

MINUTES

Regular Meeting of the Aurora City Council

Monday, September 27, 2021

1. **RECONVENE REGULAR MEETING OF SEPTEMBER 27, 2021 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for September 27, 2021 at 6:30 p.m.

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

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Call-in instructions were provided for the public in both Spanish and English.

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who have been lost to the pandemic and those struggling to recover.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated potential litigation of the initial agreement with the Attorney General's office was discussed.

6. **APPROVAL OF MINUTES**

6.a. July 26, 2021 Meeting Minutes

Motion by Gruber, second by Marcano, to approve the minutes of the July 26, 2021 City Council meeting, as presented.

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

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7. **PROCLAMATIONS OR CEREMONIES**

None

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard call-in public testimony.

9. **ADOPTION OF THE AGENDA**

Motion by Gruber, second by Marcano, 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 AWARD A SINGLE SOURCE DESIGN BUILD CONTRACT to CGRS Inc. Fort Collins, Colorado in the amount of \$89,000.00 for the Shop Creek Lift Station Underground Fuel Tank Removal.

Andrea Long, Sr. Project Manager, Aurora Water / Brian Rulla – Assistant City Attorney

10.b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Water Technology Group, Kansas City, KS, in the amount of \$73,947.00 for Flyght Pumps at Porteos Lift Station and Cherry Creek Lift Station.

Mike Mills, Manager of Water Maintenance and Operations / Ian Best, Asst. City Attorney

10.c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Mittera Group, Denver, CO, in the amount of \$74,761.00 for printing services for the News Aurora newsletter insert. (B-4620)

Greg Baker, Manager of Water Public Relations / Ian Best, Assistant City Attorney

Motion by Bergan, second by Gardner, to approve items 10a – 10c.

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

10.d. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Catalyst Public Affairs, Greenwood Village, CO in the amount of \$199,000.00 for professional consulting services to conduct resident engagement and education on City capital and infrastructure needs.

Kim Stuart, Director of Communications / Ian Best, Assistant City Attorney

Terri Velasquez, Finance Director, and Kim Stuart, Director of Communications, provided a presentation on items 10d and 10e.

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

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

10.e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Atkins Global, Denver, CO in the amount of \$925,795.00 for professional consulting services for Program Management on City capital and infrastructure needs. (R-2104)

Cindy Colip, Director of Public Works / Ian Best, Assistant City Attorney

Kim Stuart, Director of Communications, provided a presentation on item 10e from a program management perspective.

Mayor Pro Tem Bergan referenced the budget approved by staff where it was noted 'Public-Private Partnership (P3) advisory services including high-level evaluations for those opportunities' and asked if going with the P3 would continue to add cost and time.

Matt Cirulli, representing Atkins Global, stated the services quoted with regards to the P3 were a high-level evaluation of whether the projects themselves were good candidates for Public-Private Partnerships. He agreed there would be a more in-depth and elongated process for a Public-Private Partnership-type contract to go to market but noted there was a high-level evaluation that would determine if the individual projects were good candidates or not.

Mayor Pro Tem Bergan asked if that portion would only happen after the item went to the ballot for the voters or would they identify projects that went to the ballot. She stated she was having trouble understanding the connect with the P3. Mr. Cirulli stated the Public-Private Partnership was a project delivery method. He stated they would take direction from staff or Council with regards to it going to the ballot or through other approval processes. He stated they would go through a high-level evaluation process that mostly focused on the potential revenue stream for that project to identify it as a potential candidate.

Motion by Gardner, second by Gruber, to approve item 10e with a waiver of reconsideration.

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

Abstaining: Mayor Coffman

Mayor Coffman called for a brief recess of Council to allow staff to provide a public call-in line announcement. He stated he abstained from the previous vote because of a potential personal conflict. He stated one of the Atkins firm employees was also his volunteer campaign treasurer, although he had no idea if the employee would work on the project.

11. **RESOLUTIONS**

- 11.a. Drainage and Flood Control Improvements for Sand Creek - Baranmor Ditch at Zion and Billings Street

R2021-101 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR SAND CREEK – BARANMOR DITCH AT ZION AND BILLINGS STREET

Swirvine Nyirenda, Manager of Planning Services, Aurora Water / Ian Best, Assistant City Attorney

Swirvine Nyirenda, Manager of Planning Services, Aurora Water, provided a brief presentation of the item.

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

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

None

15. **FINALIZING OF ORDINANCES**

15.a. Amending Chapter 6 of the City Code - Marijuana Hospitality Businesses

2021-31 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS AND LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY

Robin Peterson, Manager Marijuana Enforcement / Dan Money, Senior Assistant City Attorney

Council heard public call-in testimony on the item.

ORIGINAL MOTION

Motion by Marcano, second by Coombs, to approve item 15a.

SUBSTITUTE MOTION

Motion by Gardner, second by Hiltz, to continue item 15a to the December 20, 2021 City Council meeting.

Council Member Gardner stated there appeared to be some policy issues that Council still needed to work out. He stated he knew there were several examples of professional

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courtesy in the past where Council voted to delay items and he expressed his hope that courtesy would be extended to him in this instance.

Council Member Hiltz stated her support for continuing the item. She stated she would not be present at the December 20, 2021 meeting but she was happy to support this as a professional courtesy.

Mayor Coffman pointed out a newly formed Council would be in place at that time and asked if a matter could be continued to a new Council.

Dan Brotzman, City Attorney, answered affirmatively.

Council Member Coombs stated additional community outreach and education were obviously needed in the interim so that people understood what Council was voting on in this regard.

VOTE ON SUBSTITUTE MOTION

Voting Aye: Coombs, Gardner, Hiltz, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gruber, Lawson

Council Member Marcano asked Mr. Brotzman to speak to what it would take to call an item up from the prevailing side. Mr. Brotzman did so, noting it took six members of Council to call it up and the call-up member had to be of the prevailing side. Council Member Marcano asked if a voted down item could be brought back within six months even with a new council. Mr. Brotzman answered no and confirmed it could be brought up after six months. Council Member Marcano asked if the item would be impacted if the motion to continue failed. Mr. Brotzman answered no, noting the item would be addressed under final reading.

VOTE ON ORIGINAL MOTION

Voting Aye: Coombs, Gardner, Hiltz, Murillo

Voting Nay: Bergan, Berzins, Gruber, Lawson, Marcano

Mayor Coffman stated this was the second time the item would result in a tie vote.

Mr. Brotzman concurred, noting it tied previously and another tie vote would result in it failing. He addressed Mayor Coffman and stated he did not have to vote if he did not want to.

Mayor Coffman stated he would abstain from voting.

Council Member Gruber spoke to the public and stated what they witnessed was raw politics because Council Member Marcano, who voted against his principles and voted with those he disagreed with on every vote, set himself up to bring the item back following the election as opposed to following standard procedure where one would wait six months.

Mayor Coffman stated he should not have allowed that comment as it was not in order but since he did, he would allow Council Member Marcano to respond.

Council Member Marcano clarified he used parliamentary procedure with the intent of advancing equity in the City as he fully intended to bring the item back after Aurora had a full Council that was not susceptible to Reefer Madness threats. He thanked Council Member Gruber for raising the topic.

Mayor Coffman asked staff to read the outcome of the vote.

Kadee Rodriguez, City Clerk, did so, noting the motion to approve the item failed with four affirmative votes and five nay votes.

15.b. Amending the Unified Development Ordinance (UDO) to Address Zoning
Classifications of
Marijuana Hospitality Businesses

2021-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN
ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY
BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY

Robin J Peterson, Manager Marijuana Enforcement / Dan Money, Senior Assistant
City Attorney

Mayor Coffman stated his understanding the staff explanation for item 15a also applied to item 15b.

Dan Brotzman, City Attorney, concurred.

ORIGINAL MOTION

Motion by Marcano, second by Coombs, to approve item 15b.

Council Member Gruber stated the same disgusting behavior would be repeated with this item.

Council Member Marcano stated it was a typical Republican tactic to deflect when people used parliamentary procedure to benefit working people by advancing equity causes as opposed to using it to tank popular legislation. He stated he was happy to do this for the advancement of equity in the City and noted he would do so anytime.

SUBSTITUTE MOTION

Motion by Gardner, second by Coombs, to continue item 15b to the December 20, 2021 City Council meeting.

Council Member Gardner stated every council member has previously voted to continue items out of professional courtesy even if they disagreed with the policy. He expressed his hope he would be given the same courtesy in this regard but noted he doubted it based on the results of the previous vote.

Council Member Gruber pointed out the idea behind postponing the item until December 20, 2021 was that it allowed the majority of those who voted against the zoning part of the ordinance to no longer be on Council. He stated it was a ploy to move the item to another Council which was very unusual because while Council has delayed votes in the past, they have never delayed them so that those on the current Council could not vote when the item came up again.

Council Member Berzins asked if items 15a and 15b should somehow be tied together because it might happen that item 15b would not pass when it was voted on in December but item 15a did or vice versa. She asked if that plan was already in place, but Council was unaware of it.

Mayor Coffman stated he understood the items' connection but clarified they were two separate items. He stated it could be brought back as stated by the City Attorney but the loss of item 15a was a settled question.

Council Member Coombs asked if Council could establish the zoning necessary to have these businesses and then subsequently establish the licenses. Mr. Brotzman stated they were separate items; one was regulations and one was zoning, and they were separate for a reason so that one could be passed and not the other.

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Mayor Pro Tem Bergan agreed parliamentary "tricks" have been used in the past so that one could be on the prevailing side in order to bring something back but never to change a council to a different council. She stated it was unethical and dishonorable to do so because it did not honor the council that went through the study session and voted on the item.

Council Member Coombs clarified the current council that went through the study session and first reading approved the ordinance and the real question was the sudden disapproval on second reading without explanation.

Council Member Marcano stated they could have done the sensible thing and honored Council Member Gardner's motion to move the item but since they did not, he would gladly continue to use any "tricks" at his disposal.

Council Member Lawson addressed Council Member Coombs and clarified she has not supported the item all the way through the process and noted she has continued to state her reasons why.

Council Member Coombs addressed Council Member Lawson and assured her she was not referring to her. She apologized to Council Member Lawson if she took it personally.

Mayor Pro Tem Bergan asked why they were once again voting to delay the item. She pointed out many on Council have been pressured to change their votes. She stated they were once again in the position where they were standing by their own principles and voting their conscience and yet, delay tactics to put some on the prevailing side so it could be called up were being employed and she felt it was unethical.

Council Member Murillo stated there were those who were upset that she supported offering Council Member Gardner the professional courtesy and supported it as a policy and they were making nasty comments towards Council Member Marcano with the hope of accomplishing a similar outcome. She noted those same accusations were not levered at Council Member Gardner and while she did not approve of comments being directed at either council member, both were essentially asking for the same thing through different procedures allowed in Council Rules.

VOTE ON SUBSTITUTE MOTION

Voting Aye: Coombs, Gardner, Hiltz, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gruber, Lawson

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Kadee Rodriguez, City Clerk, stated the motion to continue the item to December 21, 2021 did not pass with a five-five vote.

VOTE ON ORIGINAL MOTION

Voting Aye: Coombs, Gardner, Hiltz, Murillo

Voting Nay: Bergan, Berzins, Gruber, Lawson, Marcano

Mayor Coffman asked if this was the second vote and a tie vote automatically failed. Mr. Brotzman stated the Mayor may vote to make it a tie or not vote as the result was the same. Mayor Coffman stated the Mayor abstained from the vote. He asked staff to read the outcome of the vote.

Ms. Rodriguez did so, noting the item did not pass with five nay votes and four affirmative votes.

15.c. Amending The Campaign Finance Ordinance

2021-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-2 AND SECTIONS 54-101, 54-103, 54-104.5 AND 54-110 OF THE CITY CODE RELATED TO THE FINANCING OF ELECTORAL CAMPAIGNS

Sponsor: Council Member Marcano

Staff: Dan Brotzman, City Attorney / Rachel Allen, Client Group Manager, City Attorney's Office

Outside Speaker: Mark Grueskin / Recht Kornfeld, PC

Motion by Marcano, second by Coombs, to approve item 15c.

Voting Aye: Bergan, Berzins, Coombs, Gruber, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Gardner

15.d. Gateway Park Comprehensive Plan Map Amendment

2021-37 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACE TYPE MAP FROM INDUSTRIAL HUB TO COMMERCIAL HUB FOR THE

AREA BOUNDED BY EAST 40th AVENUE TO THE NORTH, INTERSTATE 70 TO THE SOUTH, EAST 40th CIRCLE TO THE WEST, AND APPROXIMATELY 1,000 FEET BEYOND SALIDA STREET TO THE EAST (GATEWAY PARK COMPREHENSIVE PLAN AMENDMENT COMMERCIAL HUB)

Deborah Bickmire, Planner SR Planning & Development Service / Daniel Money, Senior Assistant City Attorney

Deborah Bickmire, Planner SR Planning & Development Service, gave a brief summary of the item.

Motion by Berzins, second by Gruber, to approve item 15d.

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

15.e. Flats at Gateway Park Rezone

2021-38 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING TWO SEPARATE PARCELS OF LAND MEASURING 17.763 ACRES MORE OR LESS AT THE NORTHEAST CORNER OF SOUTH AIRPORT BOULEVARD AND EAST ALAMEDA PARKWAY FROM INDUSTRIAL DISTRICT (I2) TO MIXED-USE TRANSIT-ORIENTED DEVELOPMENT DISTRICT (MU-TOD) AND AMENDING THE ZONING MAP ACCORDINGLY (FLATS AT GATEWAY PARK)

Deborah Bickmire, Planner SR Planning & Development Service / Daniel Money, Senior Assistant City Attorney

Deborah Bickmire, Planner SR Planning & Development Service, gave a brief summary of the item.

Motion by Gardner, second by Lawson, to approve item 15e.

Voting Aye: Bergan, Berzins, Gardner, Gruber, Lawson

Voting Nay: Coombs, Hiltz, Marcano, Murillo

15.f. Sun Empire Comprehensive Plan Amendment

2021-39 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACE TYPE MAP FROM EMERGING NEIGHBORHOOD AND COMMERCIAL HUB

TO INDUSTRIAL HUB FOR THE AREA BOUNDED BY EAST 56TH AVENUE TO THE NORTH, THE FUTURE HARVEST ROAD TO THE WEST, THE FUTURE POWHATON ROAD TO THE EAST, AND THE FUTURE 48TH AVENUE TO THE SOUTH (SUN EMPIRE COMPREHENSIVE PLAN AMENDMENT INDUSTRIAL HUB)

Todd Hager, Planner II / Daniel Money, Senior Assistant City Attorney

Brandon Cammarata, Planning Manager, provided a brief presentation on the item.

Motion by Gruber, second by Gardner, to approve item 15e.

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

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

None

20. **REPORTS**

20.a. Report by the Mayor

Mayor Coffman announced he would have Tom Worker-Braddock, Senior Transportation Planner, on *Mayor Mike Live* scheduled for Thursday, September 30, 2021 between 4:00 p.m. and 4:30 p.m. to discuss the 13th Avenue Multimodal Mobility Study as well as an Aurora Animal Shelter representative who would discuss how to adopt pets and certain issues around the shelter. He stated the segment was available on Auroratv.org and the City's Facebook page. He noted he would also be on Spanish Language Radio on Monday,

October 4, 2021 at 8:20 a.m. to discuss small business assistance programs in the City of Aurora.

20.b. Reports by the Council

Council Member Lawson provided updates on the recent CML Conference, Federal legislation and RTD Reimagined.

Council Member Gruber expressed appreciation to the CML Conference organizers on their efforts in that regard and provided an update on the Aerotropolis Regional Transportation Authority.

Council Member Murillo discussed the success of the hybrid Town Hall meeting and expressed her hope to continue the hybrid meetings moving forward. She discussed the upcoming election and shared the information she learned in that regard. She announced the next Ward I hybrid Town Hall was scheduled for Tuesday, October 28, 2021 at 6:00 p.m.

Council Member Berzins announced the virtual Aurora Candidate Forum was scheduled for Wednesday, September 29, 2021 from 5:00 p.m. to 9:00 p.m., and listed locations where it could be viewed. She discussed the upcoming Accelerate Colorado trip scheduled for October 6, 2021. She congratulated Council Member Lawson for being on the CML Executive Board.

Council Member Marcano provided an Aurora Sister Cities update and discussed his attendance at The Point at Nine Mile groundbreaking event. He announced the Ward IV in-person meeting was scheduled on Thursday, October 14, 2021 at 6:30 p.m. at the Stampede where an At-Large Candidate Forum would take place.

Council Member Coombs announced the Ward V hybrid Town Hall meeting was scheduled for Wednesday, October 6, 2021 at 6:00 p.m. at Heather Gardens. She congratulated CML and Council Member Lawson on the excellence of the recent CML Conference and provided a Visit Aurora report.

Mayor Pro Tem Bergan discussed her attendance at the recent CML Conference. She announced the next Ward VI Town Hall meeting was scheduled for Wednesday, November 17, 2021 as she had to cancel the October meeting due to a scheduling conflict with the conference.

21. **PUBLIC INVITED TO BE HEARD**

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(non-agenda related issues only)

None

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 8:18 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK