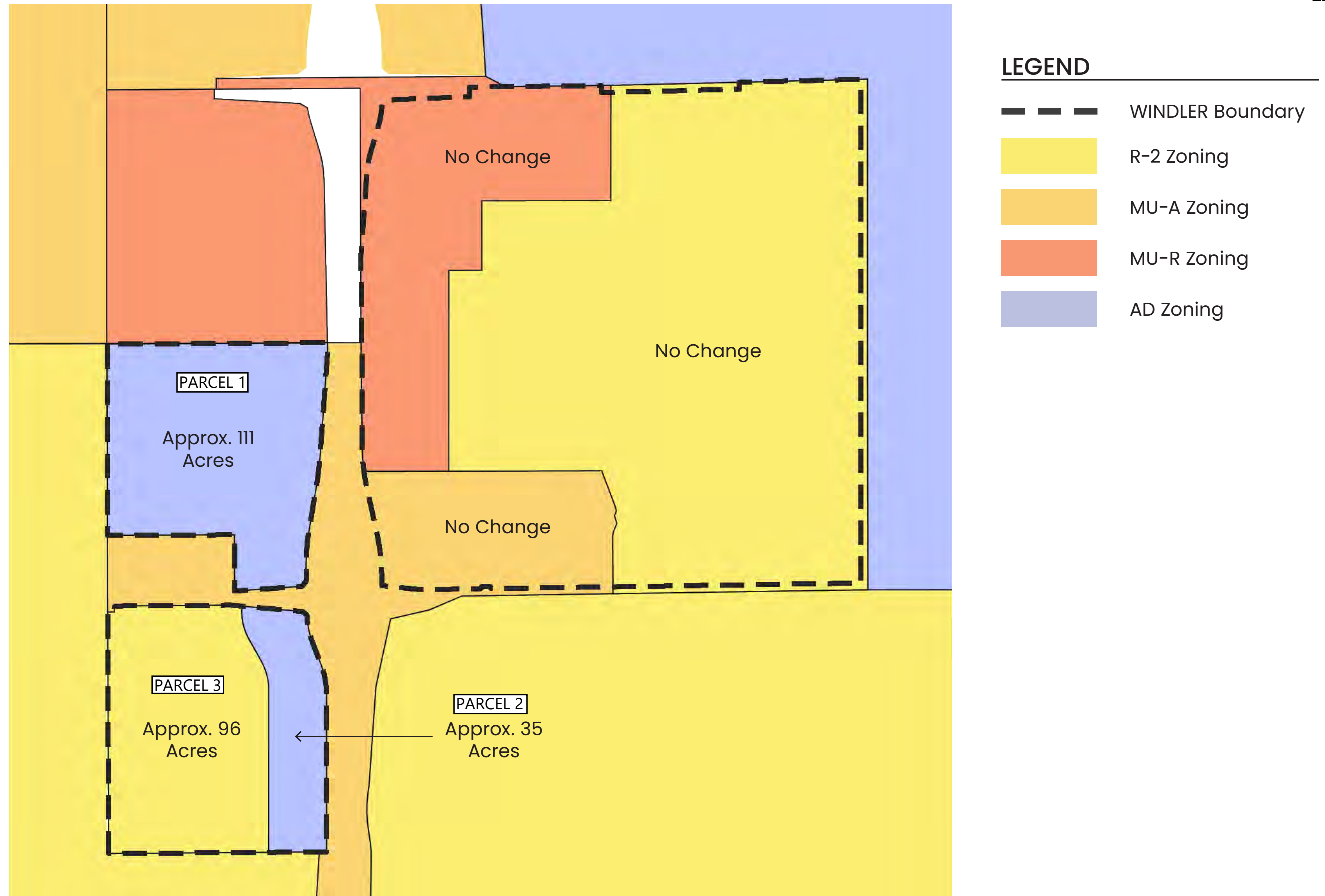
We appreciate your consideration of this request.



LEGEND

- WINDLER Boundary
- Yellow R-2 Zoning
- Orange MU-A Zoning
- Red MU-R Zoning
- Blue AD Zoning





City of Aurora Planning Commission Case Report

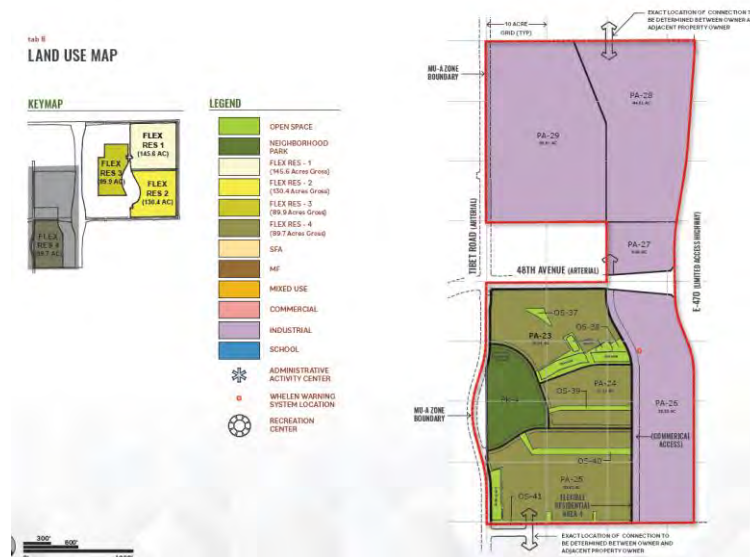
Project Title: Windler Zoning Map Amendment 2
Date: June 22, 2022
Development Application Number: DA-1707-16
Case Number: 2005-2017-02
Case Manager: Aja Tibbs
Applicant: GVP Windler, LLC
General Location: North and South of 48 th Avenue, West of E-470
Ward: II

Project Summary:

The applicant, GVP Windler, LLC, is requesting approval of a second Zoning Map Amendment to rezone three MU-A parcels to AD and R-2. The Windler Master Plan area is located west of E-470 on the north and south corners of 48th Avenue, as well as east of E-470 from 48th Avenue to 56th Avenue. However, the proposed zoning map amendment only impacts the zone district boundaries of the Windler site that is located west of E-470. The proposed zone map amendment area is comprised of three parcels. The first parcel is approximately 111 acres located on the northwest corner of E-470 and 48th Avenue to be rezoned from MU-A to AD. The second parcel is approximately 35 acres located on the southwest corner of E-470 and 48th Avenue to also be rezoned from MU-A to AD. The third parcel is approximately 96 acres, located west of the second parcel and on the southeast corner of Tibet Road and 48th Avenue to be rezoned from MU-A to R-2.



The purpose of this request is to allow conditional industrial uses, that are intended for the first and second parcels through the approved Windler Master Plan, to be permitted as “by-right” uses. The remaining third parcel is master-planned for residential development but would be limited to 50% residential uses if it remained MU-A. Therefore, the applicant is requesting this parcel be rezoned to R-2 to be consistent with the other planned residential parcels located on the east side of E-470 within the Windler Master Plan.



Windler Master Plan Land Use Map (areas west of E-470)

The purpose and intent of each of the existing and proposed districts are as follows:

- The Mixed-Use Airport (MU-A) district is to enable the development of master-planned developments that allow for a mix of uses, located and designed in accordance with the Comprehensive Plan, and that allow Aurora to leverage the economic opportunities created by Denver International Airport. A wide variety of attached and detached single-family, two-family, and low to medium-density multi-family housing is permitted.
- The Airport District (AD) is intended to take advantage of the nearby regional and national transportation hubs and infrastructure, to expand employment opportunities created by the strategic location of these lands near the airports operating in or near Aurora, and to ensure that development is located and designed to be consistent with the continued efficient operation of those airports.
- The Medium Density Residential (R-2) district is to promote and preserve various types of medium density housing with adequate amounts of usable common space and amenities.

Applicant's Request:

Zoning Map Amendment Approval to rezone two parcels from MU-A to AD and the remaining parcel from MU-A to R-2.

Community Comments:

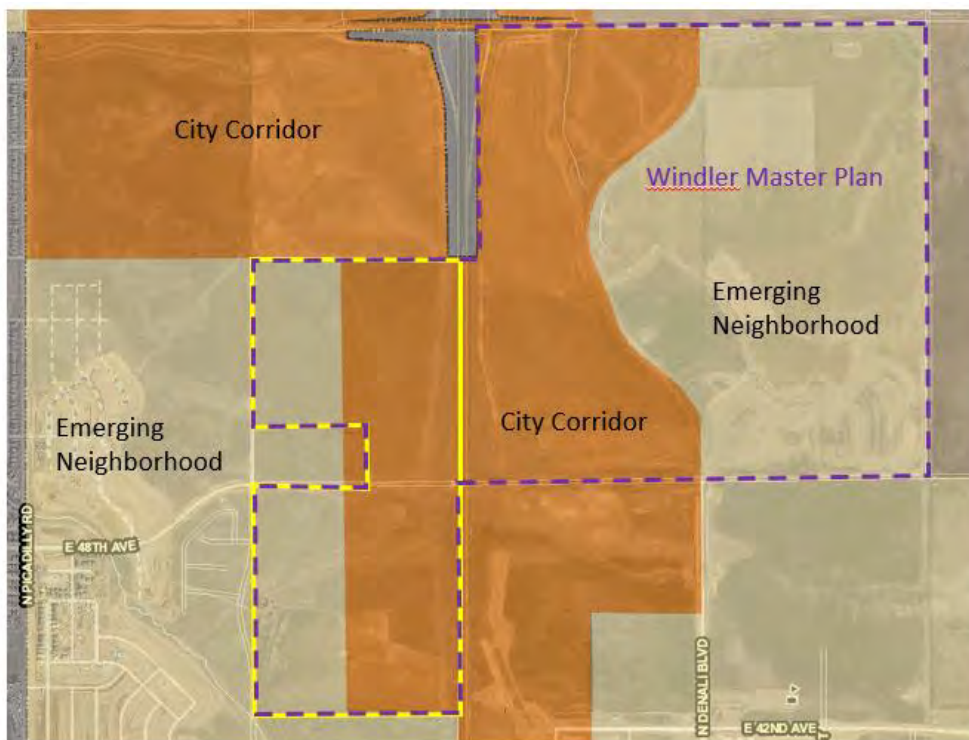
Five adjacent property owners and five registered neighborhood organizations were notified of the application. No comments were received by staff regarding the zoning map amendment application. Therefore, no neighborhood meeting was held. The staff has not received additional comments as a result of the Planning and Zoning Commission Public Hearing Notice and sign posting.

Major Issue Discussed During Development Review:

- Compliance with Comprehensive Plan
- Zoning Analysis
- Windler Master Plan for Industrial Uses

Results of Development Review:

Compliance with Comprehensive Plan. In Aurora Places, the land west of E-470 contains two placetypes; the City Corridor Placetype runs along E-470 for the eastern half of the subject parcels, and the western half of the subject parcels are designated as an emerging neighborhood placetype.



The City Corridor placetype is described as a placetype that will contribute to the economic and fiscal success of the city. Corridors are centered along the city's major roadways, home to a wide range of uses, including commercial, retail, institutional, service, and some residential. The primary land uses within the City Corridor are Multi-Family Residential, Restaurant, Commercial Retail, and Commercial Services.

The Emerging Neighborhood placetype is described as a predominantly residential area with a variety of unit types, including single-family detached, single-family attached, and multi-family. The placetype also supports service and office uses (which are designated Administrative Activity Centers) along major perimeter streets, which is also consistent with the R-2 zone district located in this area.

Light industrial uses that are permitted within the AD zone district are not listed as primary or supporting uses within the City Corridor placetype. However, the proposed storage, distribution, and warehousing uses will support the strong economy principle. *"According to participants (for the development of the Comprehensive Plan), job creation and access to workforce training resources are very important... There is also a need for unique urban places for employment together with housing, daycare, and locally grown businesses. Multiple modes of transportation should connect these urban places. Partnerships with institutions and the private sector will be critical for the economy, especially in relation to training and education."* (Pg. 20 of Aurora Places) The Windler Master Plan envisions a community that will provide both employment opportunities integrated with residential and commercial development.

Zoning Analysis. The purpose of the Mixed-Use Airport Zone District is to “*enable the development of master-planned developments that allow for a mix of uses, located and designed in accordance with the Comprehensive Plan, and that will allow Aurora to leverage the economic opportunities created by Denver International Airport,*” UDO Section 146-2.4.8.A. The approved Windler Master Plan for this area is intended to provide exactly that. However, the applicant believes that the most desired economic opportunity for this area has shifted to uses that are only conditionally permitted within the MU-A zone. Uses such as Storage, Distribution and Warehousing, Outdoor Storage, and Self-Storage are all desired for this project but listed as conditional uses within the current zone. The applicant would like more certainty in these types of uses prior to making a substantial investment in the infrastructure required and has requested that the industrial use areas be rezoned to Airport District. The purpose of the Airport District is also to leverage economic opportunities that arise from the nearby DIA, but it allows more industrial uses to be permitted (such as Storage, Distribution, Warehousing, Outdoor Storage, and Self-Storage) and limits residential development. A rezoning to Airport District will allow the desired uses to be permitted by-right for parcels 1 and 2.

With the rezoning of parcels 1 and 2 to AD, parcel 3 could remain as MU-A. The residential uses planned in this area would not change and are permitted, however, there is a regulation within MU-A that limits developments to no more than 50% residential uses. To keep the same mix of residential and industrial uses planned for this area, the applicant is requesting that this parcel be zoned to R-2. The R-2 zone district is also being used for other planned residential development within Windler Master Plan (on the east side of E-470) and this zoning district will provide cohesive and compatible regulation for the area and maintain the mix of uses originally intended with the MU-A zone district.

Windler Master Plan for Industrial Uses. The Windler Master Plan was approved, anticipating that industrial uses would be proposed within Parcels 1 and 2 (areas proposed to be rezoned to AD). To mitigate the potential impacts that industrial uses may have on adjacent residential uses (both within Windler and surrounding Windler), the master plan requires a substantial buffer with a wall and landscaped buffer area between areas with dissimilar uses. While the UDO does have some buffer requirements for dissimilar uses, the adopted Windler Master Plan will provide more than the minimum standards required by the code. An excerpt of these master plan standards has been attached for reference.



Summary of Staff Recommendation:

Zoning Map Amendment Approval to rezone two parcels from MU-A to AD and the remaining parcel from MU-A to R-2.

Detailed Case Analysis

Public Notification:

Legal notice appeared in the Aurora Sentinel on June 9, 2022. The applicant has submitted certificates of mailing verifying that public hearing notices were sent to adjacent property owners and registered neighborhood organizations. Two signs were posted on the site.

Community Referrals:

Referrals were provided to the following registered neighborhood organizations within one mile of the project: CLEAN, E-470 Neighbors, Majestic Commercenter, Master Homeowners Association for Green Valley Ranch, and 45th Place of Hawks Landing.

Conformance with Code Criteria:

1. Zoning Map Amendment Approval Criteria

Zoning Map Amendment approval criteria are found in Section 146-5.4.1.C.1.3 of the Unified Development Ordinance. An application for changes to the Zoning Map for individual parcels shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met:

1. *The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or*
2. *The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:*
 - a. *The applicant has demonstrated that the proposed rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district;*
 - b. *The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through development conditions; and*
 - c. *The applicant demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.*

The proposed Zoning Map Amendment complies with the approval criteria for the following reasons:

- It supports partnership with private development to grow Aurora's economy and business integrated with emerging neighborhoods as outlined within the Comprehensive Plan;
- It is aligned with the adopted Windler Master Plan and its vision for a highly mixed-use and diverse community providing opportunities to work and live within the area;
- The zoning map amendment does not change the uses proposed within the Windler Master Plan that has been drafted to mitigate compatibility issues that might arise with surrounding development; and,
- It will not create any dislocations of tenants or occupants of the property.

Applicant Information:

Applicant/Owner: GVP Windler, LLC
Project Consultant: PCS Group

Exhibits:

Exhibit A	Vicinity Map
Exhibit B	Applicant Request Letter
Exhibit C	Zoning Maps
Exhibit D	Legal Description and Exhibits
Exhibit E	Windler Master Plan (Land Use Map and Urban Design Standard Excerpts)

Project Statistics**Land Use Analysis**

Item	Existing	Permitted / Required	Proposed
Zoning	(MU-A) Mixed-Use Airport	N/A	(AD) Airport District, and R-2 (Medium Density Residential)
Land Use	Undeveloped / Vacant Planned for Mixed-Use	N/A	Mixed-Use Residential and Commercial Uses
Parcel Size	242± acres	N/A	N/A

Surrounding Properties

Direction Actual Use	Zoning	Use
North	(MU-R) Mixed-Use Regional	Vacant
East	(MU-R) Mixed-Use Regional and (MU-A) Mixed-Use Airport	Vacant – Planned Mixed-Use (Windler) and Residential (The Aurora Highlands)
West	(R-2) Residential - Medium Density Residential	Residential (Green Valley Ranch East)
South	(R-2) Residential - Medium Density	Residential (Green Valley Ranch East)

Staff Recommendation:

Agenda Item 7b: Zoning Map Amendment

Recommend approval of the Zoning Map Amendment to rezone parcels 1 and 2 from MU-A to AD and parcel 3 from MU-A to R-2 to City Council because the proposal complies with the criteria in Section 146-5.4.1.C.1.3 of the Unified Development Ordinance for the following reasons:

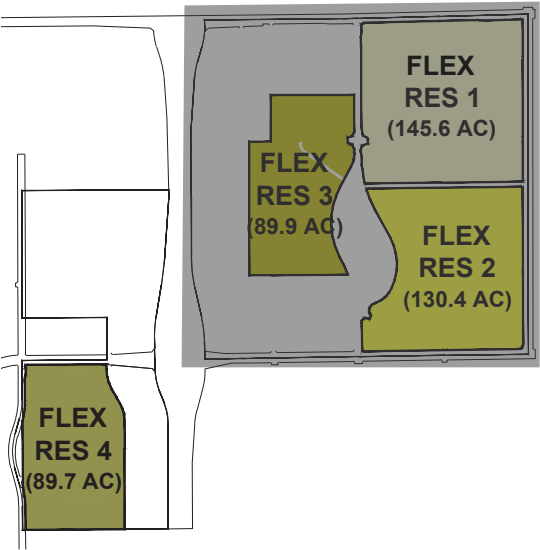
- It supports partnership with private development to grow Aurora's economy and business integrated with emerging neighborhoods as outlined within the Comprehensive Plan;
- It is aligned with the adopted Windler Master Plan and its vision for a highly mixed-use and diverse community providing opportunities to work and live within the area;
- The zoning map amendment does not change the uses proposed within the Windler Master Plan that have been drafted to mitigate compatibility issues that might arise with surrounding development; and,
- It will not create any dislocations of tenants or occupants of the property.

tab 8
LAND USE MAP AND MATRIX

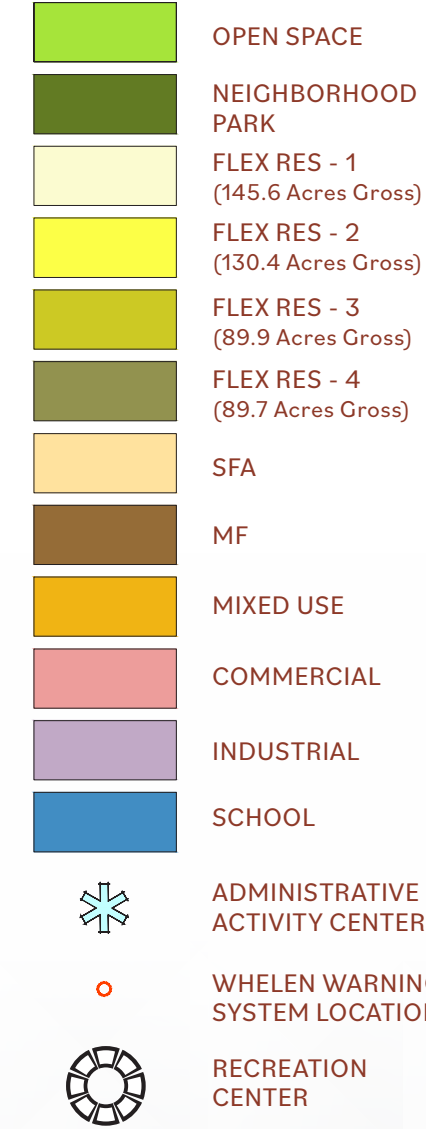
WINDLER
MASTER PLAN

tab 8
LAND USE MAP

KEYMAP

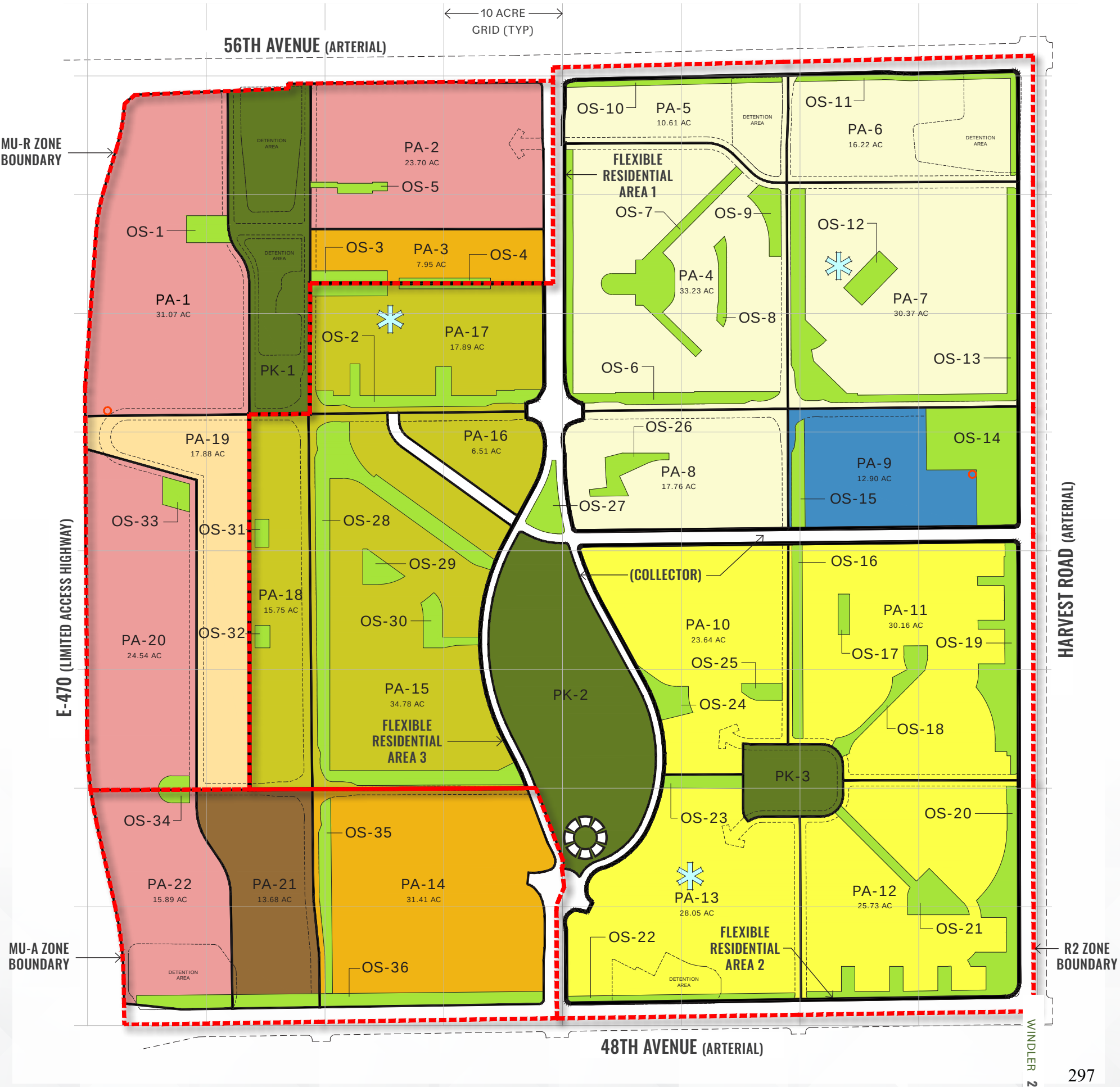
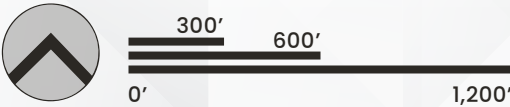


LEGEND



NOTES

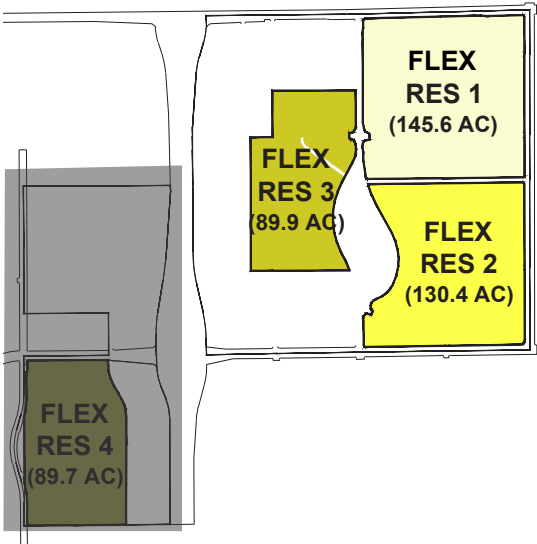
Planning areas depicted for Open Space, Neighborhood Park and School are for acreage only. Final location, configuration, and shape will be determined at time of Site Plan.



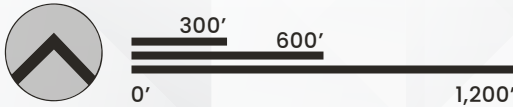
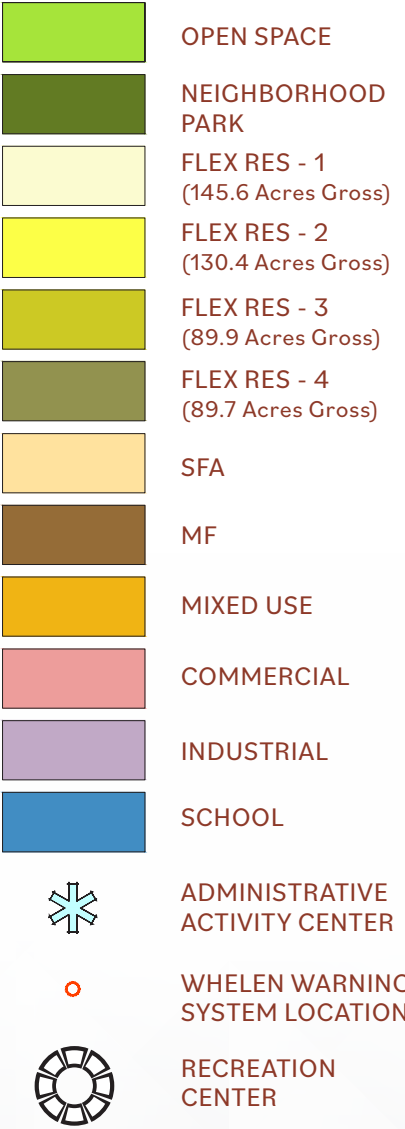
tab 8

LAND USE MAP

KEYMAP



LEGEND



Overall Community Signature Fence Locations,
Buffer Wall Location

Legend

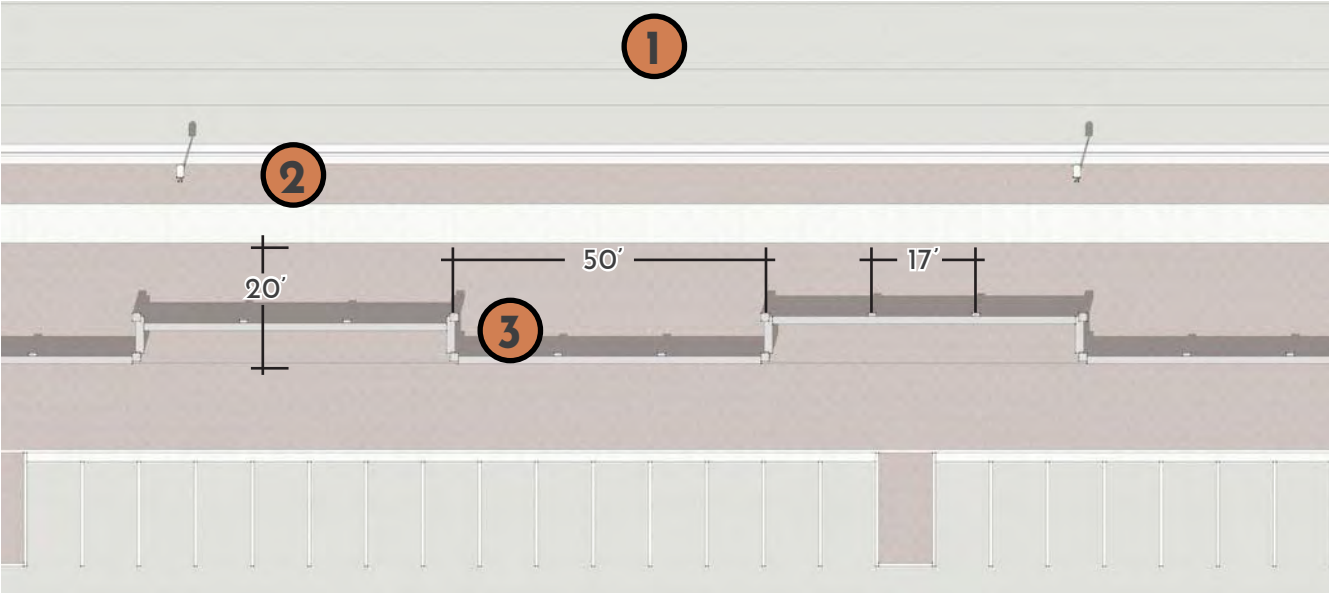
Signature Fence Locations

Brick Buffer Wall location



Landscape Design At Buffer Wall

WINDLER is proposing a minimum seven foot tall brick/masonry wall in a twenty foot easement adjacent to warehouse/industrial uses where those uses are across the street from residential uses. The wall incorporates a stagger of approximately seven feet, approximately every fifty feet to provide planting areas and break up the appearance of the wall. Columns are incorporated into the wall at approximately seventeen foot intervals.



- 1 Adjacent Collector or Arterial Road.
- 2 Typical ROW, curbside landscape.
- 3 Seven foot wall stagger to break up the wall and create areas for increased planting opportunities.



Buffer Wall - Aerial View



Buffer Wall with adjacent curbside planting - eye level view



Buffer Wall highlighting wall stagger with evergreen planting

ORDINANCE NO. 2022 - ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242 ACRES OF LAND, LOCATED WEST OF E-470 AND ALONG THE 48TH AVENUE ALIGNMENT (WINDLER ZONING MAP AMENDMENT)

WHEREAS, the applicant has requested that 242 acres of land, more or less, located west of E-470 and between 48th Avenue and 56th Avenue, County of Adams, State of Colorado, be rezoned from Mixed-Use Airport District (MU-A) to Airport District (AD) on two parcels and Medium Density Residential District (R-2) on the third parcel; and

WHEREAS, Section 146-5.4.1.C.3 of the City Code provides that all applications for the rezoning of property within the City of Aurora, Colorado (the “City”), shall be presented for a public hearing, both to the Planning and Zoning Commission, who shall render a recommendation to City Council, and to City Council for final decision; and

WHEREAS, on June 22, 2022, following a public hearing, the Planning and Zoning Commission voted to recommend the rezoning of the parcel.

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

Section 1. Based on the evidence presented at tonight’s public hearing, City Council finds and determines that: the rezonings are consistent with the spirit and intent of the Comprehensive Plan, are compatible with surrounding development, and would not result in a significant dislocation of tenants or occupants of the property.

Section 2. Parcels 1 and 2, as more particularly described in “Exhibits A” attached hereto and incorporated herein, are zoned Airport District (AD) and the zoning map is hereby amended in accordance with said zonings.

Section 3. Parcel 3, as more particularly described in “Exhibit A” attached hereto and incorporated herein, is zoned Medium Density Residential District (R-2) and the zoning map is hereby amended in accordance with said zoning.

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

Section 5. Pursuant to Section 5-5 of the City Charter, 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 _____, 2022.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Daniel L. Money ^{RLA}

DANIEL L. MONEY, Senior Assistant City Attorney

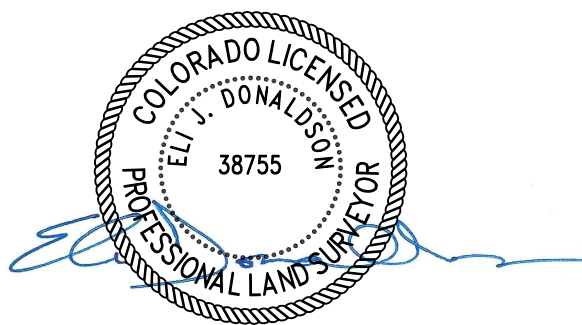
Parcel 1

ZONING MAP AMENDMENT - A portion of land which will have a zoning designation of: AD, located in the southeast quarter of Section 13, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado and being more particularly described as follows:

Commence at the northeast corner of the southeast quarter of said Section 13, thence along the North line of said southeast quarter of Section 13, South 89°40'25" West, 347.56 feet to the POINT OF BEGINNING, said point also being a point on the westerly right of way line of the E-470 Parcel TK-114, as described within Records Book 5849, Page 596 of the public records of Adams County; thence leaving said North line, run along said westerly right of way line of E-470 the following eight courses; South 01°08'45" East, 96.75 feet; thence South 04°07'05" West, 1,049.33 feet to the point of curvature of a curve concave westerly, having a radius of 3,729.44 feet, a central angle of 005°20'41", a chord bearing of South 06°47'26" West and a chord distance of 347.77 feet; thence southerly along the arc of said curve 347.90 feet to the point of tangency; thence, South 09°27'47" West, 488.36 feet to the point of curvature of a curve concave easterly, having a radius of 1,999.86 feet, a central angle of 010°19'36", a chord bearing of South 04°17'58" West and a chord distance of 359.96 feet; thence southerly along the arc of said curve 360.45 feet to the point of tangency; thence, South 00°51'50" East, 141.69 feet; thence, South 36°31'28" West, 74.68 feet; thence, South 85°53'59" West, 703.02 feet to a point on the East line of LOT 1, BLOCK 1, of the WINDLER SUBDIVISION, as described by File 13, Map 130 of the public records of Adams County; thence leaving said westerly right of way line, run along the boundary line of said WINDLER SUBDIVISION the following two courses; North 00°07'08" West, 588.06 feet to the northeast corner of said LOT 1; thence, South 89°38'39" West, 1,323.22 feet to a point on the West line of said southeast quarter of Section 13; thence leaving said boundary line, run along said West line, North 00°07'08" West, 1,988.39 feet to the northwest corner of said southeast quarter of Section 13; thence along the aforementioned North line of the southeast quarter of Section 13, North 89°40'25" East, 2,293.94 feet to the POINT OF BEGINNING.

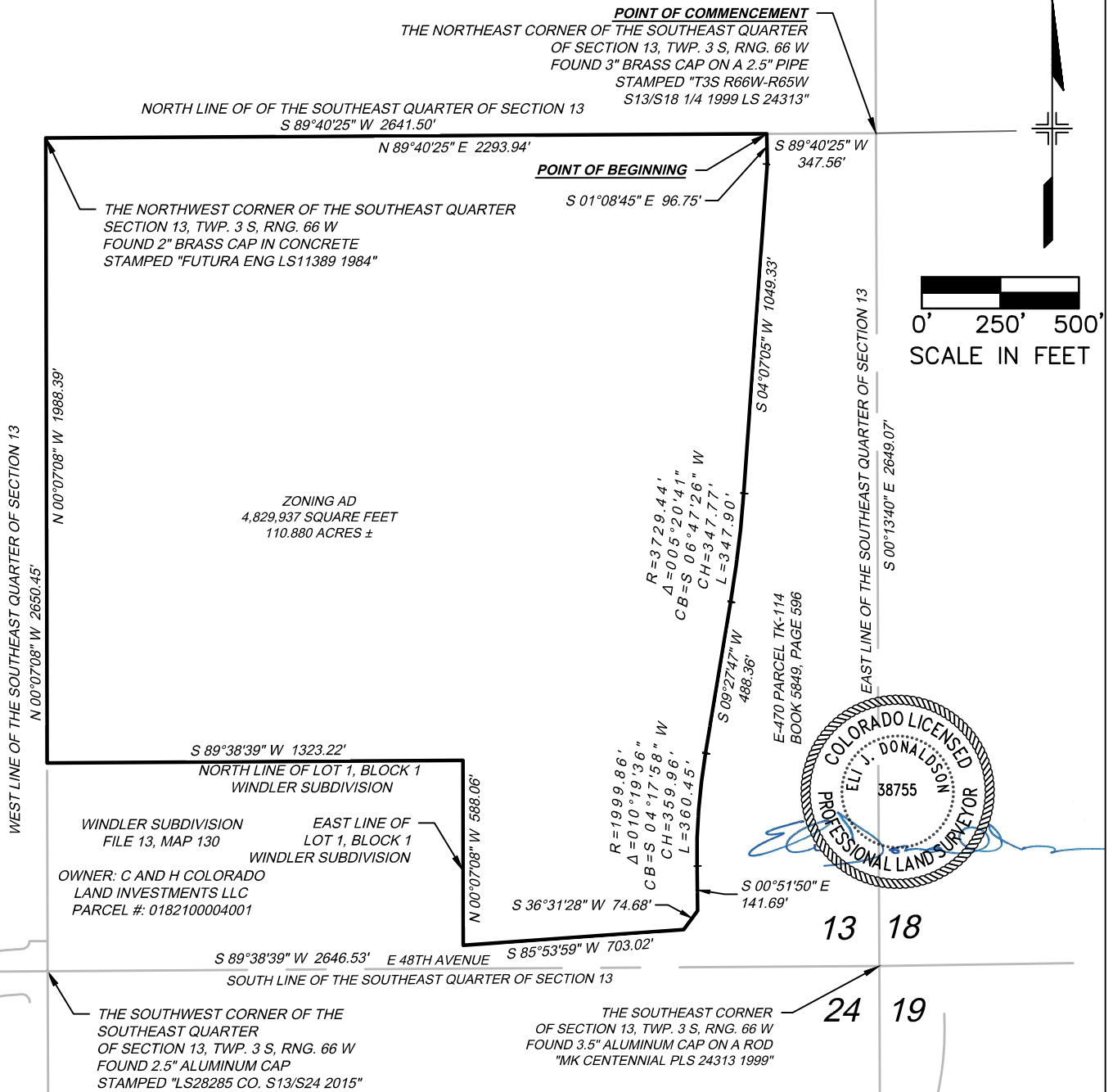
Said portion of land contains 4,829,937 Square Feet, which equates to 110.880 Acres, more or less.

The basis of bearings are grid and based within the Colorado Coordinate System of 1983, Central Zone. The bearing of the line between the northeast corner of the southeast quarter of Section 13, being a found 3" brass cap on a 2.5" pipe, stamped "TT3S R66W-R65W S13/S18 1/4 1999 LS 24313" and the northwest corner of the southeast quarter of Section 13, being a 2" brass cap in concrete, stamped "FUTURA ENG LS 11389 1984", is South 89°40'25" West, for 2,641.50 feet.



Eli Donaldson, PLS 38755
OLSSON
1525 Raleigh Street, Suite 400
Denver, CO 80204

ILLUSTRATION FOR EXHIBIT A



Sheet 2 of 2

BEARINGS ARE BASED ON THE NORTH LINE OF THE SE 1/4 OF SECTION 13, T3S, R66W, 6TH P.M., BEING S89°38'39"W
THE ABOVE DESCRIBED PARCEL CONTAINS 4,829,937 SQUARE FEET (110.880 ACRES) MORE OR LESS.
This drawing does not represent a monumented survey. It is intended only to depict the attached legal description.

CITY OF AURORA, COLORADO

ZONING MAP AMENDMENT – A portion of land which will have a zoning designation of: AD, located in the southeast quarter of Section 13, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado

DRAWN BY: EJD/DMW	SCALE: 1" = 500'	R.O.W. FILE NUMBER N/A
CHECKED BY: EJD	DATE: 04-13-2022	JOB NUMBER: 021-02235

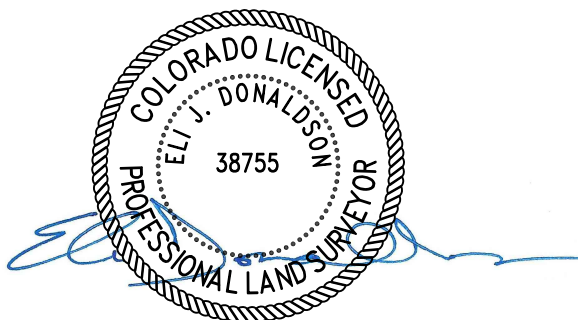
Parcel 2

ZONING MAP AMENDMENT - A portion of land which will have a zoning designation of: AD, located in the northeast quarter of Section 24, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado and being more particularly described as follows:

Commence at the northeast corner of the northeast quarter of said Section 24; thence along the North line of said northeast quarter, South 89°38'39" West, 1,249.90 feet; thence leaving said North line, South 00°15'56" East, 82.96 feet to the POINT OF BEGINNING, also being a point on the westerly right of way line of the E-470 Parcel, TK-112, as described within Record Book 5849, Page 596 of the public records of Adams County; thence the following six courses along said westerly right of way line, South 84°54'15" East, 633.95 feet; thence, South 51°30'05" East, 58.63 feet to a point of non-tangency of a curve concave northeasterly, having a radius of 914.38 feet, a central angle of 019°07'39", a chord bearing of South 11°55'26" East and a chord distance of 303.84 feet; thence southeasterly along the arc of said curve 305.26 feet to the point of tangency; thence, South 21°29'16" East, 226.63 feet to the point of tangency of a curve concave southwesterly, having a radius of 851.97 feet, a central angle of 021°29'19", a chord bearing of South 10°44'37" East and a chord distance of 317.66 feet; thence southerly along the arc of said curve 319.53 feet to the point of tangency; thence, South 00°00'03" West, 1,646.70 feet to a point on the South line of said northeast quarter of Section 24; thence leaving said westerly right of way line, run along said South line, South 89°35'41" West, 602.84 feet; thence leaving said South line, North 00°05'21" East, 1,683.17 feet to a point of tangency of a curve concave westerly, having a radius of 640.00 feet, a central angle of 029°26'20", a chord bearing of North 14°37'49" West and a chord distance of 325.23 feet; thence northerly along the arc of said curve 328.84 feet to the point of tangency; thence, North 29°20'59" West, 260.71 feet to a point of tangency of a curve concave easterly, having a radius of 560.00 feet, a central angle of 029°05'03", a chord bearing of North 14°48'27" West and a chord distance of 281.22 feet; thence northerly along the arc of said curve 284.26 feet to the point of tangency; thence, North 00°15'56" West, 67.04 feet to the POINT OF BEGINNING.

Said portion of land contains 1,548,832 Square Feet, which equates to 35.556 Acres, more or less.

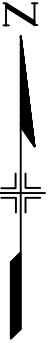
The basis of bearings are grid and based within the Colorado Coordinate System of 1983, Central Zone. The bearing of the line between the northeast corner of the northeast quarter of Section 24, being a found 3.5" aluminum cap on a rod stamped "MK CENTENNIAL PLS 24313 1999" and the northwest corner of the northeast quarter of Section 24, being a found 2.5" aluminum cap stamped "LS28285 CO. S13/S24 2015" is South 89°38'39" West, for 2,646.53 feet.



Eli Donaldson, PLS 38755
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Denver, CO 80204

ILLUSTRATION FOR
EXHIBIT A

0' 250' 500'
SCALE IN FEET



13 18
24 19

NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24
S 89°38'39" W 2646.53' (BASIS OF BEARING)

E 48TH AVENUE

POINT OF
BEGINNING

THE NORTHWEST CORNER OF THE
NORTHEAST QUARTER
OF SECTION 24, TWP. 3 S, RNG. 66 W
FOUND 2.5" ALUMINUM CAP
STAMPED "LS28285 CO. S13/S24 2015"

POINT OF COMMENCEMENT
THE NORTHEAST CORNER
OF SECTION 24, TWP. 3 S, RNG. 66 W
FOUND 3.5" ALUMINUM CAP ON A ROD
"MK CENTENNIAL PLS 24313 1999"

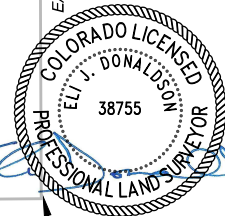
LINE TABLE		
LINE ID	DIRECTION	LENGTH
L1	S89°38'39"W	1249.90'
L2	S00°15'56"E	82.96'
L3	S84°54'15"E	633.95'
L4	S51°30'05"E	58.63'
L5	S21°29'16"E	226.63'
L6	S00°00'03"W	1646.70'
L7	S89°35'41"W	602.84'
L8	N00°05'21"E	1683.17'
L9	N29°20'59"W	260.71'
L10	N00°15'56"W	67.04'

CURVE TABLE					
#	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	914.38'	019°07'39"	S11°55'26"E	303.84'	305.26'
C2	851.97'	021°29'19"	S10°44'37"E	317.66'	319.53'
C3	640.00'	029°26'20"	N14°37'49"W	325.23'	328.84'
C4	560.00'	029°05'03"	N14°48'27"W	281.22'	284.26'

ZONING AD
1,548,832 SQUARE FEET
35.556 ACRES ±

E-470 PARCEL TK-112
BOOK 5849, PAGE 596

N 00°14'06" W 2647.83'
EAST LINE OF THE NORTHEAST QUARTER OF SECTION 24



N 89°35'41" E 2644.76'
SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 24

THE SOUTHWEST CORNER
OF THE NORTHEAST QUARTER OF
SECTION 24, TWP. 3 S, RNG. 66 W
FOUND 2" BRASS CAP IN CONCRETE

THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER
OF SECTION 24, TWP. 3 S, RNG. 66 W
FOUND 3" BRASS CAP IN RANGE BOX
STAMPED "PLS 16846 S24/S19 R66W/R65W T35 1989"

Sheet 2 of 2

BEARINGS ARE BASED ON THE NORTH LINE OF THE NE 1/4 OF SECTION 24, T3S, R66W, 6TH P.M., BEING S89°38'39"W
THE ABOVE DESCRIBED PARCEL CONTAINS 1,548,832 SQUARE FEET (35.556 ACRES) MORE OR LESS.
This drawing does not represent a monumented survey. It is intended only to depict the attached legal description.

CITY OF AURORA, COLORADO

ZONING MAP AMENDMENT – A portion of land which will have a zoning designation of: AD, located in the northeast quarter of Section 24, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado

DRAWN BY: EJD/DMW	SCALE: 1" = 500'	R.O.W. FILE NUMBER N/A
CHECKED BY: EJD	DATE: 04-13-2022	JOB NUMBER: 021-02235

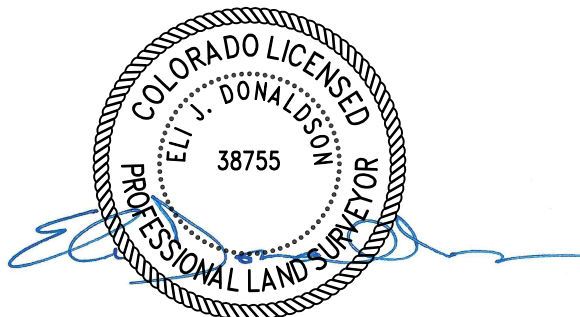
Parcel 3

ZONING MAP AMENDMENT - A portion of land which will have a zoning designation of: R-2, located in the northeast quarter of Section 24, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado and being more particularly described as follows:

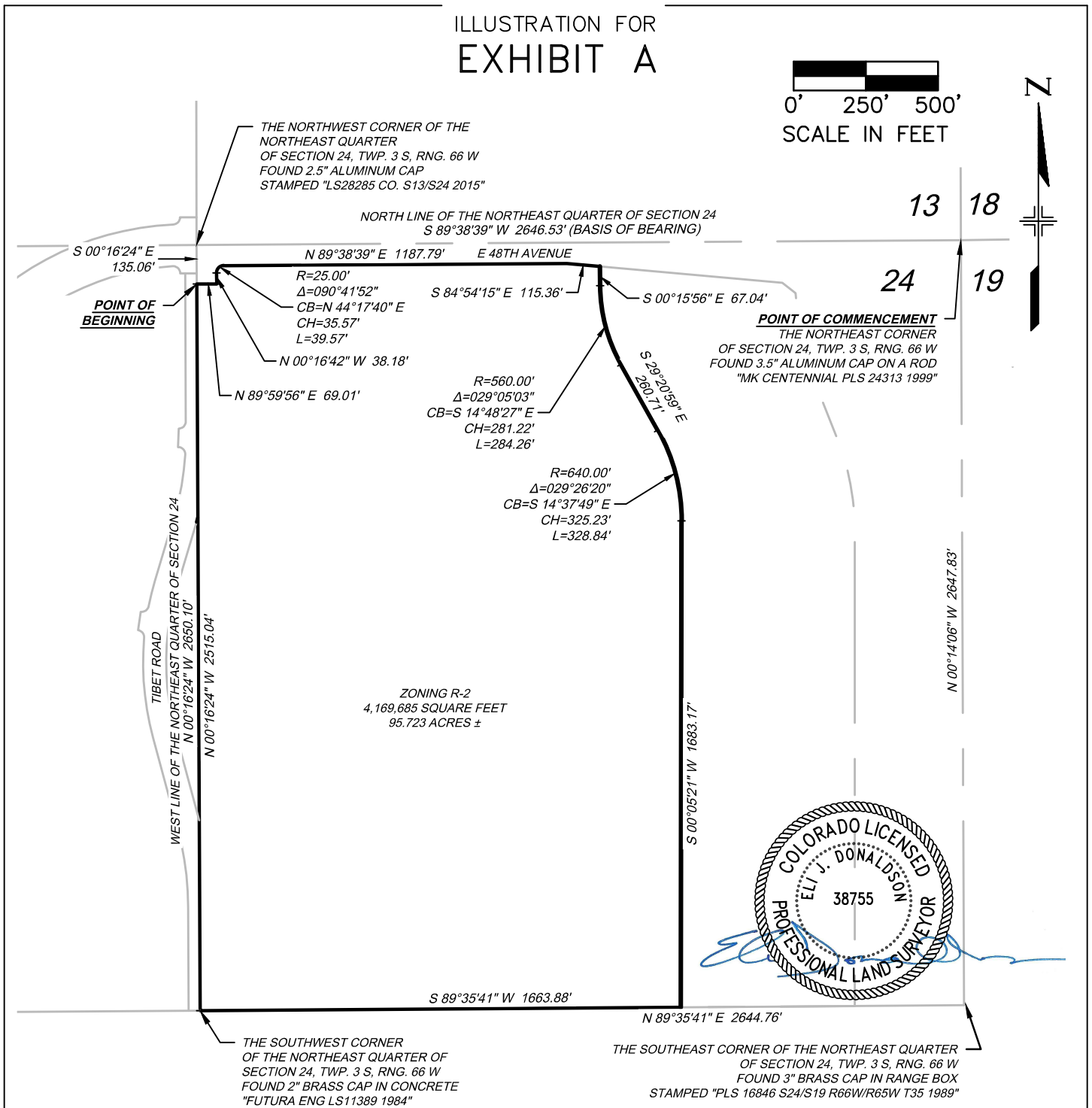
Commence at the northeast corner of the northeast quarter of said Section 24; thence along the North line of said northeast quarter, South 89° 38' 39" West, 2,646.53 feet to the northwest corner of said northeast quarter of Section 24; thence leaving said North line, run along the West line of said northeast quarter of Section 24, South 00° 16' 24" East, 135.06 feet to the POINT OF BEGINNING, also being a point on the southerly right of way line of East 48th Avenue as described within Reception Number 2007000085459 of the public records of Adams County; thence leaving said West line, run along said southerly right of way line the following four courses, North 89° 59' 56" East for 69.01 feet; thence, North 00° 16' 42" West for 38.18 feet to the point of curvature of a non-tangent curve to the right, having a radius of 25.00 feet, a central angle of 90° 41' 52", a chord bearing of North 44° 17' 40" East and a chord distance of 35.57 feet; thence along the arc of said curve 39.57 feet to the point of tangency; thence, North 89° 38' 39" East for 1187.79 feet to a point on the westerly right of way line of the E-470 Parcel, TK-112, as described within Record Book 5849, Page 596 of the public records of Adams County; thence leaving said southerly right of way line, run along said westerly right of way line, South 84° 54' 15" East for 115.36 feet; thence leaving said westerly right of way line, South 00° 15' 56" East for 67.04 feet to the point of curvature of a curve to the left, having a radius of 560.00 feet, a central angle of 29° 05' 03", a chord bearing of South 14° 48' 27" East and a chord distance of 281.22 feet; thence along the arc of said curve 284.26 feet to the point of tangency; thence, South 29° 20' 59" East for 260.71 feet to the point of curvature of a curve to the right, having a radius of 640.00 feet, a central angle of 29° 26' 20", a chord bearing of South 14° 37' 49" East and a chord distance of 325.23 feet; thence along the arc of said curve 328.84 feet to the point of tangency; thence, South 00° 05' 21" West for 1683.17 feet to a point on the South line of said northeast quarter of Section 24; thence along said South line, South 89° 35' 41" West for 1663.88 feet to the southwest corner of said northeast quarter of Section 24; thence leaving said South line, run along the aforementioned West line of said northeast quarter, North 00° 16' 24" West for 2515.04 feet to the POINT OF BEGINNING.

Said portion of land contains 4,169,685 Square Feet, which equates to 95.723 Acres, more or less.

The basis of bearings are grid and based within the Colorado Coordinate System of 1983, Central Zone. The bearing of the line between the northeast corner of the northeast quarter of Section 24, being a found 3.5" aluminum cap on a rod stamped "MK CENTENNIAL PLS 24313 1999" and the northwest corner of the northeast quarter of Section 24, being a found 2.5" aluminum cap stamped "LS28285 CO. S13/S24 2015" is South 89°38'39" West, for 2,646.53 feet.



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Denver, CO 80204



Sheet 2 of 2

BEARINGS ARE BASED ON THE NORTH LINE OF THE NE 1/4 OF SECTION 24, T3S, R66W, 6TH P.M., BEING S89°38'39"W
THE ABOVE DESCRIBED PARCEL CONTAINS 4,169,685 SQUARE FEET (95.723 ACRES) MORE OR LESS.
This drawing does not represent a monumented survey. It is intended only to depict the attached legal description.

CITY OF AURORA, COLORADO			ZONING MAP AMENDMENT – A portion of land which will have a zoning designation of: R-2, located in the northeast quarter of Section 24, Township 3 South, Range 66 West of the 6th Principal Meridian, in the City of Aurora, County of Adams, State of Colorado
DRAWN BY: EJD/DMW	SCALE: 1" = 500'	R.O.W. FILE NUMBER N/A	
CHECKED BY: EJD	DATE: 04-13-2022	JOB NUMBER: 021-02235	



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to Appoint One (1) Member to the Historic Preservation Commission
Item Initiator: T. Scott Williams, Director, Aurora History Museum and Historic Sites
Staff Source/Legal Source: Kadee Rodriguez, City Clerk/Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 6.4--Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Kadee Rodriguez, City Clerk/Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 purpose of the Historic Preservation Commission is to review and make recommendations to City Council regarding potential landmark status for historical sites, districts and other properties for the educational, cultural and economic benefit of Aurora citizens.

The Historic Preservation Commission consists of eleven (11) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) terms.

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

The Historic Preservation Commission currently has 2 vacancies. The Commission received 2 applications and 1 interview was conducted on May 17, 2022.

Among the applicants were:
Emma Bertrand and Joshua Hursa

Upon conducting interviews, The Historic Preservation Commission respectfully recommends the appointment and reappointment of the following candidates:

Emma Bertrand – 1st term beginning 8/1/2022 and ending on 07/31/2025

QUESTIONS FOR COUNCIL

Does Council wish to appoint Emma Bertrand to the Historic Preservation Commission?

LEGAL COMMENTS

The Historical Preservation Commission (HPC) shall consist of 11 voting members: Five "professional" members and six qualified citizens. All 11 members shall be registered electors of the city and shall be appointed by city council. The five professional members shall exhibit (1) an interest, competence, or knowledge of historic preservation; (2) professional experience in the disciplines of history, architecture, historic architecture, architechural history and archaeology. (code sectin 78-26). Some of the listed powers and duties of the HPC are to make recommendations to the planning and zoning commission and to city council for public places which are pertinent to the city's history, and to preserve, protect, enhance, regulate and promote the use of buildings, structures, sites and districts that are important in local, state or national history (City Code Section 78-31) (Koumantakis)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A.

Date: 03/09/2022

Ward No: 2

Board/Commission Applying For: Aurora Fox Center Board and Historic Preservation

Name: Joshua Hursa

Home Address: [REDACTED]

City: aurora

Zip: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone:

How Long in Aurora: 3 yr

Register to Vote: Yes

EDUCATION:

Years Completed: 1

Degree(s): Paralegal *current student*

Colleges: Community College of Aurora

EMPLOYMENT:

Employer Name: Unemployed Employer Address:

Position:

How Long?:

Work Experience:

Certifications:

COMMUNITY INVOLVEMENT:

Involvement: Former City budget and CWAC member Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If Yes, what position:

CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: No If yes, please explain:

INTERESTS/ACTIVITIES:

Interests/Activities: Politics law history and science!

APPOINTMENT:

Why do you desire this appointment? I love theater and i want the fox center to thrive. I am also a history nut and former member of the aurora historical society board of directors.

How much time do you anticipate being able to spend on this appointment each month?: any time necessary

PLEASE GIVE THREE REFERENCES:

Name: Brett Jones

Address: [REDACTED]

Phone: [REDACTED]

Name: Jennifer Watkins

Address: [REDACTED]

Phone: [REDACTED]

Name: katie march

Address: [REDACTED]

Phone: [REDACTED]

Applicant Initials Given? Yes - JH

Date Received: 03/10/2022

Access Entry Date: _____

Initials: Tristen Sheptock

Registered Voter: ☒ Yes ☐ No ☐ N/A County: Arapahoe

As of: 03/04/2022

STATISTICAL INFORMATION:

How did you hear about us? Word of Mouth

Date: 05/06/2022
Ward No: 4
Board/Commission Applying For: Historic Preservation

Name: Emma Bertrand

Home Address: [REDACTED]

City: Aurora

Zip: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone:

How Long in Aurora: 3 y

Register to Vote: Yes

EDUCATION:

Years Completed: 17

Degree(s): Bachelor of Arts History

Colleges: Metropolitan State University of Denver

EMPLOYMENT:

Employer Name: Employer Address:

Position:

How Long?:

Work Experience:

Certifications:

COMMUNITY INVOLVEMENT:

Involvement: Volunteer

Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If

Yes, what position:

CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: No If yes, please explain:

INTERESTS/ACTIVITIES:

Interests/Activities: Volunteering at the museum. Reading. Knitting. Wrangling my cats.

APPOINTMENT:

Why do you desire this appointment? I am very interested in history and I feel like preserving history is important for the community.

How much time do you anticipate being able to spend on this appointment each month?: 20+ hours

PLEASE GIVE THREE REFERENCES:

Name: Christopher Bertrand

Address: [REDACTED]

Phone: [REDACTED]

Name: Jennifer Smith

Address: [REDACTED]

Phone: [REDACTED]

Name:

Address:

Phone:

Applicant Initials Given? Yes - EB

Date Received: 05/09/2022

Access Entry Date: _____

Initials: Tristen Sheptock

Registered Voter: ☒ Yes ☐ No ☐ N/A County: Arapahoe

As of: 05/16/2012

STATISTICAL INFORMATION:

How did you hear about us? Word of Mouth



MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: T. Scott Williams, Director, Aurora History Museum and Historic Sites

THROUGH: Tristen Sheptock, City Clerk Analyst
Midori Clark, Library and Cultural Services Department, Director

DATE: June 15, 2022

SUBJECT: New Appointment to the Historic Preservation Commission

The **Aurora Historic Preservation Commission (HPC)** consists of eleven (11) voting members appointed by the Aurora City Council. **Two vacancies currently exist**; one candidate is proposed for appointment.

Interview Information

May 17, 2022

Applicant Interviewed: Emma Bertrand

Recommendation

Suggested Appointment: Emma Bertrand

Summary

Emma Bertrand applied to the Aurora City Clerk's office for the HPC on May 9, 2022. Mrs. Bertrand is a three-year resident of Aurora and earned a Bachelor of Arts in History from the Metropolitan State University of Denver while minoring in Anthropology. She has been volunteering at the Aurora History Museum for over two years and she mentors young people through youth ministry at her church. She is avid fan of World War II history resources. Mrs. Bertrand wishes to demonstrate her commitment to historic preservation through an appointment to the Historic Preservation Commission. She has applied once before and is very eager to join the Commission. During her Commission vacancy interview, her background and interest greatly impressed the HPC Chair and Vice Chair.

The HPC strongly supports the appointment of Emma Bertrand. At the June 14, 2022 meeting, the HPC voted unanimously to support her appointment.



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to Appoint One (1) Member to the Building Code, Contractor Appeals & Standards Board
Item Initiator: Cindy Colip, Director of Public Works
Staff Source/Legal Source: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 Building Code, Contractor Appeals & Standards Board acts as a board of adjustment and appeals and board of standards regarding building codes, contractor licensing, review administrative error, and suspension/revocations of licenses.

The Aurora Building Code, Contractor Appeals & Standards Board is composed of six (6) members all of whom can serve three (3) consecutive three-year (3) terms. Members shall be an Aurora resident for at least one year prior to appointment and a registered elector. The Board shall include two (2) citizens not connected with building construction; one (1) member who qualifies for either a class A or B builder's license with five years' experience in building construction, one (1) structural design engineer, one (1) architect, and one (1) electrical design engineer.

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

The Aurora Building Code, Contractor Appeals & Standards Board currently has 1 vacancy. The Commission received 1 application from Mr. John Lichtner, and the interview was conducted on June 1, 2022.

Upon conducting the interview, the AIRC respectfully recommends the appointment of the following candidate:

John Lichtner– 1st term beginning 7/15/2022 and ending on 7/14/2025

QUESTIONS FOR COUNCIL

Does Council wish to appoint John Lichtner to the Aurora Building Code, Contractor Appeals & Standards Board?

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)

The city council shall appoint the members of the building code and contractors appeals and standards board ... who [which] shall consist of a maximum of six members, each of whom shall have been residents and registered electors of the city for at least one year immediately preceding their appointment. The members may be chosen from the following categories with the following qualifications: 1) not more than two members who are civic minded residents of the city whose occupations are not related to building construction shall be appointed during the same term; 2) one member who can qualify for a commercial building contractor license and shall have a minimum of five year's experience in building construction; 3) one member who is a professional engineer experienced in structural design, registered to practice in the state; 4) one member who is a professional architect registered to practice in the state; and 5) one member who is a professional engineer registered to practice in the state, experienced in electrical design. (Sec. 22-26 of the City Code) (Lathers)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Michael Aitken, Board Chair, [REDACTED]
Building Code and Contractor's Appeals and Standards Board

THROUGH: Tristen Sheptock, City Clerk Analyst
Cindy Colip, Public Works Department, Director

DATE: June 29, 2022

SUBJECT: New Appointment to the Building Code and Contractor's Appeals and Standards Board

Board or Commission: Building Code and Contractor's Appeals and Standards Board

Number of Vacancies: One

Interview Information

Date of Interviews: June 1, 2022

Name of Applicants: John Lichtner

Applicants Interviewed: John Lichtner

Recommendation

Suggested Appointment(s):

Summary: Mr. John Lichtner applied to the city for possible appointment to the Building Code and Contractor's Appeals and Standards Board on May 2, 2022 and his resume and qualifications were evaluated and the Board supported the appointment to the Board on June 1, 2022. A letter of support from the Board Chair is attached.

John has been working in the construction field since graduating college in 1987. He worked primarily at three construction companies. Hensel Phelps, J.A. Walker and Montgomery Phillips surveying. His last 20 years, before retiring in December 2021, were spent as a Plans Examiner for the Aurora Building Division.

John received a Bachelor of Science degree in Construction Management from the University of Louisiana Monroe. He currently holds valid certifications as an IBC, IMC & IPC Plans Examiner. These certifications are based upon the same code as the Commercial contractors license test. He was the lead plans examiner for many high-profile projects in Aurora including: Gaylord Hotel & Convention Center, Stanley Market Place, Southlands Mall & Shamrock Foods Distribution Warehouse.

The Building Code and Contractor's Appeals and Standards Board strongly supports the appointment of John Lichtner as a new member of the Building Code and Contractor's Appeals and Standards Board.

Date: 05/02/2022

Ward No: VI

Board/Commission Applying For: Building Code and Contractors Appeals and Standards Board

Name: John Lichtner

Home Address: [REDACTED]

City: Aurora

Zip: 80016

Email: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone: [REDACTED]

How Long in Aurora: 30 yr

Register to Vote: Yes

EDUCATION:

Years Completed: 16

Degree(s): BS Construction Management

Colleges: ULM

EMPLOYMENT:

Employer Name: Retired Employer Address:

Position:

How Long?:

Work Experience:

Certifications:

COMMUNITY INVOLVEMENT:

Involvement: N/A

Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If

Yes, what position:

CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: Yes If yes, please explain: Worked for the Aurora Building Division for 20 years

INTERESTS/ACTIVITIES:

Interests/Activities: Golf

APPOINTMENT:

Why do you desire this appointment? Interest in Building Codes How much time do you anticipate being able to spend on this appointment each month?: 2 days

PLEASE GIVE THREE REFERENCES:

Name: Joe Colwell

Address: [REDACTED]

Phone: [REDACTED]

Name: Roger Nelson

Address: [REDACTED]

Phone: [REDACTED]

Name: Dena Cocetti

Address: [REDACTED]

Phone: [REDACTED]

Applicant Initials Given? Yes - JL

Date Received: 05/03/2022

Access Entry Date: _____

Initials: Tristen Sheptock

Registered Voter: ☒ Yes ☐ No ☐ N/A County: Arapahoe

As of: 01/07/1991

STATISTICAL INFORMATION:

How did you hear about us? Other: Website



June 29, 2022

City of Aurora

15151 East Alameda Parkway
Aurora, Colorado 80012

Attn: Scott Berg

Re: Building Code and Contractors Appeals and Standards Board (BCB)
Aurora, Colorado
Board recommendation for appointment of John Lichtner

Dear Scott,

The current board members have reviewed Mr. Lichtner's resume and qualifications.

The Building Code and Contractors Appeals and Standards Board (BCB) would like to recommend that the John Lichtner be appointed to a three (3) year term to the BCB.

If you should have any concerns or questions, please do not hesitate to contact me.

Sincerely,

MEA Consulting Engineers, Inc.

A handwritten signature in black ink, appearing to read "Michael E. Aitken", written over a series of horizontal lines.

Michael E. Aitken, P.E., F.NSPE, DFE, LEED AP O+M, CxA
BCB Chairman



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to Appoint Two (2) Members to the Human Relations Commission
Item Initiator: Angel McKinley-Paige, Office of Diversity, Equity & Inclusion Officer
Staff Source/Legal Source: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 5.3--Aggressively pursue primary job attraction, retention and expansion

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 purpose of the Human Relations Commission is to promote a mutual understanding and respect among all people, disseminate information and educational materials to eliminate prejudice, promote human relations and investigate complaints of this nature.

The Human Relations Commission consists of twelve (12) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) terms.

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

The Human Relations Commission currently has 4 vacancies. The Commission received 2 applications and interviews were conducted in July.

Among the applicants were:

Anthony Truong
Saman Mehdi

Upon conducting interviews, the Human Relations Commission respectfully recommends the appointment of the following candidates:

Anthony Truong – 1st term beginning 1/1/2022 and ending on 12/31/2025
Saman Mehdi – 1st term beginning on 1/1/2022 and ending on 12/31/2025

QUESTIONS FOR COUNCIL

Does the Council wish to appoint Anthony Truong and Saman Mehdi to the Human Relations Commission?

LEGAL COMMENTS

The Human Relations Commission consists of 12 voting members, including a youth member, one nonvoting member (appointed by the City manager), one alternate member who shall not be entitled to vote, and one youth alternate who shall not be entitled to vote. The 12 voting members and the alternate members shall be of voting age and be registered electors. The member shall be broadly representative of all citizens, and shall reflect, as far as possible, the religious, ethnic, and age groups of the community. (City Code Section 82-27). The functions and duties of the human relations commission shall include but not be limited to providing the city council with information concerning changing social conditions, reviewing for accountability those external human service agencies that receive funds from the city, working toward solving social problems and improving social conditions, hearing complaints of alleged discrimination, developing educational programs, and submitting reports of the various activities undertaken by the commission. (City Code Section 82-28) (Lathers)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A



MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Angel McKinley-Paige, Interim Diversity, Equity & Inclusion Officer

THROUGH: Tristen Sheptock, City Clerk Analyst

DATE: July 18, 2022

SUBJECT: New Appointment to the HRC

The Human Relations Commission (HRC) consists of eleven (12) voting members appointed by the Aurora City Council. Four vacancies currently exist; two candidates are proposed for appointment.

Summary

Anthony Truong (New Appointment)

Anthony Truong submitted an application to the HRC on June 13, 2022. Mr. Truong is a new resident of Aurora. He has been employed in the financial sector for the past several years. Mr. Truong earned a Bachelor of Science, biology from University of Colorado, Denver. Mr. Truong is very enthusiastic about getting involved in the community. Mr. Truong feels very passionately about the importance of representing the underserved in our community and is very eager to join the Human Relations Commission, believing his background and passion for others will aid the Commission in their mission.

At the July 6, 2022 meeting, the Human Relations Commission voted unanimously to support of the appointment of Anthony Truong.

Saman Mehdi (New Appointment)

Saman Mehdi submitted an application to the HRC on April 27, 2022. Ms. Mehdi has been a resident of Aurora for 7 years. She is currently employed by a local company as a Senior Drainage Engineer. Ms. Mehdi earned a Master of Science, Civil Engineering from Colorado University, Denver. Ms. Mehdi is very enthusiastic about getting involved in the community. Ms. Mehdi feels very passionately about the importance of engaging the community in STEM activities and is very eager to join the Human Relations Commission, believing her background and passion for science and STEM will aid the Commission in their mission.

At the July 6, 2022 meeting, the Human Relations Commission voted unanimously to support of the appointment of Saman Mehdi.

Date: 5/11/22

City of Aurora
APPLICATION FOR APPOINTMENT
PLEASE TYPE OR PRINT CLEARLY

Ward No. 5

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

Human Relations commission + Colorado Peoples Alliance

PERSONAL INFORMATION:

Name: Anthony Truong	How long in Aurora: 5 mo.
Home Address: [REDACTED]	Registered to Vote: 4
e-mail address: [REDACTED]	Work Phone: [REDACTED]
Date of Birth: [REDACTED]	Home Phone: [REDACTED]

EDUCATION:

****Required to verify voter registration**

Yrs. Completed: 5	Degree(s): Bachelor's of science, Biology
Colleges: Univ. of Colorado Denver	

EMPLOYMENT:

Employer Name/Address: Robinhood	Position: Customer Exp	How long? 6 mo.
Work Experience: 2 years in finance	Certifications: Series 7 + 63 licenses	

COMMUNITY INVOLVEMENT:

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE?	☐ Yes ☒ No
If yes, what position:	

INTERESTS/ACTIVITIES:

Weightlifting, reading

WHY DO YOU DESIRE THIS APPOINTMENT:

I want to be involved w/ my community
How much time do you anticipate being able to spend on this appointment each month?
40 hours

PLEASE GIVE THREE REFERENCES:

Name: Juan Marcano	Address: [REDACTED]	Phone: [REDACTED]
Name: Heather Greenburg	Address: [REDACTED]	Phone: [REDACTED]
Name: Fletcher McDonald	Address: [REDACTED]	Phone: [REDACTED]

I certify that the foregoing information is true and correct.

Anthony Truong
(Volunteer's name printed)

[Signature]
(Volunteer's signature)

5/11/22
(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
☐ Other: _____

Juan Morcano

FOR OFFICE USE ONLY:

Date Received: 6/13/2022 Registered Voter: ☒ Yes ☐ No ☐ N/A County: Arapahoe
Excel Entry Date: _____ As of: _____ Volunteer Agreement Signed?: ☐ Yes ☐ No
Initials: JS Incumbent? ☐ Renewal Letter Attached? ☐ New Volunteer Agreement? ☐

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	

Received by City Clerk
6/13/2022
8 am
CZ

Date: 04/27/2022

City of Aurora
APPLICATION FOR APPOINTMENT
 PLEASE TYPE OR PRINT CLEARLY

Ward No.

II

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

HUMAN RELATIONS COMMISSION

PERSONAL INFORMATION:

Name: SAMAN MEHDI			How long in Aurora: 7 YEARS
Home Address: [REDACTED]		Zip: [REDACTED]	Registered to Vote: YES
e-mail address: [REDACTED]	**Date of Birth: [REDACTED]	Home Phone: [REDACTED]	Work Phone:

EDUCATION:****Required to verify voter registration**

Yrs. Completed: 2	Degree(s): MASTER OF SCIENCE: CIVIL ENGINEERING
Colleges: CUDENVER	

EMPLOYMENT:

Employer Name/Address: ATKINS GLOBAL	Position: SENIOR ENGINEER I	How long? 2 YEARS
Work Experience: DRAINAGE ENGINEER WORKING ON FEDERAL, STATE, COUNTY, AND LOCAL MUNICIPALITY TRANSPORTATION PROJECTS	Certifications: STATE OF COLORADO PROFESSIONAL ENGINEER, CERTIFIED FLOODPLAIN MANAGER, CPESC, CDOT TECS, CDOT SWMP, QSD/P	

COMMUNITY INVOLVEMENT:

I HAVE PARTICIPATED IN VOLUNTEER EVENTS WITH THE CASFM (COLORADO ASSOCIATION OF STORMWATER AND FLOODPLAN MANAGERS) ORGANIZATION.
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? ☐ Yes ☒ No
If yes, what position: CURRENTLY RUNNING FOR A POSITION ON THE METRO DISTRICT OF ADONEA #2 BOARD OF DIRECTORS. ELECTION BALLOTS DUE MAY 3RD.

INTERESTS/ACTIVITIES:

I AM PART OF A PROFESSIONAL ORGANIZATION IN WHICH I SERVED A 2 YEAR TERM AS SECRETARY AND HAVE BEEN HEAVILY INVOLVED IN OTHER ASPECTS AS WELL. I HAVE BEEN PLANNING NETWORKING EVENTS FOR THE YOUNG PROFESSIONALS OF THE ORGANIZATION SINCE 2015. I ALSO ENJOY CRAFTING, PLAYING WITH MY DOGS, AND SPENDING TIME WITH MY FAMILY.

WHY DO YOU DESIRE THIS APPOINTMENT:

I WOULD LOVE TO BE MORE INVOLVED WITH THE COMMUNITY IN WHICH I LIVE AND WORK IN. I AM ALSO PASSIONATE ABOUT DIVERSITY, INCLUSION, AND EQUITY AND WOULD LOVE TO SPREAD MORE AWARENESS WITHIN OUR COMMUNITY.
How much time do you anticipate being able to spend on this appointment each month? 10-20 HOURS

PLEASE GIVE THREE REFERENCES:

Name: AMY WILES	Address: [REDACTED]	Phone:
Name: SAMANTHA SCHAFFER	Address: [REDACTED]	Phone: [REDACTED]
Name: NOUSHIN HORNBuckle	Address:	Phone: [REDACTED]

I certify that the foregoing information is true and correct.

SAMAN MEHDI
 (Volunteer's name printed)

(Volunteer's signature)

04/26/2022
 (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 ☐ Other: _____	

FOR OFFICE USE ONLY:

Date Received: <u>04/27/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: ☒ Yes ___ No ___ N/A County: Arapahoe As of: <u>04/12/2016</u> Volunteer Agreement Signed?: ___ Yes ___ No Incumbent? ___ Renewal Letter Attached? ___ New Volunteer Agreement? ___
--	---

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to Appoint Two (2) Members to the Arts in Public Places Commission
Item Initiator: Midori Clark, Director of Library & Cultural Services
Staff Source/Legal Source: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant Attorney
Outside Speaker: N/A
Council Goal: 2012: 4.1--Develop and maintain high quality parks, rec facilities/programs, libraries, natural areas, trails and open space

COUNCIL MEETING DATES:

Study Session: 7/18/2022

Regular Meeting: 7/25/2022

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant Attorney

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

- | | |
|---|--|
| ☐ Approve Item and Move Forward to Study Session | ☐ Approve Item as proposed at Study Session |
| ☒ Approve Item and Move Forward to Regular Meeting | ☐ Approve Item as proposed at Regular Meeting |
| ☐ Information Only | |
| ☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| ☐ Recommends Approval | ☐ Does Not Recommend Approval |
| ☐ Forwarded Without Recommendation | ☐ Recommendation Report Attached |
| ☐ Minutes Attached | ☐ Minutes Not Available |

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 mission of the Art in Public Places Program is to create great places that contribute to neighborhood development, economic vitality, and enrich and engage the community of Aurora.

Art in Public Places Commission is composed of nine (9) members who are residents of Aurora and registered voters. Members may serve a three (3) year term and up to three (3) terms.

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

The Art in Public Places Commission currently has three (3) vacancies. The commission received 2 applications and interviews were conducted in July.

Among the applicants were:

Nicolas Engen
Shana Thompson

Upon conducting interviews, the Art in Public Places Commission respectfully recommends the following candidates:

Nicolas Engen: 02/01/2022 and ending on 1/31/2025
Shana Thompson: 02/01/2022 and ending on 1/31/2025

QUESTIONS FOR COUNCIL

Does City Council wish to appoint Nicolas Engen and Shana Thompson to the Arts in Public Places Commission?

LEGAL COMMENTS

The Art in Public Places Commission shall consist of nine members, each of whom shall be registered electors. The commissioners shall be appointed to represent different interests in the community, and at least one member shall be from the visual arts field. (City Code Section 34-166). The Art in Public Places commission shall be directly responsible to the City Council. It shall be the function and the duty of the commission to develop and administer a public art policy applicable to public areas in public buildings, outdoor areas, and parks within the City. (City Code Section 34-169)(Lathers)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

Date:

04/11/2022

City of Aurora
APPLICATION FOR APPOINTMENT
 PLEASE TYPE OR PRINT CLEARLY

Ward No.

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

Art in Public Places Commission

PERSONAL INFORMATION:

Name: SHANA THOMPSON			How long in Aurora: 3 years
Home Address: [REDACTED]		Zip: [REDACTED]	Registered to Vote: yes
e-mail address: [REDACTED]	**Date of Birth: [REDACTED]	Home Phone: [REDACTED]	Work Phone: [REDACTED]

EDUCATION:****Required to verify voter registration**

Yrs. Completed: 4	Degree(s): Bachelor of Fine Arts - Photography
Colleges: University of Colorado Denver	

EMPLOYMENT:

Employer Name/Address: Colorado Photographic Arts Center	Position: <i>Education & Programs Manager</i>	How long? 8 months
Work Experience: Photographic arts curriculum development and planning at CPAC. Business owner and freelance portrait and event photographer since 1995.	Certifications: none	

COMMUNITY INVOLVEMENT:

<i>Founder Project Photo Op an aspiring nonprofit which seeks to inspire and empower youth through photographic education in Aurora and the Denver Metro Area.</i>	
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? ☐ Yes ☒ No	
If yes, what position:	

INTERESTS/ACTIVITIES:

<i>Photographic arts, arts education, community outreach. I enjoy going to museums, galleries, and supporting artists in our community at local events.</i>
--

WHY DO YOU DESIRE THIS APPOINTMENT:

<i>Public art is key to enriching the lives and experiences of our Aurora community. It would be an honor to serve in a capacity that would allow me to make a difference in city wide aesthetics in artists lives and in the lives of community members.</i>
How much time do you anticipate being able to spend on this appointment each month? 10-15

PLEASE GIVE THREE REFERENCES:

Name: Samantha Johnston	Address: [REDACTED]	Phone: [REDACTED]
Name: Kate Woodliff O'Donnell	[REDACTED]	Phone: [REDACTED]
Name: Chelsea Minter-Brindley	Address: [REDACTED]	Phone: [REDACTED]

I certify that the foregoing information is true and correct.

Shana Thompson
 (Volunteer's name printed)


 (Volunteer's signature)

04/11/2022
 (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 ☐ Other: _____	
--	--

FOR OFFICE USE ONLY:

Date Received: <u>04/12/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: ☒ Yes ___ No ___ N/A County: <u>Arapahoe</u> As of: <u>10/06/2008</u> Volunteer Agreement Signed?: ___ Yes ___ No Incumbent? ___ Renewal Letter Attached? ___ New Volunteer Agreement? ___
--	--

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	

Date:

5/21/2022

City of Aurora
APPLICATION FOR APPOINTMENT
 PLEASE TYPE OR PRINT CLEARLY

Ward No.

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

Art in Public Places Commission

PERSONAL INFORMATION:

Name: NICHOLAS ENGEN		How long in Aurora: 3 years	
Home Address: [REDACTED]		Zip: [REDACTED]	Registered to Vote: Yes
e-mail address: [REDACTED]	**Date of Birth: [REDACTED]	Home Phone: [REDACTED]	Work Phone: [REDACTED]

EDUCATION:****Required to verify voter registration**

Yrs. Completed: 4	Degree(s): A.A. – Business Management; B.S. – Agricultural Economics
Colleges: Itasca Community College; University of Wisconsin – Madison	

EMPLOYMENT:

Employer Name/Address: Front Range Indoor Billboard Network	Position: Owner	How long? <1yr
Work Experience: Several businesses, government, Asset Management (real estate and finance)	Certifications:	

COMMUNITY INVOLVEMENT:

Nothing official – bring a bucket and pick up trash in my local park while walking my dog (Aurora Highlands) and am looking to start organizing community cleanup days.
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? ☐ Yes ☒ No
If yes, what position:

INTERESTS/ACTIVITIES:

Outdoor recreation, housing and community development, art and theater, youth mentorship, gardening/agriculture, water rights/policy

WHY DO YOU DESIRE THIS APPOINTMENT:

Find ways to promote local artists and bring art to a more diverse audience; create more connections in the city
How much time do you anticipate being able to spend on this appointment each month? 5-10 hrs. depending on needs

PLEASE GIVE THREE REFERENCES:

Name:	Address:	Phone:
Name:	Address:	Phone:
Name:	Address:	Phone:

I certify that the foregoing information is true and correct.

Nicholas Engen
 (Volunteer's name printed)

/s Nick Engen
 (Volunteer's signature)

5/21/2022
 (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 ☒ Other: City website	
---	--

FOR OFFICE USE ONLY:

Date Received: <u>05/23/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: ☒ Yes ☐ No ☐ N/A County: <u>Arapahoe</u> As of: <u>03/06/2020</u> Volunteer Agreement Signed?: ☐ Yes ☐ No Incumbent? ☐ Renewal Letter Attached? ☐ New Volunteer Agreement? ☐
--	---

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	



MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Mary Mollicone, Board Chair, Aurora Art in Public Places Commission

THROUGH: Tristen Sheptock, City Clerk Analyst
Midori Clark, Library and Cultural Services Department, Director

DATE: July 11th, 2022

SUBJECT: New Appointments to the Aurora Art in Public Places Commission

Board or Commission: Art in Public Places Commission

Number of Vacancies: 3

Interview Information

Date of Interviews: June 15th 2022

Names of Applicants: Shana Cruz Thompson
Nicholas Engen

Applicants Interviewed: 2

Recommendation

Suggested Appointment(s): Shana Cruz Thompson and Nicholas Engen

Summary:

Ms. Shana Cruz Thompson submitted an application to the Art in Public Places Commission on April 11, 2022, and she was interviewed on June 15, 2022. She has lived in Aurora for 3 years. She holds a Bachelor of Fine Arts Degree in Photography. She works for the Colorado Photographic Arts Center which “offering contemporary photography exhibitions, classes, workshops, portfolio reviews, a darkroom, and community events.” She is also the founder of “Project Photo Op, an aspiring nonprofit which seeks to inspire and empower youth through photographic education in Aurora and the Denver metro area.”

Ms. Thompson recently served on the Art Selection Panel for Art 2C on Havana Street (2022-24) and is familiar with the mission, values, and programs of the Art in Public Places Program.

Ms. Thompson is friendly, outgoing, energetic, and articulate. Her responses to interview questions left no question about her ability to make a positive contribution to the work of the Art in Public Places Commission and the city of Aurora.

The Art in Public Places Commission strongly supports the appointment of Shana Cruz Thompson as a Member of the Art in Public Places Commission.

Nicholas Engen submitted an application to the Art in Public Places Commission on May 21, 2022 and he was interviewed on June 15, 2022. He holds an Associated Degree in Business Management and a Bachelor of Science Degree in Agricultural Economics. He has lived in Aurora for 3 years.

Mr. Engen is an entrepreneur. Front Range Indoor Billboard Network is an Aurora based business and he manages several properties in multiple states. He is able to offer artists free exposure through his Front Range Billboard Network. He also finds time to explore the arts in a variety of locations as a result of his travels related to property management.

Mr. Engen is interested in promoting local artists and bringing art to a more diverse audience. He has attended one meeting of the Art in Public Places Commission and expressed great enthusiasm for the work of the Commission.

Mr. Engen is intelligent, thoughtful, curious, and inventive. These characteristics are highly valued by the AIPP Commission.

The Art in Public Places Commission strongly supports the appointment of Nicholas Engen as a Member of the Art in Public Places Commission.