MINUTES
Regular Meeting – Aurora City Council
Monday, July 1, 2019

CALL TO ORDER – REGULAR MEETING
Mayor LeGare convened the regular meeting of City Council at 3:30 p.m.

ROLL CALL
PRESIDING: Mayor LeGare
COUNCIL MEMBERS PRESENT: Bergan, Berzins, Gruber, Richardson, Roth, Watson
COUNCIL MEMBERS ABSENT: None
OFFICIALS PRESENT: City Manager Twombly, Interim City Attorney Brotzman, City Clerk Ruger
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: Hiltz, Johnston, Lawson, Murillo

City Clerk Ruger announced the proposed items for discussion at executive session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION
Motion by Hiltz, second by Bergan, to recess for executive session.

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

Abstaining: None

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

1. RECONVENE REGULAR MEETING OF JULY 1, 2019 AND CALL TO ORDER
Mayor LeGare reconvened the regular meeting of City Council at 7:30 p.m.

2. ROLL CALL Stephen Ruger, City Clerk
COUNCIL MEMBERS PRESENT: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

COUNCIL MEMBERS ABSENT: None

3. INVOCATION Mayor Bob LeGare, City of Aurora

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 24, 2019
Motion by Roth, second by Murillo, to approve the minutes of the meeting of June 24, 2019, as amended.

♦ The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.
Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

Abstaining: None

6. **CEREMONY**
   a. Swearing in of newly appointed Boards and Commission members – Judge Dana Spade

Judge Spade administered the oath of office to the newly appointed board and commission member. City Council congratulated Mr. Charlip and thanked him for his service to Aurora.

<table>
<thead>
<tr>
<th>Name</th>
<th>Board or Commission</th>
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<tr>
<td>Ralph Charlip</td>
<td>Veterans Affairs Commission</td>
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7. **PUBLIC INVITED TO BE HEARD** (non-agenda related issues only)

Gabriella Jacobo, Community Campus Partnership, Aschutz Medical Campus, introduced herself and discussed a small business opportunity effort related to a small commercial kitchen opening in Aurora.

Tiffany Grays discussed the unconstitutional atrocities taking place within Aurora Public Schools and the Aurora Municipal Courthouse as they related to herself and her daughter. She asked City Council to research the situation and to do their due diligence to ensure equitable treatment for everyone in Aurora.

Council Member Johnston stated she was Ms. Gray’s council person and noted that while she could not get involved in a particular court case, she asked staff to speak to the process of investigating the matter.

Daniel Brotzman, Interim City Attorney, did so, noting Council Member Johnston’s question would be treated as a formal Council request in this instance.

Council Member Johnston asked Ms. Grays to be sure the City had her correct and updated contract information so that the issue could be investigated. Ms. Grays noted her plan to share further detailed information with City Council through email. Council Member Johnston asked if the investigation would be done through a third party or internally in the City.

Mr. Brotzman stated that would depend on where the first steps led, noting a third-party investigation could be an option moving forward.

Sonia Skakich-Scrima referenced the previous City Council meeting discussions on the inhumane conditions taking place at the privately-owned GEO Detention facility in Aurora, particularly referencing Council Member Bergan’s comments which Ms. Skakich-Scrima stated she found offensive.

8. **ADOPTION OF THE AGENDA**

Mayor LeGare noted item 14a, Murphy Creek Reconsideration, would be voted on to be deferred to the August 19, 2019 City Council meeting.

Council Member Johnston asked if City Council could just make that change to continue the item to August 19 because as in similar situations, there were constituents that were not aware that the item could be approved because the City Council might change their
perspective. She requested the change be made at this time as a courtesy of residents who would participate in the public hearing if they were aware.

Mayor LeGare stated item 14a could be moved forward to be heard prior to item 9.

Daniel Brotzman, Interim City Attorney, stated the item required a vote because of the reconsideration process.

Mayor LeGare stated items 11a - 11d would be moved forward so that they were heard prior to item 13a to allow the public hearing to be held on all eight related items. He stated item 10a would be heard following the approval of item 13a - 13d because it was also related to the rezoning process.

Motion by Johnston, second by Watson, to defer the reconsideration item 14a, Murphy Creek East application hearing, to August 19, 2019.

Council Member Bergan asked if the item would follow General Business on the agenda. Mayor LeGare confirmed it would be heard under Reconsiderations and Call-ups.

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

9. **CONSENT CALENDAR - 9a-c**

**General Business**

a. Consideration to AWARD A SOLE SOURCE CONTRACT to Cummins Rocky Mountain LLC, Henderson, CO in the not-to-exceed amount of $91,775.00 for annual routine and emergency maintenance on the emergency generators in Water facilities through May 2020. STAFF SOURCE: Steven Sciba, Deputy Director of Operations, Aurora Water


c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stanley Consultants, Inc., Centennial, Colorado in the amount of $268,719.00 for additional task order engineering services through December 31, 2019, RFP R-1807. (Staff Requests Waiver of Reconsideration) STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

Motion by Bergan, second by Berzins, to approve items 9a – 9c with a waiver of reconsideration for 9c.

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

10. **PUBLIC HEARING WITH RELATED ORDINANCE**

a. 2019-33 Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, zoning a parcel of land generally located South of Smoky Hill Road and West of E-470 in the City of Aurora, County of Arapahoe, State of Colorado, to E-470 Regional Retail/Commercial Subarea District

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Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the item.

Molly Blaney reiterated her husband, Marshall Blaney’s, request that the item be postponed because they felt the way in which the developer handled the neighbors was somewhat underhanded and they would like the opportunity to address the issue with their neighbors.

Council Member Bergan noted the Framework Development Plan (FDP) and Contextual Site Plan (CSP) remained in the process and any issues that arose could be addressed at that time.

Brandon Cammarata, Senior Planner, pointed out those processes were typically administrative processes unless there was a waiver.

Mayor LeGare stated those items were administratively approved under the E-470 regulations but City Council could call them up should they decide to do so.

Council Member Murillo asked staff to speak to how community engagement has been handled in the past and how it would be handled in the future as it related to this item.

Jeff Kochevar, Entitlement & Engineering Solutions, representing GK Development, did so.

Council Member Hiltz stated five of the eight lot owners agreed and three of the five lots were owned by the developer.

Mr. Kochevar stated three of the remaining lot owners agreed so six out of the eight were in agreement.

Council Member Hiltz noted she did not consider those agreed to by the applicant.

Council Member Gruber pointed out the item went through the process but issues could be addressed even after the vote should the neighbors change their minds.

Mayor LeGare stated he would not vote on the item but pointed out the residents would have a full movement traffic signal which in his mind, was a good trade off from a safety standpoint. He closed the public hearing on the item.

Motion by Bergan, second by Roth, to introduce item 10a.

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

Voting Nay: Hiltz

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

a. **R2019-44**

Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Southwest Quarter of Section 19, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of

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.
Arapahoe, State of Colorado (Smoky Hill I) 1.588 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Mayor LeGare opened the public hearing on the items.

Cesarina Dancy, Development Project Manager, General Management, provided a brief summary of the items.

Marshall Blaney expressed concerns related to fire and emergency vehicle access, spoke in opposition to the items and requested the item be postponed until further discussion between the residents could occur.

Council Member Bergan asked if the nearby residences would be annexed into the City. Ms. Dancy answered no.

Council Member Hiltz asked if the Fire Department has weighed in on the proposed annexations. Ms. Dancy answered affirmatively, noting the Fire Chief had no issues with the Fire Department’s ability to service the area in terms of access. Council Member Hiltz asked if staff would work with the Fire Department should access concerns be realized moving forward.

Jeff Kochevar, Entitlement & Engineering Solutions, representing GK Development, discussed access to the development and suggested fire access could be improved should it be determined it was necessary by the FDP.

Council Member Hiltz asked if there was room in the plan to make changes should the Fire Department determine otherwise. Mr. Kochevar answered affirmatively.

Council Member Gruber discussed the parliamentary process, noting there were two more processes to be addressed at this point.

Ms. Dancy concurred.

Mayor LeGare asked Mr. Kochevar if he had anything further to add. Mr. Kochevar discussed the process thus far and stated the applicant felt they were making good process.

Council Member Watson asked if the only way to exit the community at this time was to make a right-turn only. Mr. Kochevar answered no, noting the access was a full movement point on Yellowstone Way and the applicant was suggested moving the neighborhood access to a signalized full movement access.

Mayor LeGare stated full movement meant a vehicle could go in any direction but there was not a protected left turn.

Mr. Kochevar concurred.

Council Member Bergan asked if there was retail development adjacent to the site. Mr. Kochevar answered affirmatively.

Mayor LeGare closed the public hearing on the items.

Motion by Bergan, second by Watson, to approve item 11a.

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

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b. **R2019-45**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Smoky Hill II) 2.11 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

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

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

c. **R2019-46**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Smoky Hill III) 5.168 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Bergan, second by Roth, to approve item 11c.

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

d. **R2019-47**
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Southwest Quarter of Section 19, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Smoky Hill IV) 8.749 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Bergan, second by Watson, to approve item 11d.

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

12. **ORDINANCES FOR INTRODUCTION**

a. **2019-34**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 6 of the City Code related to Alcohol Beverages and Cabarets. STAFF SOURCE: Trevor Vaughn, Manager of Tax and Licensing, Finance

Motion by Roth, second by Watson, to introduce item 12a.

Trevor Vaughn, Manager of Tax and Licensing, Finance, provided a brief summary of the item, noting it related to incorporating changes that have occurred to the State Liquor Code to better help the City enforce the Liquor Code at a local level.

Council Member Gruber asked Mr. Vaughn to speak to who the City coordinated with in the business community. Mr. Vaughn did so, noting the Colorado Restaurant Association and Visit Aurora stated their support of the current ordinance language.

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d. **2019-40**  
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 66 West of the 6th principal meridian, County of Arapahoe, State of Colorado (Smoky Hill IV) 8.749 acres. STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Gruber, second by Roth, to introduce item 13d.

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


e. **R2019-48**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, finding a petition for annexation of a certain parcel of land located in the Southwest Quarter of Section 6, Township 3 South, Range 65 West of the sixth principal meridian, County of Adams, State of Colorado, to be in substantial compliance with Section 31-12-107(1), C.R.S., and giving notice of a public hearing on the proposed annexation (BOWIP Annexation 157.18 acres). STAFF SOURCE: Cesarina Dancy, Development Project Manager, General Management

Motion by Roth, second by Berzins, to approve item 13e.

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

Voting Nay: Hiltz

14. **RECONSIDERATIONS AND CALL-UPS**

a. Reconsideration of a PUBLIC HEARING to consider an FDP Amendment to Modify Land Use Plan Areas on 171-acre site, update Public Improvement Plan, and Increase Number of Permitted Small Lots. (Murphy Creek East) STAFF SOURCE: Heather Lamboy, Planning Supervisor, Planning & Development Services July 1, 2019 Council Meeting, Page 9 July 1, 2019 City Council Agenda Page 4 6/27/2019

*The applicant has requested this item be continued until August 19, 2019.*

The Rules of Order and Procedure for the Aurora, Colorado, City Council state: Whenever a vote is taken to reconsider an item, the item to be reconsidered will return to the agenda for formal action at the next regular meeting unless the motion specifies a different time. City Council Rules B(3). In order to continue the reconsideration, a majority of the City Council would need to vote to continue the item to a later date. If the City Council does not continue the item, the City Council will proceed with the already scheduled public hearing.

No additional reconsiderations or call-ups were called out.

15. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by Council

*The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*
Council Member Watson stated the Aurora/Parker Pipeline project was underway and Xcel was installing a power transmission pole as a part of that project. He noted any residents with questions in that regard should address them to Xcel or City staff.

Council Member Johnston expressed appreciation to all of the first responders and the Aurora Police Department (APD) Explorers who helped out with the recent DUI hit-and-run accident at the Gaylord Rockies, noting her heart went out to all involved with that tragedy. She recognized Tim Gonerka, Retail Specialist, who announced his retirement from the City, and expressed appreciation to him for his service, noting he was a pleasure to work with.

Council Member Gruber expressed appreciation to the women who spoke at the last City Council meeting to educate City Council on the Emerge program, noting it was a national program that supported Democratic women to office. He stated he was looking forward to how the in-kind campaign contributions would be handled under the City’s new campaign finance laws.

Mayor Pro Tem Roth reiterated Council Member Johnston’s comments and expressed his appreciation to the APD Explorers for their efforts in providing life-saving measures at the scene. He announced the upcoming Ward V Town Hall meeting was scheduled for Tuesday, July 16, 2019 at the Heather Gardens Clubhouse at 6:30 p.m. where Aurora Fire Rescue and Aurora Police would be present to provide a presentation.

Council Member Berzins discussed the recent home-going celebration for George Zerk III. She stated Mr. Zerk was a wonderful man and attorney and she extended her deepest condolences to Mr. Zerk’s family. She reminded everyone that the the annual Ward III community picnic was scheduled for July 27, 2019 at Bicentennial Park.

Council Member Bergan expressed her deepest condolences to Mr. Zerk’s family as well and discussed the success of the recent Southeast Aurora Rec Center Open House event. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, July 17, 2019 at the Tallyn’s Reach Library where Tim Gonerka, Retail Specialist, would provide an update on retail trends and the upcoming International Conference on Software Engineering conference. (ICSE)

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, August 22, 2019 at the MLK Library where the census would be discussed. She noted that as of now, the citizenship question has been removed from the census and the council was updated on the City’s efforts around getting the most accurate count in order to receive the most federal funding. She noted her mention of the anticipated school closure in northwest Aurora at the previous meeting and pointed out that while the City Council did not govern the school systems, she stated her belief that they served the same constituency who were the foundation of the community in many ways. She stated her support for the exploration of ways for the City and Aurora Public Schools (APS) to work together to keep schools from closing or to not be prioritized for anything other than education. She stated the importance of creating further partnership and collaboration with the school system and welcomed any ideas in that regard.

16. **PUBLIC INVITED TO BE HEARD**

None

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17. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 8:44 p.m.

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BOB LEGARE, MAYOR

ATTEST:

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