

MINUTES

Regular Meeting of the Aurora City Council

Monday, September 13, 2021

1. **RECONVENE REGULAR MEETING OF SEPTEMBER 13, 2021, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for September 13, 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

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who have been lost to the pandemic; all 9/11 First Responders; and those who served on the War Against Terror who lost their lives in the defense of freedom.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated contract negotiations were discussed.

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

6. **APPROVAL OF MINUTES**

6.a. July 12, 2021, Meeting Minutes

Motion by Marcano, second by Hiltz, to approve the minutes of the July 12, 2021, City Council meeting, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. Constitution Week

Mayor Coffman read the proclamation declaring September 10 -17, 2021 as Constitution Week.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Lawson, 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 COMPETITIVELY BID CONTRACT with GRANITE INLINER LLC, Kiowa, Colorado in the amount of \$1,179,816.00 for the Interceptor CuredIn-Place-Pipe (CIPP) from 33rd Place South to 30th Ave and Sand Creek, Project No. 5778A.

Andrea Long, Senior Engineer, Aurora Water / Ian Best, Assistant City Attorney

10.b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Dewberry Engineers, Inc. in the amount of \$418,335.00 for providing Engineering Services for the Quincy Road Waterline Appurtenance Rehabilitation Project, Project No. R-2101

Dean Bedford, Principal Engineer, Aurora Water / Ian Best, Assistant City Attorney

10.c. Whispering Pines for the sanitary sewer improvements

Sanitary Sewer Improvements Construction and Cost Reimbursement Agreement for Whispering Pines in the not to exceed reimbursement amount of \$77,993.98

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water /
Christine McKenney, Client Group Manager

10.d. Whispering Pines for the water system improvements

Water System Improvements Construction and Cost Reimbursement Agreement for
Whispering Pines Water System in the not to exceed amount of \$991,713.91.

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water /
Christine McKenney, Client Group Manager

10.e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Glacier Construction Co.,
Inc., Greenwood Village, Colorado in the amount of \$201,608.00 for the 2021
Valve & Vault Rehabilitation Project, Project No. 5855A.

Marena Lertch, Manager Water Services Operations / Brian Rulla Assistant City
Attorney

10.f. Jacobs - Alameda Outfall & Dakota Ave. Storm Improvements

Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Jacobs Engineering,
Englewood, Colorado in the amount of \$349,099.00 for providing engineering
services for an Alternatives Analysis on the Alameda Outfall & Dakota Ave.
Tributary Storm Improvements Project, Project NO. R-2082

Tony Tran, Principal Engineer, Aurora Water / Ian Best, Assistant City Attorney

10.g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Colorado Petroleum,
Denver, Colorado in the not to exceed amount of \$120,000.00 for vehicle
lubricants, greases, and liquids as required by Fleet Services through July 31, 2022.

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

10.h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Republic Services of
Denver, Commerce City, Colorado in the amount of \$125,679.72 for Trash
Collection Services in the North Side of the City through August 31, 2022. B-4614
Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney

Council Member Hiltz recused herself from items 10h and 10i.

Motion by Coombs, second by Bergan, to approve item 10h.

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

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

- 10.i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Republic Services of Denver, Commerce City, Colorado in the amount of \$109,295.92 for Trash Collection Services in the South Side of the City through August 31, 2022. B-4615 Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney

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

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

- 10.j. Consideration to AWARD A SINGLE SOURCE CONTRACT to Energy Management Corporation, Denver, Colorado, in the amount of \$101,295.00 for the purchase and installation of three variable frequency drives (VFD).

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

- 10.k. Consideration to AWARD A SOLE SOURCE CONTRACT to Life Technologies Corporation, Grand Island, New York in the amount of \$218,571.84 for DNA Laboratory Supplies and Instrument Service Agreement for the Unified Metropolitan Forensic Crime Lab

Tim Dufour – Police Lieutenant – Police / Ian Best, Assistant City Attorney

Motion by Gruber second by Berzins, to approve items 10a – 10g and 10j - 10k.

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

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

11. **RESOLUTIONS**

- 11.a. Property Acquisition for I-70 at Picadilly Road Interchange Project

R2021-99 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO FOR ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE I-70/PICADILLY ROAD INTERCHANGE PROJECT

Hector Reynoso, Real Property Services Division Manager / Michelle Gardner, Senior Assistant City Attorney

Hector Reynoso, Real Property Services Division Manager, provided a summary of the item.

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

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

- 11.b. Resolution to Approve the Application of a Great Outdoors Colorado Community Impact Grant

R2021-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO GREAT OUTDOORS COLORADO FOR A GRANT IN THE AMOUNT OF \$700,000 FOR PHASE 2, PLAINS CONSERVATION CENTER IMPROVEMENTS CONSTRUCTION PROJECT

Pat Schuler, Manager, Open Space & Natural Resources Division / Tim Joyce, Assistant City Attorney

Pat Schuler, Manager, Open Space & Natural Resources Division, provided a summary of the item.

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

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

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

- 12.a. Gateway Park Comprehensive Plan Map Amendment

2021-37 PUBLIC HEARING AND CONSIDERATION FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE 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

Mayor Coffman opened the public hearing on the item.

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

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Mayor Coffman closed the public hearing on the item.

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

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

12.b. Flats at Gateway Park Rezone

2021-38 PUBLIC HEARING AND CONSIDERATION 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 (I-2) 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

Mayor Coffman opened the public hearing on the item.

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

Samantha Pollmiller, representing the applicant, gave a presentation on the item.

Mayor Pro Tem Bergan asked why the parcel was not identified when the Unified Development Ordinance (UDO) was being approved considering it was TOD. Ms. Bickmire stated the way the UDO and map transitioned were meant to reflect the underlying zoning with no individual property being up or down zoned. She stated it was very clearly outlined in the collaboration between Gateway Park and the City that individual property intended for TOD development would be rezoned at the time and that was why this was the first of several intended in the area.

Mayor Pro Tem Bergan stated that was what she was thinking as well.

Mayor Coffman asked if the elevation was four stories. Ms. Pollmiller answered affirmatively.

Council Member Coombs asked if there was a development timeline for the parcel and general area. Ms. Pollmiller stated the applicant would like to break ground before the end of the year.

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Council Member Coombs stated her understanding this was a Comprehensive Plan change and the applicant would return with the site plan later.

Ms. Pollmiller stated the site plan was approved with adjustments by the Planning Commission.

Council Member Coombs asked the price point of the housing in the plan.

Mayor Pro Tem Bergan called for a point of order and stated her understanding Council was limited to questions relating to the rezone only.

Mayor Coffman stated his understanding any question was in order during the Public Hearing and asked staff to speak to that issue.

Dan Brotzman, City Attorney, did so, noting the question was allowed within the Public Hearing context.

Ms. Pollmiller stated the prices were market-driven and were not intended to be subsidized in any way.

Joe Wilson, representing the applicant, concurred.

Council Member Marcano referenced the rendering and the letter of introduction provided in Council's backup material. He expressed appreciation to the applicant for their efforts in expanding the parking as that was a previous issue but noted there appeared now to be a surplus of parking. He asked the applicant to speak to the thought behind having so much parking. Ms. Pollmiller did so, noting the applicant attempted to provide one parking space for each bedroom rather than one parking space per unit.

Mayor Coffman asked if there was a high ratio between the units and parking spaces with TDO. Ms. Pollmiller answered affirmatively.

Council Member Marcano asked the applicant if a garage was considered as a part of the development to preserve some of the amenities. Ms. Pollmiller stated structured parking was always considered but noted as in this instance, they were fiscally expensive.

Council Member Lawson asked if, considering this was TOD, there was an incentive for the developer to work with RTD to incentivize people to take public transit. Ms. Pollmiller deferred to Mr. Wilson.

Mayor Pro Tem Bergan asked if there was a site plan application provided in the backup material. She noted she asked because very detailed plans were being discussed and she did not believe she had the information in her backup. Ms. Bickmire stated staff included a base map of the site plan in the backup.

Council Member Lawson asked for an answer to her question.

Ms. Pollmiller stated RTD was a part of the referral group, but she was uncertain if conversations were had in that regard. She agreed to reach out to them to discuss offering incentives to help ridership.

Council Member Marcano expressed concerns regarding the escalating cost of housing in the City outstripping people's incomes and asked what would be necessary to provide below market rate units in the development. Ms. Pollmiller deferred to Mr. Wilson.

Mayor Coffman stated his understanding the applicant would have had to apply for one of several City programs early in the process to be able to have subsidized units.

Ms. Bickmire concurred.

Council Member Marcano clarified he was not referring to the use of Low-Income Housing Tax Credits (LIHTC); he wanted to know if there were any discussions related to providing affordability.

Ms. Pollmiller answered no.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Marcano, to approve Item 12b.

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

Voting Nay: Hiltz

12.c. Sun Empire Comprehensive Plan Amendment

2021-39 PUBLIC HEARING AND CONSIDERATION FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE 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

Mayor Coffman opened the public hearing on the item.

Todd Hager, Planner II, provided a summary of the item.

Council Member Gruber asked if a site plan was developed for the property at this time. Mr. Hager stated a master plan has been submitted.

Mayor Coffman closed the public hearing on the item.

Motion by Coombs, second by Marcano, to approve item 12c.

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

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. 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 introduce Item 14a.

Council Member Marcano noted he did not receive any communication from his colleagues in this regard which he took to mean everyone was satisfied with the changes.

Mayor Pro Tem expressed appreciation to Council Member Marcano.

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

Voting Nay: Gardner

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.

Robin Peterson, Manager Marijuana Enforcement, provided a summary of the item.

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

Council Member Coombs pointed out these existing businesses were successful in Aurora without doing harm to the City and in fact, there was great benefit in how the taxes collected from these businesses were used in the City. She pointed out it was incongruous to happily collect the taxes and then state these businesses were responsible for DUIs in the City when in fact it was the bars. She noted these businesses had a great number of restrictions as they were much more regulated than alcohol-serving and other businesses in the City. She pointed out they were already being treated as a separate class and it was not appropriate to state the businesses could not develop in the City when other businesses that contributed to DUIs and crime in the City were allowed.

Council Member Lawson expressed concerns related to the mobile pot party buses as there were no caps or signage related to them. She stated if Aurora was going to continue to move in this direction, then a marijuana infrastructure was needed to maintain it. She stated resources such as an additional person or even a division might be needed to support these developments. She stated she did not support that at all but noted she did, however, support social equity because she supported the marijuana delivery.

Council Member Gruber stated he has expressed concerns related to the long-term effects of smoking marijuana noting he did not believe it has been studied enough because it has not been legal long enough. He asked how police determined someone was driving under the influence of marijuana.

Officer Brook Mourey, Traffic Unit, Aurora Police, discussed the standard field sobriety tests and the ensuing driving while impaired determination process.

Council Member Gruber stated his understanding the scientific test to determine how inebriated a person might be was still under development. He noted a judge would determine the level of punishment for a person with a DUI who went to court based on their alcohol level but the same was not true for marijuana as it appeared to be up to the determination of the police officers. He pointed out Aurora Police were already struggling with personnel and without a definitive test at this point, it was up to the judge to decide who to believe. He expressed concerns that impaired driving for marijuana was in the learning phase which was not the same for alcohol as there were solid testing methods in that regard.

Officer Mourey concurred.

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

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

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

Robin J Peterson, Manager Marijuana Enforcement, pointed out the item related to the previous item that did not pass.

Dan Money, Senior Assistant City Attorney, stated his understanding the item tied on the second reading and would therefore go to one more vote. He stated the item required a vote as it was the second reading.

Kim Kreimeyer, Senior Planner, gave a presentation on the item.

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

Council Member Marcano stated this would come back up and asked his colleagues to state their concerns related to the mobile aspects so that it could be addressed.

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

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

15.c. Windler No.1 BID; Election of Directors and Approving the 2021 Operating Plan and Budget

2021-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ORGANIZING WINDLER BUSINESS IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR AN ELECTION OF THE BOARD OF DIRECTORS OF THE DISTRICT; AND APPROVING THE 2019 OPERATING PLAN AND BUDGET FOR THE DISTRICT

Cesarina Dancy, Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Cesarina Dancy, Development Project Manager, Office of Development Assistance, provided a summary of the item.

Motion by Gruber, second by Berzins, to approve Item 15c.

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

15.d. Windler No.2 BID; election of Directors and approving the 2021 Operating Plan and Budget

2021-33 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ORGANIZING WINDLER BUSINESS IMPROVEMENT DISTRICT NO. 2; PROVIDING FOR AN ELECTION OF THE BOARD OF DIRECTORS OF THE DISTRICT; AND APPROVING THE 2019 OPERATING PLAN AND BUDGET FOR THE DISTRICT

Cesarina Dancy, Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Cesarina Dancy, Development Project Manager, Office of Development Assistance, provided a summary of the item.

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

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

16. **PLANNING MATTERS**

None

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17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

Council Member Coombs stated she wanted to call-up Flats at Gateway Park Site Plan because the Site Plan was approved prior to Council's approval of the Rezoning.

Mayor Coffman stated it required six votes to call up the item.

Dan Money, Senior Assistant City Attorney, discussed the call-up process.

Motion by Coombs, second by Marcano, to call-up the Flats at Gateway Park Site Plan.

Mayor Pro Tem Bergan pointed out she asked staff if there was a site plan application when Council was debating the rezoning and staff answered no. She asked if a site plan was approved. Mr. Money answered affirmatively, noting both the site plan and the rezone went to the Planning Commission at the same time. He noted site plans did not come before Council unless there was an appeal or call-up.

Council Member Hiltz stated she voted against the item because she felt anything built on TOD should allow for those who relied on TOD to be able to afford to live there. She did not like calling up the site plan because it was included in the Council backup material, noting it called out a site plan in the introduction of the item. She stated she did not see where any new information came in because Council received the Planning & Zoning Commission packets and summaries.

Council Member Coombs pointed out staff told Council only maps, and not the full site plan, were included in the backup material. She stated having the rezoning and site plan approved by the Planning Commission on the same day when Council still had to approve the rezoning should probably not be permitted as it appeared to be out of order.

Council Member Hiltz asked staff if the multiple page document related to the letter of introduction included in the backup material was the full site plan.

Jason Batchelor, Deputy City Manager, stated his understanding the site plan was approved conditionally subject to the approval of the rezoning.

Mr. Money confirmed submitting the site plan and rezone together was how it was always done on the condition that the rezone was approved.

Council Member Hiltz asked if the rezone was approved, and the site plan was conditioned on the rezone, what could be done with a call-up of the site plan. Mr. Money stated the site plan could be called up for a full public hearing regardless of the rezoning approval. Council Member Hiltz asked if that would be different than what happened before because she was trying to determine what the end goal was to call-up a site plan that was approved conditionally on the rezone. Mr. Money stated the site plan could be called up whether it was conditioned on the rezone or not and the timing would be a code change which could be done as well.

Council Member Gruber stated his understanding the support given to the site plan was conditional on Council's approval of the zoning change.

Mr. Money concurred.

Council Member Gruber stated the site plan was not technically approved until Council approved the zoning change.

Mr. Money concurred.

Council Member Gruber stated his understanding Council would then go into a judicial mode rather than a political mode.

Mr. Money stated Council would use the same criteria as the Planning Commission used so they were the judicial but also the factfinders in that regard.

Council Member Gruber expressed concerns the developer was ready to start but Council would delay it to start adding things that went beyond code such as affordable housing. He recommended the item go forward because the Planning Commission did a good job thereby allowing the developer to create more housing in Aurora.

Council Member Marcano discussed his experience prior to being on Council where the Council called up site plans and discussed adding affordability to which developers agreed to some level of affordability. He noted this was also done at times during rezoning discussions. He stated that was something Council was able to do in their quasi-judicial role.

Mr. Money stated Council was able to call an item up and to go by the elements in code as they chose.

Council Member Berzins expressed appreciation to the City Planning Department for their efforts in getting housing units built in Aurora in a timely manner as they were needed at all

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income levels. She pointed out the units become more expensive the longer the item was prolonged. She urged Council to move the item forward to get the units built.

Council Member Marcano reminded everyone of the Housing Plan and Aurora Places which demonstrated a massive deficit of non-market rate housing in Aurora. He stated everyone was aware of the extreme cost of living, the growing number of unhoused and the unaffordability of housing in the City. He felt it was in the best interest of the City to go back to the negotiating table to try and get a mutually beneficial agreement that would address some of those issues.

Council Member Gruber discussed situations where previous Councils have incentivized developers to reduce costs when Council wanted to go further than the UDO's planning guidelines that a later Council did not honor. He noted it would be a very poor decision for a developer to negotiate considering Council's track record in this regard.

Voting Aye: Coombs, Marcano, Murillo

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

19. **GENERAL BUSINESS**

None

20. **REPORTS**

20.a. Report by the Mayor 211

Mayor Coffman discussed the success of the recent delegation he led to El Salvador and expressed appreciation to all those who participated.

20.b. Reports by the Council

Council Member Hiltz announced the upcoming Park Lights & Movie Nights event hosted by the City Parks Department. She discussed her attendance at the recent on-site Parks Committee meeting at the Plains Conservation Center and recommended anyone looking for outdoor family-friendly events to visit the City website for more information on those locations and events.

Council Member Lawson congratulated the Aurora-NAACP on the recent opening of their Economic Development Center. She discussed the upcoming CML Conference and provided a federal legislative and RTD update.

Council Member Gruber addressed military members, particularly those who served since Desert Storm up until the latest withdrawal and discussed his experiences serving in the military during Desert Storm and Desert Shield. He stated those who served in the military have done an outstanding job and everyone should be proud of what they have done. He acknowledged the Afghanistan withdrawal was not done well at the strategic level but noted the men and women of the military did an outstanding job on a tactical level. He stated the war was not over yet and he wanted those in the military to be aware that was acknowledged and understood. He saluted them for their hard work over the last 20 years.

Council Member Berzins expressed appreciation to everyone who attended the recent Ward III candidate forum. She discussed the success of the event. She announced a virtual candidate forum hosted by Channel 8 was scheduled for Friday, September 29, 2021. She thanked Mr. and Mrs. Rick Crandall for their efforts with the recent 9/11 Commemoration event at the Colorado Freedom Memorial and discussed her attendance at the event. She commended all 9/11 First Responders and the military in Afghanistan for their efforts in that regard.

Council Member Marcano congratulated Omar Montgomery, President, Aurora-NAACP, and the Aurora-NAACP on the recent opening of the Economic Development Center in Ward IV. He announced the Ward IV meeting was scheduled for Thursday, October 14, 2021, at the Stampede.

Council Member Coombs discussed her attendance at the El Salvador delegation trip. She announced the Ward V Town Hall meeting was scheduled for Wednesday, October 6, 2021, at Heather Gardens at 6:00 p.m. and provided a Visit Aurora update. She expressed appreciation to everyone for their efforts in putting on recent events in the City, particularly Rick and Diane Crandall for their efforts with the 9/11 20th Anniversary celebration at the Colorado Freedom Memorial.

Mayor Pro Tem Bergan provided an E-470 update and discussed her attendance at the Colorado Outreach Exchange. She stated she also had an upcoming Neighborhood Watch meeting with the Wheatlands community.

Council Member Murillo acknowledged and discussed recent various events in celebration and in memory of the 20th anniversary of the 9/11 tragedy including the Patriot's Day; 9/11 20th Anniversary Commemoration at the Colorado Freedom Memorial; a later event in the district honoring the 9/11 tragedy and the New American Arts Festival opening reception. She felt it was appropriate to spend time in community to celebrate and to honor those who have fallen, and to celebrate what people were fighting for which was community. She expressed appreciation to all those who strived to honor what happened 20 years ago and who continued to move forward together.

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21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None


22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 8:55 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK