

MINUTES

Regular Meeting – Aurora City Council Monday, December 7, 2020

1. CONVENE REGULAR MEETING OF DECEMBER 7, 2020 AND CALL TO ORDER

Mayor Coffman reconvened the regular meeting of City Council at 7:30 p.m.

2. ROLL CALL Susan Barkman, Interim City Clerk

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

3. INVOCATION/MOMENT OF SILENCE

Mayor Coffman called for a moment of silence for Marlon Reis, spouse of Governor Jared Polis, and all others who were struggling to recover from COVID.

4. PLEDGE OF ALLEGIANCE (all standing)

5. APPROVAL OF MINUTES

5.a. October 19, 2020 Minutes

Motion by Bergan, second by Gruber, to approve the minutes of the meeting of October 19, 2020.

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

5.b. November 2, 2020 Minutes

Motion by Bergan, second by Gruber, to approve the minutes of the meeting of November 2, 2020.

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

6. PROCLAMATIONS OR CEREMONIES

None

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

Roger Sherman provided call-in instructions and introduced speakers.

8. ADOPTION OF THE AGENDA

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Motion by Bergan, second by Coombs, to approve the agenda as presented.

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

- 8.a RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules**
Staff Source: Susan Barkman, Interim City Clerk
Staff Attorney: Dan Brotzman, City Attorney

Motion by Gruber, second by Berzins, to approve item 8a.

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

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.

- a. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$112,000 IN 2021 between the city of Aurora, and Aurora Sister Cities International**

Presenter: Ricardo Gambetta, Manager of the Office of International and Immigrant Affairs
Attorney: David Lathers, Senior Assistant City Attorney

Motion by Marcano, second by Coombs, to approve items 9a.

Council Member Bergan noted she has been on City Council for five years and during her first year, when the Sister Cities budget of \$112k came up, she asked if they would eventually become self-sufficient and was told it was the goal at some point to not be dependent on taxpayer funding. She agreed this was a good organization but noted this was a non-profit and there were many in the City. She stated she was not discouraging Sister Cities but was simply doing her job from a fiscal responsibility perspective. She pointed out that in addition to the \$112k per year, the City provided Sister Cities with office space, computers, office supplies, and media and legal assistance and asked what that amounted to.

Ricardo Gambetta, Manager of the Office of International and Immigrant Affairs, agreed to obtain and provide that information for Council.

Council Member Bergan noted the vote was being taken currently.

Mr. Gambetta noted the amount was the same as last year.

Council Member Bergan pointed out she has never received that amount.

Roberto Venegas, Deputy City Attorney, stated a dollar amount has not been quantified.

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Council Member Bergan noted there was a \$15k City grant from the City's Aurora Economic Resilience Program (AER) and asked if that was one of the non-profit grants. Mr. Venegas answered affirmatively. Council Member Bergan noted there was a mention of a \$29k grant for the Paycheck Protection Program (PPP) loan and asked staff about the source.

Karlyn Shorb, Chief Executive Officer, Aurora Sister Cities, stated that was a loan from the CARES Act program through the Small Business Administration (SBA). She clarified that was not a grant from the City but rather a loan that Sister Cities applied for through their bank.

Council Member Bergan noted Sister Cities planned to convert the loan to a grant and asked how that would be accomplished. Ms. Shorb explained the process. Council Member Bergan asked if itemizing the City's 'in kind' contributions were a part of the process. Ms. Shorb answered no. Council Member Bergan acknowledged Sister Cities did very good work.

Mayor Pro Tem Johnston asked Ms. Shorb if there was anything she would like to address.

Ms. Shorb discussed Sister Cities' forward movement and how they have diversified in the attempt to meet their goal to reduce their reliance on City funds.

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

Voting Nay: Bergan, Berzins

- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Motorola Inc., Westminster, CO in the amount of \$714,282.30 to provide annual support for the P25 Trunked Radio System used by Public Safety and Public Works personnel through December 2021. Presenter: Scott Newman, Chief Information Officer Attorney: Dave Lathers Senior Assistant City Attorney**

- c. Consideration to award 2nd year purchase order with Badger Meter, Inc., Centennial, Colorado in the amount of \$5,721,254.00 for the citywide Advanced Metering Infrastructure (AMI) System to include meters for replacement and anticipated growth. Presenter: Marena Lertch, Manager of Water Service Operations Attorney: Dave Lathers, Senior Assistant City Attorney**

Motion by Gruber, second by Coombs, to approve items 9b – 9c.

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

- d. Consideration to AUTHORIZE the Risk Manager to purchase the City of Aurora's commercial insurance policies and surety bond due on January 1, 2021, paid through the insurance broker, IMA, Inc. in an amount not-to-exceed \$2,700,000.00. Presenter: Renee Pettinato Mosley, Risk Management**

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Attorney: David Lathers, Senior Assistant City Attorney

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

Council Member Gruber stated SB 217 was called out as a risk item and asked staff to speak to why that bill was costing the City more money.

Nancy Rodgers, Deputy City Attorney, did so.

Council Member Gruber asked if the implication was there would be more cases. Ms. Rodgers answered affirmatively. Council Member Gruber pointed out the protests were one of the things impacting the City's insurance and asked staff to speak to that issue.

Renee Pettinato Mosley, Risk Management, did so.

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

- e. **Consideration to AWARD CHANGE ORDER #2 TO A SINGLE SOURCE CONTRACT to H&E Equipment Services, Henderson, Colorado, in the amount of \$112,979.40 for the purchase of five (5) Emergency One fire trucks.**

Presenter: Ron Forrest – Fleet Manager

Attorney: Dave Lathers – Senior Assistant City Attorney

Motion by Gruber, second by Coombs, to approve item 9e.

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

- f. **Consideration to APPROVE AN AGREEMENT between the city of Aurora, Colorado and the Fraternal Order of Police for the years 2021-2022**

Presenter: Jason Batchelor, Deputy City Manager

Attorney: Rachel Allen, Client Group Manager

Motion by Berzins, second by Gruber, to approve item 9f.

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

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

Council Member Coombs asked if all other employees would also receive the two percent raise. Mr. Batchelor answered affirmatively and discussed the equivalency of the contract with all City employees.

Council Member Bergan stated her understanding that City employees received a two percent raise in both 2021 and 2022 along with furlough days in 2021 and a small bonus.

Mr. Batchelor concurred.

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Council Member Gruber asked how many police officers left the force this year. Mr. Batchelor stated approximately 60. Council Member Gruber asked if that has been offset in the budget. Mr. Batchelor answered no and noted there have been recruitment of and replacement with new officers.

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

g. Consideration to AWARD A SOLE SOURCE CONTRACT to Radix Metasystems, Aurora, Colorado in the amount of \$126,000.00 to provide Nighthawk software subscription services to Aurora Police through December 31, 2023.

Presenter: Vanessa Wilson, Police Chief

Attorney: Dave Lathers – Senior Assistant City Attorney

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

Council Member Gruber requested a staff presentation on how this item supported the Regional Anti-Violence Enforcement Network. (RAVEN)

Vanessa Wilson, Police Chief, did so.

Council Member Gruber discussed the success of the RAVEN program and the direct reduction of crime in Aurora.

Chief Wilson concurred.

Council Member Gruber congratulated the Aurora Police Department for their efforts in this regard.

Council Member Bergan stated her support for the item.

Council Member Coombs asked Chief Wilson to speak to how the City would address due process and privacy rights as it related to the software use. Chief Wilson did so and offered to provide an informational presentation by the company.

Council Member Marcano stated his understanding that Council would receive a software presentation and noted that did not occur. He asked when the software presentation on the software function took place and who attended.

Council Member Hiltz stated she had many initial concerns related to data collection because she felt biased data in meant biased data out so she reached out independently and received a presentation that helped her feel comfortable with it now. She stated the data was already collected by the police department and the software just streamlined it. She stated it was not at all what she thought or what was initially presented as a seemingly intrusive process.

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

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- h. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Dewberry Engineers, Inc., Denver, Colorado in the amount of \$286,792.00 to provide additional design phase services and services during construction for the Piney Creek Lift Station Repairs Project.**

Presenter: Elizabeth Carter – Principal Engineer – Aurora Water

Attorney: Dave Lathers – Senior Assistant City Attorney

Motion by Gruber, second by Coombs, to approve item 9h.

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

Roger Sherman provided call-in instructions for the upcoming items.

Mayor Coffman called for a five-minute break.

10. RESOLUTIONS

- a. ADONEA Metropolitan District**

R2020-158 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2nd AMENDMENT TO THE UTILITY COST REIMBURSEMENT AGREEMENT BETWEEN LENNAR COLORADO, LLC, ADONEA METROPOLITAN DISTRICT, A QUASI-MUNICIPAL CORPORATION, AND THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE

Presenter: Young, Sarah, Deputy Director Planning and Engineering

Attorney: McKenney, Christine, Client Group Manager

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

Mayor Pro Tem Johnston asked staff if the Adonea Metro District weighed in on the item.

Sarah Young, Deputy Director Planning and Engineering, stated the metro district requested the amendment.

Council Member Bergan stated her understanding this was reimbursement because the infrastructure was oversized.

Ms. Young concurred.

Council Member Bergan stated that happened sometimes because it would serve the greater area once development came in.

Ms. Young concurred.

Council Member Coombs asked if the City would be paid back based on the other developments that were coming in after the benefit from this infrastructure. Ms. Young answered affirmatively.

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

- b. Management of Additional Augmentation Water for Trout Creek Pond In South Park R2020-159** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT COLORADO STATE OFFICE AND THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, FOR PROVISION OF AND MANAGEMENT OF ADDITIONAL AUGMENTATION WATER FOR TROUT CREEK POND IN SOUTH PARK
Presenter: Alex Davis, D/D Water Resources, Aurora Water
Attorney: Stephanie Neitzel, Assistant City Attorney

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

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

- c. Joint Professional Firefighter Certification R2020-160** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO APPROVE THE RESTATED INTERGOVERNMENTAL AGREEMENT FOR JOINT PROFESSIONAL FIREFIGHTER CERTIFICATION
Presenter: Deputy Chief Cindy Andersen, Fire
Attorney: Evans, Isabelle, Assistant City Attorney

Motion by Berzins, second by Marcano, to approve item 10c.

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

- d. The State's Sales and Use Tax Simplification Software System R2020-161** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE STATE OF COLORADO DEPARTMENT OF REVENUE, FOR THE USE OF THE STATE'S SALES AND USE TAX SIMPLIFICATION SOFTWARE SYSTEM
Presenter: Trevor Vaughn, Manager of Tax and Licensing
Attorney: Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Marcano, to approve item 10d.

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

- e. Funding Recommendation for Second Chance Center, INC.'s Providence at the Heights Apartment R2020-162** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE AFFORDABLE HOUSING GAP FINANCING PROGRAM 2020 FUNDING RECOMMENDATION FOR SECOND CHANCE CENTER, INC.'S PROVIDENCE AT THE HEIGHTS APARTMENTS
Presenter: Liz Fuselier, Community Development Planner
Attorney: Tim Joyce, Assistant City Attorney

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Motion by Marcano, second by Johnston, to approve item 10e.

Council Member Bergan asked staff to speak to what portion of the funding sources came out of the general fund.

Jessica Prosser, Director, Housing and Community Services, did so, noting the funding for the affordable housing piece came solely from the marijuana fund.

Council Member Bergan stated this would be for repaving, landscaping and keypad lock hardware.

Ms. Prosser concurred.

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

Voting Nay: Bergan, Berzins, Gruber

f. Montview Boulevard Design

R2020-163 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AIMCO PROPERTIES, LLC, THE FITZSIMONS REDEVELOPMENT AUTHORITY, THE COLORADO SCIENCE AND TECHNOLOGY PARK METRO DISTRICTS NOS. 1, 2 AND 3, AND THE REGENTS OF THE UNIVERSITY OF COLORADO FOR AND ON BEHALF OF THE UNIVERSITY OF COLORADO ANSCHUTZ MEDICAL CAMPUS APPROVING A ROADWAY REDESIGN COST REIMBURSEMENT AGREEMENT

Presenter: Nancy Freed, Deputy City Manager

Attorney: Brian Rulla, Assistant City Attorney

Motion by Hiltz, second by Berzins, to approve item 10f.

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

Roger Sherman provided call-in instructions for the upcoming items.

Mayor Coffman called for a five-minute break.

11. PUBLIC HEARING WITH RELATED ORDINANCE

None

12. PUBLIC HEARING WITHOUT RELATED ORDINANCE

None

13. INTRODUCTION OF ORDINANCES

a. 2020 Fall Supplemental Ordinance

2020-68 AN ORDINANCE OF THE CITY OF AURORA, COLORADO APPROPRIATING SUMS OF MONEY IN ADDITION TO THOSE APPROPRIATED IN ORDINANCE NOS. 2019-82, AND 2020-

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44 FOR THE 2020 FISCAL YEAR

Presenter: Kerstin Claspell, Lead Financial Analyst

Attorney: Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Marcano, to introduce item 13a.

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

b. Adoption of Economic Nexus

2020-69 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 130 OF THE CITY CODE RELATED TO ECONOMIC NEXUS

Presenter: Trevor Vaughn, Manager Of Tax And Licensing

Attorney: Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Bergan, to introduce item 13b.

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

c. Marijuana Delivery Within the City

2020-65 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE PERTAINING TO BACKGROUND QUALIFICATIONS FOR MARIJUANA BUSINESS OWNERS AND EMPLOYEES AND TO ADD A SECTION TO ALLOW MARIJUANA DELIVERY WITHIN THE CITY

Presenter: Robin Peterson, Manager Marijuana Enforcement

Attorney: Money, Daniel, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 13c.

Roger Sherman introduced speakers on the call-in line.

Council Member Coombs asked staff if delivery must be made from a store and not a warehouse and if the transporters must be licensed in the City of Aurora.

Robin Peterson, Manager Marijuana Enforcement, answered affirmatively. She clarified however the businesses that have a license in the City of Aurora that wanted to use a transporter must use a social equity transporter for the first 36 months. She noted the City could not control what kind of transporters were used if delivery was allowed outside the City.

Council Member Coombs asked if a store delivering into Aurora from outside of Aurora had to use an Aurora licensed transporter. Ms. Peterson answered no, noting she did not have the ability to require other stores not licensed by the City to follow City rules. Council Member Coombs asked if those licensed outside of the City of Aurora could use an Aurora licensed transporter and if so, did that need to be made explicit in the ordinance or could it be a part of the rulemaking that the Aurora Marijuana Enforcement Division (AMED) did in the process. Ms. Peterson answered affirmatively, noting it could be made in rulemaking.

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Council Member Gruber stated he did not have an issue with the idea of delivering marijuana in Aurora from stores licensed by Aurora. He expressed concerns regarding those social equity distributors that could apply three years after a felony conviction and the lack of oversight. He wondered what would happen if people did not show up and there were not enough of them to support the four stores in each ward which would thereby limit the business of City stores. He raised the issue expressed by Aurora companies about marijuana coming in from outside of the City and discussed his reasoning behind his support of reducing delivery fees for restaurants in Aurora due to COVID. He pointed out he felt that was justified because the City had regulated restaurants so much because of COVID that it was no longer a free market. He pointed out marijuana stores in Aurora were also not a free market because they were heavily regulated. He did not support the ordinance because it was not ready.

AMENDMENT I

Motion by Gruber, second by Bergan, to table item 13c until a better format could be realized.

Mayor Pro Tem Johnston stated she did not support tabling the item.

Council Member Bergan stated the reason the item should be tabled was due to the inconsistencies and concerns about safety and oversight.

Council Member Coombs called for a point of order on the discussion.

Council Member Gruber asked staff to clarify the rules of order in this regard.

Daniel Brotzman, City Attorney, did so, noting the discussion was limited to the motion to table.

Council Member Coombs pointed out the item has been in discussion for months and listed the various opportunities Council had to comment. She noted these were not new issues and the questions surrounding safety and security were addressed in state law.

Council Member Gardner stated he did not support the motion to table the item for similar reasons.

Council Member Hiltz concurred.

Council Member Marcano echoed many of the previous comments against tabling the item.

Council Member Berzins stated she has not made a decision on the item because things kept changing. She noted it took 18 months for the original rules to come together and she did not want to rush this. She stated her preference was to take the time needed to do it right. She pointed out four of the eleven council members had the luxury of sitting on the Amendment 64 Committee where the topic has been discussed for months and months and while the issue was not really complicated, it sounded very complicated because there were so many moving parts and it kept changing.

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Council Member Lawson agreed with her colleagues against tabling the item and noted the rulemaking process would help clarify and strengthen some of the language.

Council Member Berzins asked Mayor Pro Tem Johnston if there would be a rulemaking process because the ordinance could not be changed once it was adopted. Mayor Pro Tem Johnston asked staff to address the question.

Ms. Peterson stated rulemaking would be consistent with whatever was approved in the City ordinance.

Council Member Gruber asked if the prohibition of medical marijuana delivery could be enforced. Ms. Peterson answered affirmatively, noting it would be enforced through an audit.

VOTE ON AMENDMENT I

Voting Aye: Bergan, Berzins, Gruber

Voting Nay: Mayor Coffman, Coombs, Gardner, Hiltz, Johnston, Lawson, Marciano, Murillo

Council Member Bergan asked if the state has finalized rulemaking in this regard. Ms. Peterson answered affirmatively. Council Member Bergan asked how medical marijuana delivery would be audited. Ms. Peterson stated those doing so would have to put the information into metric and remit the sales tax to the City of Aurora. Council Member Bergan asked how the City would know if they were charging sales tax. Ms. Peterson stated it was like any other tangible property for the collection of sales tax. Council Member Bergan discussed the retail stores who have invested and contributed to the City's sales revenues and expressed her concern that their businesses would be harmed by outside deliveries. She expressed additional concerns related to the state's change regarding felony convictions and asked if it was correct that it was okay for those who had felony convictions within the last three years to participate. Ms. Peterson answered affirmatively. Council Member Bergan stated those with convictions could still be in jail and the clock began at the time of the conviction.

Ms. Peterson concurred.

Council Member Bergan stated someone could get out a year before and could then apply for this transporter license.

Ms. Peterson stated her understanding that those who served their time could apply.

Council Member Bergan expressed the additional concern of oversight and how it would be accomplished. She asked if there was an estimate on what amount of City resources had to be put into ensuring all of this was done correctly. Ms. Peterson answered no.

Council Member Coombs asked if those with past convictions could be violent offenders. Ms. Peterson stated that was in place for the social equity piece.

Mayor Pro Tem Johnston clarified there were two different issues related to the felony convictions which were the social equity transport piece and then the licensing for a future

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license to have a cannabis store in the City of Aurora. She stated there were other criteria that still had to be met to get a license in Aurora even with the change to three years and asked staff to speak to those criteria. Ms. Peterson did so. Mayor Pro Tem Johnston expressed appreciation to staff for clarifying there were two separate issues.

Council Member Gruber pointed out this related to a felony conviction at least three years ago and in terms of moral turpitude, murderers and rapists were eliminated but not gang members and drug distributors.

Daniel Money, Senior Assistant City Attorney, stated statute did not differentiate what the felony was for but noted there was a good moral character component. He agreed former drug distributors could be a transporter and the social equity piece related directly to giving a job back to people who reentered society with this type of past.

Council Member Gruber stated it was absurd to him that the City would encourage a transporter license for someone who was convicted of a drug felony three years ago.

Council Member Coombs stated the social equity only related to people who have convictions for marijuana specifically, not people who have convictions for distributing any other type of drugs. She suggested the determination should be made that distributing illegal drugs did not fit under the requirements for anyone to receive a license.

Mr. Money stated the determination was under state rules and the applicant would receive their license from the state.

Council Member Coombs asked staff to clarify the protections in place to track the marijuana product that was sold as well as the transporters engaged in the delivery process. Ms. Peterson did so.

Council Member Gruber discussed the private contracting of delivery transporters and how that would work and asked staff to speak to the liability for a crime committed in the delivery process. Mr. Money agreed that could happen with any business because there would always be people who took advantage of the system. He noted it came down to whether the Council wanted delivery in the City or not.

Council Member Gruber pointed out the stores that owned their own delivery would be responsible if one of its employees sold black market marijuana on the side. He noted the bottom line was the City was allowing felony drug dealers to deliver marijuana in the City with no expectation that people would be selling marijuana on the side. He felt there was a smarter way to do this if the City would take the time to do it.

Council Member Coombs reiterated these issues have been addressed in state law. She expressed frustration at hearing all of the hypothetical fear mongering being presented.

Council Member Gruber stated it was important for Council to be transparent to the people of Aurora and to allow them to hear the full debate. He pointed out there was no oversight for felons delivering drugs and he had a problem with that.

Mayor Pro Tem Johnston disagreed and clarified the problem related to social equity. She stated there has been a disproportionate amount of people of color who have been convicted of marijuana-related crimes, while people of privilege who have the capital, have

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been able to take advantage of this market, and make millions of dollars. She stated this was an opportunity for Council to give a social equity license as a part of this process in Aurora to open that door. She pointed out this issue has been vetted with a tight process of security and it was in state legislation.

Voting Aye: Berzins, Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Bergan, Gruber

14. FINALIZING OF ORDINANCES

None

15. PLANNING MATTERS

None

16. ANNEXATIONS

a. Vista Creek Initial Zoning

2020-67 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 9.99 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED WEST OF GUN CLUB ROAD BETWEEN THE EAST 5TH AND EAST 6TH AVENUE ALIGNMENTS, WITHIN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, TO MIXED-USE REGIONAL DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (VISTA CREEK INITIAL ZONING)

Presenter: Heather Lamboy, Planning Supervisor

Attorney: Dan Money, Assistant City Attorney

Mayor Coffman opened the public hearing on items 16a and b and hearing no comment, closed the public hearing.

Motion by Berzins, second by Gardner, to approve items 16a and 16b.

Mayor Pro Tem Johnston expressed concerns with the item and asked staff if there were specific commercial plans for the site.

Heather Lamboy, Planning Supervisor, answered no.

Mayor Pro Tem Johnston asked staff to address the background on the capacity of getting water to the area and costs for doing so.

Jacob Cox, Senior Development Project Manager, did so.

Ms. Lamboy stated there was water provision for Gun Club Road and Aurora was able to provide water for the 9.9 acres.

Mayor Pro Tem Johnston stated she would not support the item because she had a lot of concerns related to public safety issues, the lack of return to the City as well as the lack of benefit to the City for annexing more land.

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Council Member Marcano stated this was more of an in-fill project than further expansion.

Mr. Cox concurred.

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

Voting Nay: Johnston

b. Vista Creek Annexation Ordinance

2020-66 CONSIDERATION OF AN ORDINANCE FOR ADOPTION, ANNEXING A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO (Vista Creek) 9.99 ACRES

Staff Presenter: Jacob Cox, Senior Development Project Manager

Staff Attorney: Brian Rulla, Assistant City Attorney

Motion by Gardner, second by Berzins, to approve item 16b.

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

Voting Nay: Johnston

c. ANNEXATION AGREEMENT BETWEEN THE CITY OF AURORA AND GAIL M. HARTLEY

CONSIDERATION OF AN ANNEXATION AGREEMENT BETWEEN THE CITY OF AURORA AND GAIL M. HARTLEY EXEMPT MARITAL TRUST FOR A CERTAIN PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO (Vista Creek) 9.99 ACRES

Presenter: Jacob Cox, Senior Development Project Manager

Attorney: Brian Rulla, Assistant City Attorney

Motion by Berzins, second by Gruber, to approve item 16c.

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

Voting Nay: Johnston

17. RECONSIDERATIONS AND CALL UPS

a. RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22.

RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22. The powers granted to the City Manager which are set forth in the Disaster Declaration shall remain in place until a majority of Council votes to end the

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Declaration.

Attorney: Evans, Isabelle, Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 17a.

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

18. GENERAL BUSINESS

a. Mayor Pro Tem Selection

Presenter: Susan Barkman, Interim City Clerk

Attorney: Dave Lathers, Assistant City Attorney

Mayor Coffman reviewed the rules for the Mayor Pro Tem selection.

Council Member Coombs asked if those nominated could vote for themselves.

Daniel Brotzman, City Attorney, answered affirmatively, noting that language was no longer in Council rules.

Council Member Gardner nominated Council Member Bergan.

Council Member Marcano nominated Council Member Murillo.

Mayor Pro Tem Johnston nominated Council Member Lawson.

Council Member Bergan received five affirmative votes.

Council Member Murillo received three affirmative votes.

Council Member Lawson received three affirmative votes.

Council Member Murillo asked if the candidates could say a few words on why they were running. Mr. Brotzman agreed that was a good idea.

Council Member Bergan expressed appreciation to Council for their consideration of her as Mayor Pro Tem. She stated she has been on Council for five years and has served on almost every policy committee. She stated she has not yet run for Mayor Pro Tem and that while she enjoyed the policy committees, she felt this was a great opportunity for her to take on a leadership role and a new challenge. She believed she could represent the City in a very professional and positive way and that she would be a good ambassador for the City. She stated she had the leadership qualities to allow her to run meetings as needed and she promised to be fair when considering committee assignments as well as being very responsive in gathering input from her colleagues on the workshops. She asked for Council's support in this endeavor.

Council Member Murillo expressed appreciation for the opportunity to share why she was running for Mayor Pro Tem. She stated it was incredibly important to have diverse leadership when representing a diverse city. She stated she has been on Council for three years which gave her the ability to have a perspective that was focused on real-time

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happenings. She noted she has been on the Council Rules Committee and she felt well-equipped and well-prepared to continue those conversations. She felt it would be incumbent on the next Mayor Pro Tem to continue conversations around equity in the City. She stated the Mayor Pro Tem set the agendas for Council's quarterly meetings and she would set an agenda that continued a conversation around strategic planning. She would do her best to be fair and equitable in committee assignments, noting there have been discussions around changing the scope and number of committees and given current circumstances with policy committees, she would be mindful of those changes going forward.

Council Member Lawson expressed appreciation to Council for their consideration of her as Mayor Pro Tem. She stated she has been on Council for five years and noted most of the work she has done has been on citywide issues. She believed the Mayor Pro Tem must have a good working relationship with the Mayor which she felt she did. She stated it was important for Council to have citywide issues on their quarterly meeting agendas and that they should be focused on the strategic planning of the City and what the City was dealing with moving forward in the long term. She stated that was something she would strive for as well. She stated she has been a good ambassador both inside and outside of Council.

Mayor Coffman called for round two of nominee voting noting six votes were required.

Council Member Bergan received four affirmative votes.
Council Member Murillo received three affirmative votes
Council Member Lawson received four affirmative votes.

Mayor Coffman called for the third round of nominee voting.

Council Member Bergan received five affirmative votes.
Council Member Lawson received two affirmative votes.

Susan Barkman, Interim City Clerk, asked staff if the goal was six votes for a nomination, if each person got one vote per person and if the lower number dropped out or not. Mr. Brotzman stated there was not a nomination until there were six votes.

Mayor Coffman noted the lowest number of votes dropped out in the first round and asked if the lowest person should drop out of the third round. Mr. Brotzman stated the choices were either an agreement of Council to move onto the next step or a six-person nomination vote.

Council Member Hiltz stated her understanding that no one has been nominated yet because six affirmative votes were required to be entered into the nomination pool and it was not until they were in the nomination pool that they could drop out with the lowest number of votes.

Mr. Brotzman concurred, noting there was not a nomination yet because Council was still trying to get a nomination which required six votes.

Mayor Coffman asked if the process was okay so far. Mr. Brotzman answered affirmatively.

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Council Member Coombs asked if Council Member Murillo was still in the process. Mr. Brotzman answered affirmatively.

Council Member Gruber stated his understanding that Council could vote for anyone they wanted during the nomination phase but were limited to one vote once a person was nominated.

Mr. Brotzman concurred.

Council Member Gruber stated each council member could vote for each candidate and then that would make them all nominees and then Council went into the process of having one vote and the lowest dropping off.

Mr. Brotzman concurred.

Council Member Gruber stated his hope that doing so would make it easier to get the nominations in because then the real votes would only allow one vote each.

Mayor Coffman asked staff if Council has been following the process correctly thus far. Mr. Brotzman stated Council needed to do one more thing in the second round which was vote for Council Member Murillo.

Jim Twombly, City Manager, referenced the Council rules which stated 'voting shall occur as follows: at each round, the applicant receiving the fewest votes is removed from consideration.'

Mayor Coffman concurred.

Mr. Brotzman stated a nomination was required first.

Council Member Bergan stated there were nominees.

Council Member Hiltz stated they were not official nominees.

Mr. Brotzman stated six votes were required to get into the nominee pool.

Mayor Coffman stated it was done once someone got six votes.

Council Member Marcano stated his understanding that Council needed six votes for a nominee to be eligible for appointment and then they were ranked with votes where the lowest person dropped.

Mr. Brotzman concurred.

Council Member Bergan stated she did not remember this being the process.

Mayor Coffman concurred. He asked Mr. Twombly to speak to the issue. Mr. Twombly noted Ms. Barkman sent out the guidelines but he did not recall the process from previous years.

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Council Member Bergan pointed out the guidelines related to boards and commissions and not Mayor Pro Tem.

Mr. Brotzman noted this was never an issue in the past because Council just voted for everybody because everybody had more than six votes.

Council Member Bergan reiterated she did not remember it that way.

Council Member Gardner stated the guidelines were very clear. He stated the lowest votes dropped off until there was one and then Council voted.

Mayor Coffman concurred because the lowest number dropped off in the second round and then the lowest number would drop off in the last round and it continued until one person had six votes.

Council Member Murillo asked if Council planned to ignore the City Attorney.

Mayor Coffman asked Mr. Brotzman to address the process. Mr. Brotzman did so, noting Council was in the nomination process.

Council Member Berzins stated her understanding of the nomination process was that someone nominated someone and then Council voted on that person. She stated she did not recall Council ever voting on a nomination process because the nomination was whoever was nominated.

Council Member Murillo referenced section b, nominations.

Mr. Brotzman referenced 5c which stated 'each nominee who received six votes shall be considered eligible for appointment. Each round the applicant receiving the fewest votes is removed from consideration.'

Mayor Coffman stated that was what Council was doing.

Council Member Murillo noted that was after they have been nominated once they hit the six votes threshold.

Council Member Berzins stated that meant the nominees receiving six votes shall be eligible for the appointment as Mayor Pro Tem because it took six votes to be Mayor Pro Tem. She read it as eligible for appointment as Mayor Pro Tem and not eligible for appointment to be a nominee.

Mayor Coffman noted the City Attorney vetted the rules as they reviewed them and it was his understanding there was one vote in each round.

Ms. Barkman suggested a way forward was that nominations have been made, so it sounded as though what was needed was a motion to nominate those people which they had and then a motion to close the nominations. She stated a vote to close nominations required a vote of six before they could go into the next round.

Mayor Coffman stated he did not have a motion to close nominations.

Ms. Barkman concurred and asked Mr. Brotzman to clarify that there should be a motion to take the nominees of Council Members Bergan, Lawson and Murillo and close the nominations and then move into the round of each applicant receiving the fewest votes being removed from consideration. Mr. Brotzman agreed that would work, noting a motion to close nominations and six votes would move this into the round of the fewest votes were removed from consideration.

Motion by Gruber, second by Gardner, to close the nominations for Mayor Pro Tem.

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

Mr. Brotzman reiterated Council was now into the second round and those with the fewest votes would be removed from the consideration.

Council Member Lawson voted for herself.
Mayor Pro Tem Johnston voted for Council Member Lawson.
Council Member Berzins voted for Council Member Bergan.
Council Member Gardner voted for Council Member Bergan.
Council Member Murillo voted for herself.
Council Member Bergan voted for herself.
Council Member Gruber voted for Council Member Bergan.
Council Member Coombs voted for Council Member Murillo.
Council Member Marcano voted for Council Member Murillo.
Council Member Hiltz voted for Council Member Lawson.
Mayor Coffman voted for Council Member Bergan.

Ms. Barkman stated there was a tie with five votes for Council Member Bergan and three votes for Council Members Lawson and Murillo. She stated no nominees would be dropped and Council would go into another round.

Council Member Marcano stated each council member got one vote and asked if they were required to vote. Mr. Brotzman answered no.

Council Member Marcano voted for Council Member Murillo.
Council Member Lawson voted for herself.
Council Member Gruber voted for Council Member Bergan.
Mayor Pro Tem Johnston voted for Council Member Lawson.
Council Member Berzins voted for Council Member Bergan
Council Member Gardner voted for Council Member Bergan.
Council Member Coombs voted for Council Member Murillo.
Council Member Murillo voted for herself.
Council Member Bergan voted for herself.
Council Member Hiltz voted for Council Member Lawson.
Mayor Coffman voted for Council Member Lawson.

Ms. Barkman stated Council Members Bergan and Lawson had four votes each and Council Member Murillo would drop out with the lowest votes at three.

Council Member Lawson voted for herself.
Council Member Coombs abstained.

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Council Member Gruber voted for Council Member Bergan.
Mayor Pro Tem Johnston voted for Council Member Lawson.
Council Member Marcano abstained.
Council Member Murillo abstained.
Council Member Bergan voted for herself.
Council Member Berzins voted for Council Member Bergan.
Council Member Gardner voted for Council Member Bergan.
Council Member Hiltz voted for Council Member Lawson.
Mayor Coffman voted for Council Member Bergan.

Ms. Barkman stated Council Member Bergan had five votes and Council Member Lawson dropped off with three votes. She stated her understanding there would be a fourth round which would require Council Member Bergan to have six votes.

Mr. Brotzman concurred.

Council Member Bergan voted for herself.
Council Member Berzins voted for Council Member Bergan.
Council Member Gardner voted for Council Member Bergan.
Council Member Lawson voted for Council Member Bergan.
Council Member Coombs abstained.
Council Member Gruber voted for Council Member Bergan.
Mayor Pro Tem Johnston voted for Council Member Bergan.
Council Member Hiltz voted for Council Member Bergan.
Council Member Murillo abstained.
Council Member Marcano abstained.
Mayor Coffman voted for Council Member Bergan.

Ms. Barkman announced Council Member Bergan was the new Mayor Pro Tem with eight votes.

b. Judicial Vacancy-Appointment of New Associate Judge & Relief Judges, Re-Appointment of Current Judges

Judge Shawn Day/Angela Garcia

Susan Barkman, Interim City Clerk, asked Judge Shawn Day to explain the process.

Judge Shawn Day did so.

Ms. Barkman stated step one was to appoint one new Associate Justice from the list of four nominees.

Council Member Gruber nominated Peter Frigo.

Mayor Coffman stated his understanding that a second was not required.

Council Member Marcano nominated Marcus Ivy.

Mayor Coffman nominated Karen Steinhauser. He stated Council could speak to why the candidates were the best. He discussed Ms. Steinhauser and her credentials.

Council Member Marcano discussed Mr. Ivy and his credentials.

Council Member Gruber discussed Mr. Frigo and his credentials.

Mayor Coffman stated it was the same process.

Council Member Bergan stated her support of Mr. Frigo.

Mayor Pro Tem Johnston stated her support of Mr. Ivy.

Motion by Gruber, second by Murillo, to close nominations.

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

Council Member Gruber voted for Mr. Frigo.

Council Member Coombs voted for Mr. Ivy.

Council Member Bergan voted for Mr. Frigo.

Council Member Murillo voted for Mr. Ivy.

Council Member Berzins voted for Mr. Frigo.

Council Member Lawson voted for Mr. Ivy.

Council Member Marcano voted for Mr. Ivy.

Council Member Hiltz voted for Mr. Frigo.

Mayor Pro Tem Johnston voted for Mr. Ivy.

Council Member Hiltz stated her support for Mr. Frigo.

Council Member Gardner voted for Mr. Frigo.

Mayor Coffman voted for Karen Steinhuser.

Ms. Barkman noted there were five votes for both Mr. Ivy and Mr. Frigo and Ms. Steinhuser would drop out.

Council Member Gardner voted for Mr. Frigo.

Mayor Coffman voted for Mr. Frigo.

Council Member Hiltz voted for Mr. Frigo.

Council Member Lawson voted for Mr. Ivy.

Council Member Berzins voted for Mr. Frigo.

Council Member Murillo voted for Mr. Ivy.

Mayor Pro Tem Johnston voted for Mr. Ivy.

Council Member Bergan voted for Mr. Frigo

Council Member Marcano voted for Mr. Ivy.

Council Member Coombs voted for Mr. Ivy.

Council Member Gruber voted for Mr. Frigo.

Ms. Barkman announced Mr. Frigo was appointed as associate judge with 6 votes.

Judge Day provided instructions for step two which was the appointments of four nominees for four Relief Judge openings.

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Mayor Coffman asked if there were any objections to the nominations of Judge Soloman, LeFlore, Rebecca Watada, and Marcus Ivy and hearing none, moved onto step three.

Judge Day stated step three was the reappointment of all of the current judges.

Mayor Coffman asked if there were any objections to the reappointment of Judge Day as Presiding Judge and hearing none, moved onto step four.

Mayor Coffman He asked if there were any objections to reappointing Judge Arguelles, Judge Christopher Cawley and Judge Daniel Kopper as Associate Judges for four-year terms and hearing none, moved onto step five.

Mayor Coffman asked if there was any objection to reappoint the following James Anderson, Judge Robert Garby, Judge Jonathan Lucero, Judge Trisha McCarthy and Judge Karen Steinhauser as Relief Judges for an additional two-year term.

19. **REPORTS**

a. Report by the Mayor

Mayor Coffman encouraged everyone to rise up to the Mayor's challenge to order at least one carryout meal a week to support local restaurants that have struggled to survive during this difficult time.

b. Reports by Council

Council Member Lawson stated she would be hosting a video conference call to discuss what was going on at a federal level and announced the graduation of the sixth Citizens Academy class. She expressed appreciation to everyone who participated in the academy.

Council Member Gardner announced the Aurora Holiday Circle which was the annual tree lighting ceremony was scheduled for December 10, 2020 at 6:00 p.m. and noted the Aurora Animal Shelter was looking for donations through December 24, 2020.

Council Member Gruber stated the Department of the Air Force did not select Aurora as a finalist for the United States Space Command and noted Colorado Springs was now the team to beat of the remaining six cities and Aurora would do their best to support them. He announced Arapahoe County Open Spaces selected the City of Aurora for the 2020 Our Progress Takes Flight Award for the Buckley Air Force Base buffer project. He expressed appreciation to City staff for their efforts in that regard.

Mayor Coffman expressed appreciation to Council Member Gruber for his efforts on the Space Command project.

Council Member Murillo wished good luck and best wishes to all high school seniors on their college search and congratulated them on their early action and early decision submissions.

Council Member Berzins discussed the attack on Pearl Harbor which took place on December 7, 1941 and expressed appreciation to all those who served in the military and

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their families. She stated it was important to remember those who died for everyone's freedoms.

Council Member Marcano announced the Ward IV meeting was scheduled on WebEx and Facebook Live on December 17, 2020 where a recap of the year would be provided.

Council Member Coombs announced Aurora Sister Cities and Visit Aurora submitted a host bid for the FIFA World Cup for 2026. She expressed appreciation to everyone involved in that effort and to those community members who have reached out to make sure people have what they need during this difficult time of COVID.

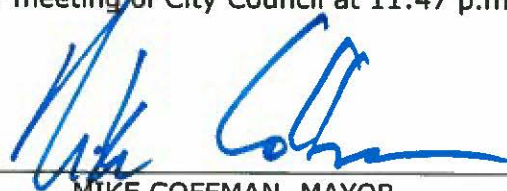
Mayor Pro Tem Bergan expressed appreciation to her colleagues for voting for her as Mayor Pro Tem.

20. **PUBLIC INVITED TO BE HEARD**

None

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 11:47 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk