MINUTES
Regular Meeting – Aurora City Council
Monday, October 7, 2019

CALL TO ORDER – REGULAR MEETING
Mayor LeGare convened the regular meeting of City Council at 4:00 p.m.

ROLL CALL
PRESIDING: Mayor LeGare
COUNCIL MEMBERS PRESENT: Bergan, Berzins, Gruber, Hiltz, Lawson, Richardson, Roth, Watson
COUNCIL MEMBERS ABSENT: Johnston
OFFICIALS PRESENT: City Manager Twombly, Interim City Attorney Brotzman, City Clerk Ruger
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: Murillo

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION
Motion by Roth, second by Bergan, to recess for executive session.
Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Lawson, Murillo, Richardson, Roth, Watson
Abstaining: None

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

1. RECONVENE REGULAR MEETING OF OCTOBER 7, 2019 AND CALL TO ORDER
Mayor LeGare reconvened the regular meeting of City Council at 7:31 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
Pastor Reid Hettich, Mosaic Church of Aurora

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

5. APPROVAL OF THE MINUTES
Motion by Roth, second by Berzins, to approve the minutes of the meeting of September 16, 2019 as amended.

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

Motion by Johnston, second by Murillo, to approve the minutes of the meeting of September 23, 2019 as amended.

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

6. CEREMONY

a. Yom Kippur Proclamation – Mayor LeGare

Mayor LeGare invited Georgina Kolber, Managing Director, Mizel Museum; Andrea Amonick; Mindy Parnes, Planning; Phil Nachbar, Development Services; Gary Marolis, Library and Cultural Services; and Heather Lamboy, Planning, to come forward. He read the Proclamation declaring Monday, October 7, 2019 as a day of awareness of Yom Kippur. Ms. Kolber expressed appreciation for the proclamation.

b. Domestic Violence Awareness Month Proclamation – Mayor LeGare

Mayor LeGare read the Proclamation declaring October 2019 as City of Aurora Domestic Violence Awareness Month.

c. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the newly appointed board and commission members. City Council congratulated the members and thanked them for their service to Aurora.

<table>
<thead>
<tr>
<th>Name</th>
<th>Board or Commission</th>
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<tbody>
<tr>
<td>Wesley Nicholson</td>
<td>Judicial Performance Commission</td>
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<tr>
<td>William Gollhofer</td>
<td>Oil &amp; Gas Advisory Committee</td>
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7. PUBLIC INVITED TO BE HEARD (non-agenda related issues only)

Darlene Jones January stated Council Member Gruber should resign because he was not for Aurora. She discussed the way in which Aurora Police Department (APD) dealt with people of color and specifically her son and Elijah McClain. She related her son’s experience with APD and the need for APD to change the way they did things.

Lindsay Minter discussed APD’s handling of people of color and specifically Elijah McClain and requested the bodycam footage be released and that Mr. McClain be declassified as a criminal.

Candice Bailey discussed her history living in Aurora and the death of Elijah McClain. She asked the City Council to be responsible and accountable because Aurora’s future depended on it.

Lillian discussed the City Council’s collaboration with ICE and APD and provided a list of demands related to these issues:
- Sanctuary Now;
- No information for ICE;
- Deny ICE access to local jail facilities;

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• No holds for ICE;
• Divest from GEO; and
• Justice for Elijah McClain.

Juliet Holdren restated and discussed the previously-stated demands.

Pedro discussed the demands related by the previous speakers and noted the crowds would be larger and the City Council’s notoriety would grow in Aurora should those demands not be met. He addressed Council Members Bergan and Gruber regarding their previous comments in support of GEO and suggested they both resign as a result.

Council Member Bergan stated her comments were taken out of context. She clarified her comments related to the comparison of the GEO facility to Nazi concentration camps. She noted she visited the GEO facility and pointed out false comparisons were being made. She asked the City Attorney to speak to whether or not the City had the authority to shut the GEO facility.

Daniel Brotzman, Interim City Attorney, did so. He confirmed the City did not have the authority to shut down the GEO facility because immigration was a Federal responsibility within the purview of Congress. He stated it was prohibited by the US Supreme Court for state or local government to interfere with the Federal Government in that process. He noted there was a Supreme Court case that extended beyond the Federal Government to contractors of the Federal Government, which meant the City could not shut down the GEO facility or an ICE facility. He pointed out there were other things the City could do such as the upcoming notification ordinance that was being considered.

Allen Frederick expressed appreciation to those who attended the City Council meeting in support of these issues. He stated the City Council was obviously failing at their duty to represent the citizens of Aurora and suggested the idea that City Council could not do anything in this regard was ridiculous.

David T. stated Elijah McClain’s death was caused by APD and that fell under the Mayor’s purview. He restated the group’s demands.

Kevin D. spoke on behalf of Elijah McClain and stated his opinion that it was a cover-up. He discussed the need for further transparency in this case, the re-establishment of trust for the police in the community and the creation of a police oversight board.

Ryan discussed AB-32, a bill passed in California related to the removal of for-profit prisons and immigration facilities in the state. He asked for the City Attorney to address the bill. He stated the City Council often made statements about their lack of power and asked them to speak to what power they did have. He requested the names of those who killed Elijah McClain be released and for them to be prosecuted.

Andy discussed justice for Aurora families of color and called upon the City Council to enact democracy and to use their power for good. He made comparisons between Nazi concentration camps and immigration facilities.

Cara Lia Panizzon discussed bigotry and brutality in Aurora specifically in the APD and the ICE facility. She stated it was understood that the City could not shut down the facility and that was why that was not included in the list of demands.

Sophie Scholl discussed fascist states and how that related to Aurora and the City Council. She expressed outrage at Council Member Gruber’s recent radio interview and podcast choices.

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Max Askari requested the City Council stop aiding the violence in the City at the GEO facility and by APD because doing so would save people’s lives.

Sarah discussed the City Council’s inaction and apathy with regards to terrorism and brutality in Aurora at the ICE facility and in the APD.

Karl Parks discussed his lack of surprise at police and immigrant brutality in the Aurora community and United States, noting he was however deeply grieved and angered by it.

Aria Dellepiane discussed the treatment of detainees in the GEO facility and restated the group’s demands.

Alex Yanish discussed the City Council’s complicities in the terrorism of thousands of people living in Colorado because of their upholding of the GEO contract. He reiterated the demands were a baseline and were doable.

Scout discussed the detention and subsequent death of a transgender refugee in a GEO facility and how people’s rights were not being upheld in ICE detention facilities.

James Novak discussed the APD’s protection of the oppressive, racist ICE facility. He asked those present to demand the liberation of all those targeted by ICE and APD and discussed the inaction of the City Council in this regard.

Christina L. requested City Council make an effort to listen to their constituents and figure out what could be done with regards to the GEO facility. She addressed Council Member Gruber for his comments and interviews with a local radio host and asked if he would denounce those who threatened those he spoke against.

Russell Ruch, Party for Socialization and Liberation, discussed the City’s active collaboration with ICE and its terrorization of people of color. He stated Aurora was not a Sanctuary City and discussed what that meant to immigrants, mobile home park residents, or young men of color. He stated the values the party believed in and pointed out they were present to send a clear message that the people had the power.

Mayor LeGare adjourned the meeting due to public disruption and reconvened it once those disrupting the meeting were removed.

Ellen Woo discussed the City Council’s accountability to the citizens and the continued disrespect of the Council particularly Council Members Gruber and Watson for leaving a previous meeting early during the Public Invited to be Heard portion of the agenda.

Carlos Valdez stated he was a proud educator in Aurora and discussed the brutal murder of Elijah McClain and its impacts on the McClain family and community. He stated there was a repeated denial of justice by the City Council and requested the bodycam footage be released.

Ana Rodriguez, Colorado People’s Alliance, expressed appreciation to those council members who were working to hold the GEO facility accountable. She asked the remainder of the City Council to do what they could as well such as supporting the outbreak notification ordinance.

Feven Bernanu, Colorado People’s Alliance, expressed appreciation to Council Members Hiltz, Johnston and Murillo for their efforts in holding GEO accountable. She discussed the treatment of the detainees held there and requested Council support the outbreak notification ordinance because it would prevent further deaths.

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Lee Ann Gott discussed the mistreatment of those being held at the GEO facility and related her experience visiting a detainee in the facility. She asked City Council to do what they could to solve these issues in the community.

West Twomey stated he did not see an instance where the City needed to remove GEO from Aurora considering it was a Federal facility. He stated he did however understand that the City had a responsibility to protect their citizens and to make sure everyone in the facility was safe.

Arnie Schultz discussed how existing banking partners with GEO Group have committed to end ties with the private prison and immigrant detention industry. He requested the City Council approve the outbreak notification ordinance and to move a resolution forward ending the business practices of the GEO Group.

Todd Nicotra, Avalon Bay, requested City Council reconsider their decision of the recent Valley Country Club Annexation Comprehensive Plan Amendment. He further discussed the application and noted the meaningful revisions Avalon Bay has made in response to the feedback they received at the meeting.

Jon Perkins, Denver Area Labor Federation, requested everyone express solidarity with the striking United Auto Workers at GM’s Denver Parts Distribution Center in Aurora.

Council Member Johnston addressed the speakers who presented demands and stated she would reach out to the speakers in that regard. She encouraged them to get in touch with local Aurora community immigrant rights groups who have been working on these issues for years such as the ACLU, Colorado People’s Alliance and the Colorado Immigrant Rights Coalition.

Council Member Murillo addressed those who came out to speak about the GEO ICE Detention Facility and invited them to participate in the upcoming agenda item 13b discussion on an ordinance that would require the facility to report communicable diseases to the City’s Fire Department.

8. **ADOPTION OF THE AGENDA**

Motion by Richardson, second by Gruber, to reverse the order of items 7 and 9.

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

Voting Nay: Hiltz, Johnston, Murillo

The agenda was adopted as amended.

9. **CONSENT CALENDAR - 9a-g**

**General Business**

a. Consideration to AWARD A SINGLE SOURCE CONTRACT to TCC Corporation, Windsor, Colorado in the amount of $99,898.00 for The People’s Building basement improvements.

   **Presenter:** Philip Nachbar, Project Manager, Planning & Development Services

b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Core and Main, Henderson, CO in the total not to exceed amount of $911,350.00 to purchase pipeline parts as required for the Water Dept. infrastructure through September 30, 2020. (B4483)

   **Presenter:** Marena Lertch, Manager Wtr Service Operations, Aurora Water
c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ferguson Waterworks, Aurora, CO in the total not to exceed amount of $434,700.00 to purchase pipeline parts as required for the Water Dept. infrastructure through September 30, 2020. (B4483)
   Presenter: Marena Lertch, Manager Wtr Service Operations, Aurora Water

d. Consideration to AWARD A SINGLE SOURCE CONTACT to Canyon Systems, Inc., Golden, Colorado in the amount of $53,104.00 for the purchase of Gorman-Rupp pump parts.
   Presenter: Mike Mills, Manager of Water Ops and Maint, Aurora Water

e. Consideration to AWARD A SOLE SOURCE CONTRACT to Mideo Systems Inc., Huntington Beach, CA in the amount of $112,335.00 to purchase latent print case workflow software for the Police Department Crime Lab. (Staff requests a waiver of reconsideration)
   Presenter: Police Chief Nicholas "Nick" Metz, Police

f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Veritiv Operating Company, Denver, Colorado in the not-to-exceed amount of $100,000.00 for print shop paper, envelopes and supplies as required by the Communications Department through July 31, 2020. (B-4433)
   Presenter: Lori MacKenzie, Mgr of Integrated Comm & Mktg, Communications

g. Consideration to AWARD A SINGLE SOURCE CONTRACT to AV-Tech Electronics, Inc. of Golden, Colorado in the not-to-exceed amount of $150,000.00 for installation services to upfit 2019 and 2020 Chevy Tahoe Police Pursuit Vehicles.
   Presenter: Ron Forrest, Manager Level 2, General Management

Motion by Richardson, second by Berzins, to approve items 9a – 9g with a waiver of reconsideration on item 9e.

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

10. RESOLUTIONS
   ♦ a. R2019-96
      Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, appointing a Director to fill a vacancy on the MJC Metropolitan District Board of Directors
      Presenter: Mark Geyer, Project Manager, General Management

      Motion by Berzins, second by Roth, to approve item 10a.

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

11. PUBLIC HEARING WITH RELATED ORDINANCE
   ♦ a. 2019-71
      PUBLIC HEARING and Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, organizing the Tower Business Improvement District; providing for an Election of the Board of Directors of the District; and approving the 2019 Operating Plan and Budget for the District.
      Presenter: Jacob Cox, Senior Dev Project Manager, General Management

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Mayor LeGare opened the public hearing on the item.

Jacob Cox, Senior Development Project Manager, General Management, provided a brief summary of the item.

Mayor LeGare closed the public hearing on the item.

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

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

   ♦ a. **R2019-94**
      
      PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for the Tower Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City of Aurora Colorado and the District.

      **Presenter:** Jacob Cox, Senior Dev Project Manager, General Management

      Mayor LeGare opened the public hearing on the item.

      Jacob Cox, Senior Dev Project Manager, General Management, provided a brief summary of the item.

      Mayor LeGare closed the public hearing on the item.

      Motion by Roth second by Bergan, to approve item 12a.

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

13. **ORDINANCES FOR INTRODUCTION**

   ♦ a. **2019-68**
      
      Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, Amendment Chapter 62, Article II, Division 2, of the City Code of the City of Aurora Colorado Related to Nuisance Property Used in Connection with Certain Crimes.

      **Presenter:** Harry Glidden, Police Division Chief, Police

      Motion by Richardson, second by Bergan, to introduce item 13a.

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

   ♦ b. **2019-69**
      
      Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 26 adding Article VI of the City Code referred to as the “The Detention Facility Notification Requirement.”

      **Presenter:** Stephen McInerny, Deputy Fire Chief, Fire

      Motion by Berzins, second by Hiltz, to introduce item 13b.

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

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Council Member Murillo asked staff to clarify the item.

Trevor Vaughn, Manager of Tax and Licensing, Finance, did so.

Council Member Murillo stated she empathized with the need to curb youth smoking and agreed the budget would have to be reviewed if the item did not pass. She stated her support of reevaluating where the money came from. She stated she could not support the item because she believed it was a tax. She pointed out it would particularly impact traditionally lower income communities of color who were targeted by this industry. She suggested there were other ways to support youth smoking cessation and she did not agree that the budget should be the only consideration in that regard.

Voting Aye: Bergan, Gruber, Hiltz, Johnston, Lawson, Watson

Voting Nay: Berzins, Murillo, Richardson, Roth

15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

*If the Valley Arapahoe Comp plan fails to receive 7 affirmative votes to reconsider, it is recommended that items 16 a, b, and c be tabled indefinitely.*

- **a. R2019-95**
  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 20, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Valley Arapahoe Land Development) 15.759 acres
  **Presenter:** Mark Geyer, Project Manager, General Management

- **b. 2019-66**
  PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, annexing a certain parcel of land located in the Southwest Quarter of Section 20, Township 5 South, Range 66 West of the sixth principal meridian, County of Arapahoe, State of Colorado. (Annexation 15.759 acres) (Valley Arapahoe Land Development)
  **Presenter:** Mark Geyer, Project Manager, General Management

- **c. 2019-67**
  PUBLIC HEARING and Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning 15.759 acres of land, more or less, generally located at the Northeast Corner of S. Chambers Way and East Arapahoe Road, within the County of Arapahoe, State of Colorado, to mixed-use Corridor District and amending the zoning map accordingly (VALLEY ARAPAHOE INITIAL ZONING)
  **Presenter:** Heather Lamboy, Planning Supervisor, Planning & Development Svcs

Motion by Richardson, second by Gruber, to table items 16a – 16c.

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

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d. Consideration to reappoint two (2) members to the Cultural Affairs Commission  
   Staff Source: Stephen Ruger, City Clerk, General Management  
   Motion by Berzins, second by Roth, to reappoint Janice Crenshaw and Seth Tucker to the  
   Cultural Affairs Commission.  
   Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo,  
   Richardson, Roth, Watson  

17. REPORTS  
   a. Report by the Mayor  
   Mayor LeGare discussed his attendance at the recent opening of the Stephen D. Hogan  
   Parkway.  
   b. Report by Council  
   Council Member Watson clarified why the City Council was not doing anything outside of the  
   Federal guidelines as it related to the GEO facility. He read the City Attorney’s statement on  
   the issue which confirmed a municipality could not interfere with immigration which was  
   under the purview of the Federal Government and its contractors. He suggested those who  
   came out to speak on the issue review the US Supreme Court cases in that regard. He  
   stated it was a fact that the City must follow the charter set before them which stipulated  
   the City Council could not enact any type of closure because it put the City at risk of being  
   sued. He noted this was how the City was protecting its citizens and that while some might  
   not agree with those facts, they were facts, nonetheless.  
   Council Member Johnston raised the topic of the recent campaign-finance reform ordinance  
   and noted those reports have been submitted. She recommended those who were  
   interested could visit auroragov.org to review that information. She noted the importance of  
   voters gathering information so they could make informed decisions and the importance of  
   voting locally. She stated municipal election ballots would be mailed out next week and  
   suggested those interested in further information should attend the League of Women  
   Voters Forum scheduled for Tuesday, October 8, 2019 in the City Council Chambers and to  
   also read the Aurora Sentinel.  
   Council Member Gruber expressed thanks to the group who spoke on the Aurora ICE facility,  
   who taught a lesson on decorum and how to conduct oneself at a City Council meeting.  
   Council Member Lawson suggested that along with their review of campaign-finance, voters  
   should also look into who was lobbying who. She pointed out the lobbying ordinance did not  
   pass but noted it was important for the public to look for transparency and accountability  
   from their elected officials.  
   Mayor Pro Tem Roth announced the final Ward V Town Hall meeting of the year was  
   scheduled for Wednesday, October 9, 2019 at the Heather Gardens Clubhouse at 7:00 p.m.  
   where a candidate forum would be held.  
   Council Member Berzins announced the Ward III meetings were scheduled for Wednesday,  
   October 8, 2019 at 6:30 p.m. in the City Café and Thursday, October 17, 2019 at 7:15 a.m.  
   at the Aurora Hills Golf Course Tin Cup restaurant, where speakers could be present at both  
   meetings to discuss ballot issues 1A and CC.  

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vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.
Council Member Bergan expressed appreciation to the Aurora Police Department (APD) for their efforts in negotiating a peaceful resolution to the situation that occurred today at the Heather Ridge Apartments.

Council Member Richardson stated the Ward IV meeting was scheduled for Thursday, October 17, 2019 at the Garden Plaza Senior Community at 6:30 p.m., where APD representatives would be present to discuss the onslaught of street racers in Ward IV.

Council Member Hiltz discussed her attendance at the recent Community Awareness Program and the Annual Aurora Fire Awards Dinner where Council Member Roth was recognized for his efforts in performing CPR and to others who saved 22 lives of those who went into cardiac arrest. She addressed Council Member Watson on his sharing of the 1963 Supreme Court decision and recommended he also read the ICE report as well. She stated the case restricted the City Council from closing the GEO facility but noted there were other things including oversight and accountability that the City Council could do in that regard.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, October 24, 2019 at the MLK Library at 6:00 p.m., where the City Clerk would be present to speak to the upcoming election. She reminded her fellow council members that just because a group of same-gender, same-political affiliations council members were lumped together did not mean they were incapable of forming their own opinions and noted they should be addressed individually rather than as a group.

18. **PUBLIC INVITED TO BE HEARD**
April Young stated she was present on behalf of Elijah McClain and requested additional time to speak.

Mayor LeGare answered no, noting each speaker was given the same amount of time to speak.

Ms. Young discussed her personal and professional interactions with Mr. McClain, described him as a person, and stated her confusion at how the interaction between Aurora Police and Mr. McClain could have ended the way it did in Mr. McClain’s death. She stated officers should be held accountable just like civilians because not doing so divided the community and put police officers in jeopardy. She requested transparency and justice in this regard.

Annette Jewell expressed appreciation to the City Council for their thoughtful consideration regarding the Valley Country Club Comprehensive Plan amendment.

19. **ADJOURNMENT**
Mayor LeGare adjourned the regular meeting of City Council at 10:13 p.m.

_________________________________________________
BOB LEGARE, MAYOR

ATTEST:

Stephen J. Ruger, City Clerk
[SEAL]

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