

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, October 11, 2021

1. **RECONVENE REGULAR MEETING OF OCTOBER 11, 2021, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for October 11, 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** – Mike Coffman, Mayor

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated legal advice was provided at Executive Session.

6. **APPROVAL OF MINUTES**

6.a. September 27, 2021, Meeting Minutes

Motion by Gruber, second by Bergan, to approve the minutes of the September 27, 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. White Cane Awareness Day

Mayor Coffman read the proclamation declaring October 15, 2021, White Cane Awareness Day.

7.b. Hanbok Day

Mayor Coffman read the proclamation declaring October 21, 2021, Hanbok Day.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

Mayor Coffman asked staff if 'champion' messaging during an open election was allowed.

Dan Brotzman, City Attorney, answered affirmatively.

Council Member Murillo made a point of order to note Mayor Coffman interrupted the caller.

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Coombs, 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 CONTRACT to CSUK Inc./SRS Tactical, Crystal River, Florida in the not to exceed amount of \$94,500.00 for Avenger Tactical Kits for headset conversions for the Emergency Response Team.

Lieutenant M J Brukbacher, ERT / Ian Best, Assistant City Attorney

10.b. Consideration to AWARD A SOLE SOURCE CONTRACT to Kronos Inc., Lowell, MA in the amount of \$59,127.28 for annual maintenance on the Telestaff personnel scheduling software used by the Aurora Police and Fire Departments through December 2022.

Scott Newman, Chief Information Officer / Ian Best, Assistant City Attorney

Motion by Berzins, second by Gruber, to approve items 10a and 10b.

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

10.c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Rapid Restoration & Construction in the not-to-exceed amount of \$110,734.00 for the 1400 Dallas Art Facility Renovation; Project No.: 5846AB.

Philip Nachbar, Project Manager / Brian Rulla, Assistant City Attorney

Philip Nachbar, Project Manager, provided a summary of the item.

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

Council Member Marcano stated he pulled the item because he was contacted by tenants who had questions. He asked the completion timeline and whether people utilizing the space prior would return or if there would be a new selection process. Mr. Nachbar stated the previous tenants were invited to return to the building and the completion timeline was the first week in January.

Council Member Murillo stated her initial concerns when she was made aware of the changes related to Right of First Return and helping the current tenants find alternative locations. She discussed the Ethiopian radio station operated by Endale Getahun, that ran out of this location and asked if Mr. Getahun was able to relocate. Mr. Nachbar answered affirmatively, noting Mr. Getahun moved the operation temporarily to his home using grant funds. Council Member Murillo asked if the grant dollars were expended. Mr. Nachbar stated those were administered by Cultural Services, so he was unaware of where they ended up. Council Member Murillo asked staff to follow-up in that regard. Mr. Nachbar agreed to do so.

Mayor Pro Tem Bergan asked if the grant was different from the one Mr. Getahun was given a few years ago for the radio station. Mr. Nachbar answered affirmatively. Mayor Pro Tem Bergan believed Mr. Getahun also received one in 2018 and asked if this was for a different purpose. Mr. Nachbar stated Mr. Getahun was an example of those who were awarded more than one year.

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

10.d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Gray Matter Systems, Warrendale, PA in the amount of \$150,050.00 for architectural hardware and software upgrades for the iHistorian database.

Marena Lertch, Manager of Water Services / Ian Best, Assistant City Attorney

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

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. WISE Land Conveyance Resolution

R2021-102 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE DIRECT SALE OF A PARCEL OF LAND CONTAINING APPROXIMATELY 1.1202 ACRES TO THE SOUTH METRO WISE AUTHORITY

Hector Reynoso, Manager of Real Property Services, Public Works / Michelle Gardner, Senior Assistant City Attorney

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

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

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

11.b. Resolution in support of renaming portions of Harvest and Powhaton Roads to Aerotropolis Parkway

R2021-103 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE RENAMING OF A PORTION OF HARVEST ROAD ALIGNMENT AND POWHATON ROAD ALIGNMENT TO AEROTROPOLIS PARKWAY

Karen Hancock, Principal Planner / Michelle Gardner, Senior Assistant City Attorney

Sponsor: Council Member Dave Gruber

Council Member Gruber provided a summary of the item.

Motion by Gruber, second by Gardner, to approve item 11b.

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

11.c. Drainage and Flood Control Improvements for Murphy Creek at Yale Ave and Jewell Ave. (Resolution)

R2021-104 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF 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 MURPHY CREEK AT YALE AND JEWELL AVENUES

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

Motion by Gruber, second by Gardner, to approve item 11c.

Swirvine Nyirenda, Aurora Water, provided a summary of the item.

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

11.d. Mile High Flood District IGA for Storm Drainage Design and Technical Criteria (Resolution)

R2021- 105 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF 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 THE CITY OF AURORA STORM DRAINAGE AND TECHNICAL CRITERIA MANUAL

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

Motion by Coombs, second by Lawson, to approve item 11d.

Craig Perl, Senior Engineer, Aurora Water, provided a summary of the item.

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

11.e. Fossil Property Purchase Intergovernmental Agreement (Resolution)

R2021-106 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BY AND AMONG BOARD OF WATER WORKS OF PUEBLO, COLORADO, CITY OF AURORA, SOUTHEASTERN COLORADO WATER ACTIVITY ENTERPRISE, CITY OF FOUNTAIN, CITY OF COLORADO SPRINGS, AND PUEBLO WEST METROPOLITAN DISTRICT

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Stephanie Neitzel, Assistant City Attorney

Motion by Gruber, second by Bergan, to approve item 11e.

Alexandra Davis, Deputy Director of Water Resources, Aurora Water, provided a summary of the item.

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

11.f. Resolution to Approve the High Plains Trail and Bridge Maintenance IGA 2021

R2021-107 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVED OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, AND THE TOWN OF PARKER, COLORADO, FOR THE OPERATIONS AND MAINTENANCE OF THE HIGH PLAINS TRAIL

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

Motion by Hiltz, second by Bergan, to approve item 11f.

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

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

11.g. Renewal of an Agreement with Wells Fargo for Various Banking Services (Resolution)

R2021-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AFFIRMING THE DESIGNATION OF WELLS FARGO BANK, N.A., AS THE CITY'S DEPOSITORY AND AUTHORIZING THE RENEWAL OF AN AGREEMENT FOR VARIOUS BANKING SERVICES THEREWITH

Teresa Sedmak, City Treasurer / Hanosky Hernandez, Assistant City Attorney

Motion by Berzins, second by Gardner, to approve item 11g.

Teresa Sedmak, City Treasurer, provided a summary of the item.

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

11.h. High Line Canal Collaborative Memorandum of Understanding (Resolution)

R2021-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH THE COUNTIES OF ARAPAHOE AND DOUGLAS, THE CITY AND COUNTY OF DENVER, THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER

COMMISSIONERS, THE COLORADO CITIES OF AURORA, LITTLETON, CHERRY HILLS VILLAGE, AND GREENWOOD VILLAGE, THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT, THE SOUTHEAST METRO STORMWATER AUTHORITY, THE HIGHLANDS RANCH METROPOLITAN DISTRICT, THE MILE HIGH FLOOD DISTRICT, AND THE HIGH LINE CANAL CONSERVANCY

Tracy Young, Manager PROS Planning, Design & Construction / Tim Joyce, Assistant City Attorney

Motion by Coombs, second by Gruber, to approve item 11h.

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

11.i. Majestic Picadilly Bridge Reimbursement Agreement Resolution

R2021-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND MAJESTIC COMMERCENTER II, LLC, A DELAWARE LIMITED LIABILITY COMPANY REGARDING BRIDGE CONSTRUCTION AND COST REIMBURSEMENT

Victor Rachael, Deputy Director of Public Works, Engineering / Brian Rulla, Assistant City Attorney

Victor Rachael, Deputy Director of Public Works, Engineering, provided a summary of the item.

Motion by Gruber, second by Marcano, to approve item 11i.

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

11.j. Majestic Picadilly Road Reimbursement Agreement Resolution

R2021-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND MAJESTIC COMMERCENTER II, LLC, A DELAWARE LIMITED LIABILITY COMPANY REGARDING ROADWAY CONSTRUCTION AND COST REIMBURSEMENT

Victor Rachael, Deputy Director of Public Works, Engineering / Brian Rulla, Assistant City Attorney

Victor Rachael, Deputy Director of Public Works, Engineering, provided a summary of the item.

Motion by Gruber, second by Bergan, to approve item 11j.

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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. High Point at DIA - Comprehensive Plan Amendment

2021-40 PUBLIC HEARING AND CONSIDERATION FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2019 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM EMERGING NEIGHBORHOOD TO URBAN DISTRICT FOR THE AREA BOUNDED BY LISBON STREET TO THE WEST, 65TH AVENUE TO THE SOUTH, PICADILLY ROAD TO THE EAST, AND E-470 TO THE NORTH (HIGH POINT AT DIA COMPREHENSIVE PLAN AMENDMENT).

Sarah Wile, Senior Planner / Daniel Money, Senior Assistant City Attorney

Motion by Marcano, second by Gardner, to approve item 12a.

Sarah Wile, Senior Planner, provided a summary of the item.

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. Proposed Changes to AMC 134-38 (Ordinance)

2021-41 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 134-38 OF THE CITY CODE PERTAINING TO IMPOUNDMENT OF VEHICLES

Lieutenant Colleen Delena, Police / Megan Platt, Assistant City Attorney

Motion by Gruber, second by Bergan, to introduce item 14a.

Lieutenant Colleen Delena, Police, provided a summary of the item.

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

15. **FINALIZING OF ORDINANCES**

15.a. Gateway Park Rezone and Legal Description

2021-38 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, Senior Planner / Daniel Money, Senior Assistant City Attorney

*ORIGINAL MOTION*

Motion by Gruber, second by Bergan, to approve item 15a.

Deborah Bickmire, Senior Planner, provided a summary of the item.

Mayor Pro Tem Bergan asked staff if a council member could deny a rezone if the applicant met the criteria.

Dan Money, Senior Assistant City Attorney, stated the council member could either approve or deny a rezone if it met or did not meet the rezoning criteria. He stated staff suggested Council approve the rezone if it met the code and deny it off the elements of code. Mayor Pro Tem Bergan asked if the applicant could sue the City if a rezone that met the criteria was denied. Mr. Money confirmed the applicant could always sue the City. He stated the most common type of lawsuit was a Rule 106 hearing stating Council did not follow procedure whether approving and denying. Mayor Pro Tem Bergan asked if a council member who voted in opposition to a rezone that met criteria was required to publicly state their reasons for opposition. Mr. Money agreed it helped to do so because public records was used to assist the City in any lawsuit.

Council Member Gruber stated Council had two roles: the political and judicial. He stated his understanding their job under the judicial role was to identify and determine if City rules have been followed in accordance to law. He asked if that was a correct assessment and if Council was conducting themselves in their judicial role in this instance. Mr. Money agreed that was a fair assessment as Council was conducting themselves in their quasi-judicial role, noting they had the final determination. Council Member Gruber stated staff and the Planning Commission have assured Council the applicant has met the standards of the law. He stated it was now up to Council to validate that one way or the other.

Mr. Money stated staff and the Planning Commission recommended that it met all the elements of a rezone, but it was up to the Council to determine as the deciding body.

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Council Member Coombs stated Council was currently in violation of the Code and the Charter by not having a council member in the Ward II seat. She pointed out the project was located within Ward II therefore typically the Ward II Council Member would have a say. She stated she would move to continue the item until there was a sworn-in Ward II Council Member to do so.

#### *SUBSTITUTE MOTION*

Motion by Coombs, second by Marcano, to continue item 15a to the December meeting when a Ward II representative was seated.

Mayor Pro Tem Bergan pointed out the reason Council had nine members plus the Mayor was so they could make decisions as a body that were best for the City. She noted staff and the Planning Commission have provided their opinion that the item met the rezoning criteria. She stated Council had four At-Large Council Members who represented all wards when someone was missing for whatever reason, therefore it was not a good reason to delay a rezoning decision. She stated waiting for this collective body to vote when it has been recommended by staff and the Planning Commission put the applicant in a precarious situation. She stated Council was supposed to vote on the item based on the rezoning criteria and not anything going into the site plan therefore delaying it because one member was missing was not a good reason.

Council Member Coombs asked staff if it was correct that it did not matter what was going in a site when making a zoning decision. Ms. Bickmire stated the zoning became the framework of what would be permitted on a particular site and the subsequent site plan determined the actual use. Council Member Coombs stated the site plan was not subsequent in this instance as it would be approved if Council approved the rezone.

Ms. Bickmire agreed the site plan would be approved upon Council's decision.

Council Member Gardner pointed out the same argument was made during the Ward II seat vacancy process, and he reiterated there were At-Large Council Members in place to represent the entire City. He noted he has helped with several Ward II issues over the last few weeks. He referenced the concern around allowing a Ward Council Member to weigh in on a project in their area and noted there have been several examples that a council member's opinion has not been taken into account so that appeared to be a convenient excuse which was not consistent.

Mayor Coffman stated he was fine with continuing the item. He noted he did not subscribe to the argument that it should wait until the vacancy was filled because doing so would go past the deadline, but he did think it was appropriate to wait because it was a good project that did not have the support it needed to move it forward at this time.

Mayor Pro Tem Bergan asked those council members who were not supporting a rezone that met the criteria to speak to why they were not.

Council Member Marcano stated the developer reached out and expressed interest in discussing the site plan and future developments. He pointed out Council could influence

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these things in a way that benefitted what they have heard from their constituents. He stated he has heard how unaffordable the City was and people were asking for affordable housing and yet Council was told affordable housing was never discussed with this project and now it was. He stated he was excited to have the conversation and to move the item forward with a full Council and hopefully with an affordable component to it.

Mayor Pro Tem Bergan stated her understanding the request to continue was because certain council members felt they could get the developer to include what they wanted which made this a negotiation rather than a vote on a rezoning that met the criteria. She pointed out those discussions could be had as the project moved along. She noted it appeared to be a condition that would hold leverage against the developer so Council could have what they wanted in the project and that seemed unethical.

Council Member Marcano recalled a situation that occurred before he was on Council where a housing development in eastern Aurora came before Council and Council asked the developer to add five percent affordable housing and the developer agreed. He noted Council decided to override the ask in that instance and not move forward with affordable housing but noted there was precedent for making the ask. He stated the City Attorney at that time did not raise a red flag because Council was acting in a quasi-judicial role. He did not think anyone was taking issue with the rezone qualifications but rather were acting like elected officials who were acting on behalf of their constituents who have expressed their needs.

Mayor Coffman asked Council Member Coombs if she would accept a friendly amendment to give her motion a date certain of December 6, 2021. Council Member Coombs stated her only concern in doing so was December 6 was the date the new Council was sworn in; however, she agreed with a date certain of December 6, 2021. She stated that would mean the new Council would have to get up to speed prior to their first meeting. Mayor Coffman noted there would be plenty of time for them to do so and noted there would also be a representative for Ward II. He asked if that was considered a friendly amendment. Council Member Coombs answered affirmatively.

Mayor Pro Tem Bergan pointed out affordable housing was going into the development through the Housing Authority and asked why Council could not vote on the rezoning.

Council Member Coombs stated her understanding the project itself would not include affordable housing but there was both an affordable rental project as well as a potential affordable for-sale project nearby. She agreed those were things the Council should discuss but she felt Council should defer the item until there was a full Council.

Mayor Pro Tem Bergan asked if affordable housing was required as a part of the rezoning criteria. Mr. Money answered no, noting it could not be required but the developer could agree to it. Mayor Pro Tem Bergan stated she saw this situation as certain council members pressuring the applicant to do something rather than vote on the rezone that met all the criteria of which affordable housing was not a part. She did not understand why Council could not vote on the item and then have those discussions with the developer after the rezoning was approved.

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Council Member Coombs agreed staff and the Planning and Zoning Commission have provided a recommendation, but Council could interpret the Code. She referenced 2A in the backup material and noted Council could state the project was not consistent with the City's Housing Plan which specifically talked about affordability in Transit Oriented Developments. (TOD) She believed Council should wait to vote on the item until December 6, 2021, when there was a full Council and she pointed out that was the motion on the floor.

Council Member Gruber pointed out he would not be at the December 6, 2021, meeting as he was retiring from City Council. He believed this was extortion because Council was acting in a judicial role and as such were required to look at the law and determine if the law was applied and then vote in support or opposition based on the tenets of law. He stated there was a Housing Plan that made no reference to this TOD site as it was just a general statement. He stated it was important for people to see that Aurora has become business unfriendly; an untrustworthy city that would extort requirements that were not written anywhere onto new developments. He believed this did great damage to the City and he was sad to see it happen. He expressed his hope the new Council could work through these issues.

Mike Serra, Senior Managing Director, Pauls Corp, representing the applicant, discussed the market rate for-sale project next to the TOD, the adjacent Aurora Housing affordable housing site and affordable housing project at Gateway Park.

Mayor Pro Tem Bergan expressed appreciation to the applicant for their efforts over 25 years to attract business to the TOD site, to bring housing supply to Aurora because Aurora had a housing shortage and to sell the parcel to Aurora Housing. She stated she would support the continuance if that was what Council was pushing for but based on Mr. Serra's testimony, she personally did not understand why Council could not support the rezoning at this time.

Council Member Hiltz asked Mr. Serra if the applicant sold the parcel to the Housing Authority. Mr. Serra answered affirmatively. Council Member Hiltz stated she did not support the item on the first round, but she did not have much of the context provided by Mr. Serra at that time. She stated building full market rate in TOD concerned her but knowing about the affordable site located less than a half a mile away made a difference to her. She expressed appreciation to Mr. Serra for his explanation.

Council Member Berzins agreed Mr. Serra's information made a huge difference. She stated studies have shown Aurora had a housing shortage at every income level and market rate housing would cause people to move out of the lower income into the market rate which provided someone else the opportunity to move into that property. She stated prices were going up as was Aurora's housing and the City should take these opportunities as they arise. She expressed appreciation to Mr. Serra for his comments and stated this was a great opportunity for the City.

Council Member Coombs withdrew her motion.

Council Member Marcano expressed appreciation to Mr. Serra for his comments, noting the context was very important. He referenced the Housing Study and noted Aurora was shown

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to have a glut in luxury housing especially in the rental range. He stated there was however a severe deficit of beneath market rate housing metro wide. He expressed appreciation to Mr. Serra for the applicant's efforts with the Housing Authority as that had not been apparent to all of Council. He felt the applicant and the City could work together to maximize the potential of the site and address the housing crisis but given his colleagues appeared to be ready to move ahead, he would support the item.

Council Member Coombs asked Mr. Serra to speak to the for-sale affordable housing project. Mr. Serra did so. Council Member Coombs stated she would be interested in having a conversation about what needed to be done to make the ground level retail and for-sale product above that possible. She expressed appreciation to Mr. Serra for clarifying the plan for the area as it helped to understand the impact of the site on the City's overall housing plans.

Council Member Murillo expressed appreciation to Mr. Serra for providing Council with such good information, noting her wish he had spoken initially so they could have avoided the political grandstanding. She felt it did matter and she wished she could ask for more affordable housing, but given the larger context that there was intentionality with the income-qualifying type units, and the affordable housing for-sale product, it weighed on her and she wished they would have had the applicant speak sooner. She appreciated the additional comments.

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

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

All items under Annexations are Public Hearings with or without related Ordinances.

17.a. TransPort Colorado Annexation 1 - Findings of Fact

R2021-112 PUBLIC HEARING AND CONSIDERATION TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 1) 157.841 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti PC

Mayor Coffman opened the public hearing on the items.

Jacob Cox, Manager of Development Assistance, provided a summary of the item.

Ken Puncerelli, LAI Design Group, representing the applicant, provided a presentation on the item.

Council Member Gruber expressed appreciation to Mr. Puncerelli, the applicant and all those who worked on this effort. He stated he was proud to support the item.

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

Council Member Coombs noted the presentation was on all the items and asked if Council would approve item 17a and then discuss and vote on everything else. Mayor Coffman asked staff if Council voted on each item separately.

Brian Rulla, Assistant City Attorney, stated there was a total of six public hearings that Council would vote on separately.

Mayor Coffman closed the public hearing on the item.

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

17.b. TransPort Colorado Annexation 1 - Ordinance

2021-42 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 1) 157.841 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti PC

Motion by Gruber, second by Berzins, to approve item 17b.

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

17.c. Transport 2020-1 Initial Zoning (Zoning Map Amendment)

2021-43 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 157 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED EAST OF IMBODEN ROAD BETWEEN EAST 56TH AVENUE AND EAST 48TH AVENUE, WITHIN THE COUNTY

OF ADAMS, STATE OF COLORADO, TO INDUSTRIAL DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (TRANSPORT INITIAL ZONING 1)

Stephen Rodriguez, Planning Supervisor / Daniel Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Stephen Rodriguez, Planning Supervisor, provided a summary of the item.

Ken Puncerelli, LAI Design Group, representing the applicant, stated he was available for questions.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Marcano, to approve item 17c.

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

17.d. TransPort Colorado Annexation 2 - Findings of Fact

R2021-113 PUBLIC HEARING AND CONSIDERATION TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 20, AND THE EAST HALF OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 2) 642.914 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti PC

Mayor Coffman opened the public hearing on the item.

Jacob Cox, Manager of Development, provided a summary of the items.

Ken Puncerelli, LAI Design Group, representing the applicant, stated he was available for questions.

Mayor Coffman closed the public hearing on the item.

Motion by Gardner, second by Berzins, to approve item 17d.

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

17.e. TransPort Colorado Annexation 2 - Ordinance

2021-44 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 20, AND THE EAST HALF OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 2) 642.914 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney  
Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti  
PC

Motion by Marcano, second by Lawson, to approve item 17e.

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

17.f. Transport 2020-2 Initial Zoning (Zoning Map Amendment)

2021-45 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 642 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED EAST OF IMBODEN ROAD BETWEEN THE EAST 48TH AVENUE AND THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, WITHIN THE COUNTY OF ADAMS, STATE OF COLORADO, TO INDUSTRIAL DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (TRANSPORT INITIAL ZONING 2)

Stephen Rodriguez, Planning Supervisor / Daniel Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Stephen Rodriguez, Planning Supervisor, provided a summary of the item.

Ken Puncerelli, LAI Design Group, representing the applicant, stated he was available for questions.

Mayor Coffman closed the public hearing on the item.

Motion by Marcano, second by Gruber, to approve item 17f.

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

17.g. TransPort Colorado Annexation 3 - Findings of Fact

R2021-114 PUBLIC HEARING AND CONSIDERATION TO APPROVE  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,

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- ◆ *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.*

MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 21, AND A PART OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 3) 636.174 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff, Ragonetti PC

Mayor Coffman opened the public hearing on the item.

Jacob Cox, Manager of Development Assistance, provided a summary of the item.

Ken Puncerelli, LAI Design Group, representing the applicant, stated he was available for questions.

Mayor Coffman closed the public hearing on the item.

Council Member Hiltz stated her understanding this was a concept and not the final site plan. She expressed her hope buildings would not be put over plugged wells and a buffer zone would be left for mitigation efforts in the future as this was a safety concern.

Mr. Cox agreed this was a conceptual diagram and did not constitute a site plan entitlement.

Council Member Hiltz stated she wanted her concern noted in the public record as she would not be on Council in the future.

Mr. Cox concurred.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Hiltz, to approve item 17g.

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

17.h. TransPort Colorado Annexation 3 - Ordinance

2021-46 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 21, AND A PART OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (TRANSPORT COLORADO 3) 636.174 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

- ◆ *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.*

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti PC

Motion by Berzins, second by Lawson, to approve item 17h.

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

17.i. Transport 2020-3 Initial Zoning (Zoning Map Amendment)

2021-47 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 636 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED BETWEEN THE QUAIL RUN ROAD ALIGNMENT AND MANILA ROAD, AND BETWEEN EAST 48TH AVENUE AND THE 38TH AVENUE ALIGNMENT, WITHIN THE COUNTY OF ADAMS, STATE OF COLORADO, TO INDUSTRIAL DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (TRANSPORT INITIAL ZONING 3)

Antonio Benton, Planner / Daniel Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Antonio Benton, Planner, provided a summary of the item.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Lawson, to approve item 17i.

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

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. MOU to participate in Xcel Energy's Partners in Energy Implementation Phase

Karen Hancock, Principal Planner / Daniel Money, Senior Assistant City Attorney

Motion by Marcano, second by Murillo, to approve item 19a.

Karen Hancock, Principal Planner, provided a summary of the item.

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

19.b. Consideration to appoint one (1) citizen member to the Oil and Gas Advisory Committee

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Gruber, second by Gardner, to appoint Larry Quirk to the Oil and Gas Advisory Committee.

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

19.c. Consideration to reappoint one (1) member to the Career Service Commission

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Gruber, second by Coombs, to reappoint Steven Wamhoff-Gallegos to the Career Service Commission.

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

19.d. Consideration to appoint one (1) member and reappoint three (3) members to the Judicial Performance Commission

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Gruber, to appoint Yasmeen Kennedy and reappoint John Haien, Kelli Malcolm, and Wesley Nicholson to the Judicial Performance Commission.

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

19.e. Consideration to appoint one (1) member and reappoint one (1) member to the Library Board

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Hiltz, second by Bergan, to appoint Paula Vargas and reappoint Shannon Day to the Library Board.

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

19.f. Consideration to reappoint one (1) member and appoint two (2) members to the Arts in Public Places Commission.

Kadee Rodriguez, City Clerk, General Management /Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to reappoint Brittany Pirtle and appoint Daiga Keller and Carmen Numme to the Arts in Public Places Commission.

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

19.g. Consideration to appoint four (4) members to the Aurora Youth Commission

Kadee Rodriguez, City Clerk, General Management /Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to appoint Abby Devyak, Logan Gaudreau, Alexandra Crowe and Snigdha Kumar to the Aurora Youth Commission.

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

20. **REPORTS**

20.a. Report by the Mayor

Mayor Coffman announced Mayor Mike Live was scheduled for Thursday, October 14, 2021, at 4:00 p.m. on Auroratv.org and he discussed his talk radio show morning schedule which could be found at 1150 AM on the radio dial.

20.b. Reports by the Council

Council Member Hiltz discussed her attendance at the recent Fire Safety Week demonstration, and she announced the upcoming Pop-Up Pumpkin Patch scheduled for Thursday, October 14, 2021, at Olympic Park at 3:00 p.m.

Council Member Lawson provided CML, FSIR and legislative updates.

Council Member Gruber discussed his attendance at the recent Accelerate Colorado trip to Washington DC.

Council Member Gardner expressed appreciation to Aurora Fire & Rescue for hosting the Fire Safety Week demonstration. He announced the State of the City event was scheduled for Wednesday, October 13, 2021, and expressed appreciation to the Rotary Club for hosting the event. He encouraged any residents who were interested in getting involved with local government to investigate City board and commission vacancies as it was a great way to learn and serve. He discussed the Civil Service Commission vacancy in particular.

Council Member Murillo gave a shout-out to Rise Colorado for hosting the Public School Board candidate forum and she encouraged everyone to check out the Be Well forum as well. She discussed her attendance at the Colorado Black Women for Political Action luncheon. She announced the next Ward I Town Hall hybrid meeting was scheduled for Thursday, October 28, 2021, at 6:00 p.m.

Council Member Berzins announced the City Council candidate forum was online at Auroratv.org and discussed her attendance at the Accelerate Colorado trip.

Council Member Marcano noted the City of Aurora sat on Arapahoe, Cheyenne, Ute, and Sioux land. He stated most people were taught a false accounting of the histories of America because the land was not settled; it was stolen. He stated his hope that people could continue to share knowledge about America's true history to better understand the present and use that to shape a more equitable future. He wished everyone a happy Indigenous Peoples Day. He announced the Ward IV meeting was scheduled for Thursday, October 14, 2021, at the Stampede where an At-Large Candidate forum was planned.

Council Member Coombs acknowledged and celebrated that Indigenous Peoples Day was now a holiday in recognition of the centuries of misrepresentation through the focus on Columbus Day. She discussed the success of the recent Ward V Town Hall. She provided Mile High Behavioral Healthcare and DRCOG updates and discussed her visit to the Safe Outdoor Space pilot at Salvation Army as well as her attendance at the Colorado Black Women for Political Action meeting and the Grand Opening Ribbon-cutting event at Fieldhouse USA.

Mayor Pro Tem Bergan provided an E-470 Roadway Committee update. She echoed her colleagues' comments regarding the success of the Accelerate Colorado trip.

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)


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

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:31 p.m.


  
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MIKE COFFMAN, MAYOR

ATTEST:

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KADEE RODRIGUEZ, CITY CLERK



- ◆ ***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.***