

## MINUTES

### Regular Meeting of the Aurora City Council Monday, October 25, 2021

1. **RECONVENE REGULAR MEETING OF OCTOBER 25, 2021, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for October 25, 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** – Mike Coffman, Mayor

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated security issues and negotiations were discussed in Executive Session.

6. **APPROVAL OF MINUTES**

6.a. July 29, 2021, Meeting Minutes

Motion by Gardner, second by Berzins, to approve the minutes of the July 29, 2021, City Council meeting, as presented.

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

6.b. August 9, 2021, Meeting Minutes

Motion by Bergan, second by Gruber, to approve the minutes of the August 9, 2021, City Council meeting, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

None

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**

9.a. Mountain View Community Homes Presentations (Item 16.b.)

- Appellant presentation (if approved by Council) - 15 minutes
- Applicant presentation (permitted under Council Rules) - 15 minutes

Mayor Coffman stated voting in the affirmative to approve the agenda would grant the appellant of Item 16a, Mountain View Community Homes, the right to present their position for 15 minutes.

Dan Brotzman, City Attorney, stated Council Rules allowed the applicant to speak for 15 minutes however the appellant wanted to present a Power Point presentation for 15 minutes rather than the typical three.

Mayor Coffman asked if there were any objections to the appellant providing a presentation and hearing none, noted the change to item 16a.

Motion by Gruber, second by Marcano, to approve the agenda.

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 WORK PACKAGE NUMBER ONE of the Griswold Water

- ◆ *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.*

Purification Facility Solids Handling Improvements Project to Garney Companies, Inc., Littleton, Colorado in the amount of \$2,149,773.00.

Waiver of reconsideration requested due to the current long lead times for larger diameter ductile iron pipe (>12 inches), fittings, valves, and other equipment as well as other disruptions to the supply chain resulting in equipment and material delivery/transportation delays.

Elizabeth Carter, Principal Engineer, Aurora Water / Brian Rulla, Assistant City Attorney

- 10.b. Amendment to Frontier Environmental Services LLC under the South Platte Bank Stabilization Project

Consideration to AWARD A CHANGE ORDER TO A COMPETITIVELY BID CONTRACT with Frontier Environmental Services LLC, Arvada, Colorado in the amount of \$507,445 for providing additional construction services under the South Platte Bank Stabilization Project, Project NO. 5800A.

Sarah Young, Deputy Director of Aurora Water / Brian Rulla, Assistant City Attorney

- 10.c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CDW Government, Vernon Hills, IL in the total amount of \$360,449.39 to purchase equipment and installation services for the Fire Department Vehicle Mobile Data Computer Replacement. (B-4628).

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

- 10.d. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Ferguson Waterworks, Aurora, CO in the total not to exceed amount of \$712,000.00 to purchase pipeline parts as required for the Water Dept. infrastructure through September 30, 2022. (B4483)

Marena Lertch, Manager Water Service Operations / Ian Best, Assistant City Attorney

- 10.e. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Core & Main LP, Henderson, CO in the total not to exceed amount of \$570,000.00 to purchase pipeline parts as required for the Water infrastructure through September 30, 2022. (B-4483)

Marena Lertch, Manager Water Service Operations / Ian Best, Assistant City Attorney

- 10.f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Radiation Pros, LLC,

Englewood, Colorado in the not-to-exceed amount of \$195,780.00 for the Removal and Disposal of Solids from Binney Water Purification Facility Drying Beds 2 and 3, Project No. 4626

Bobby Oligo, Manager of Water Treatment / Ian Best, Assistant City Attorney

- 10.g. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Dewberry Engineers, Inc., Denver, Colorado in the amount of \$788, 210.00 for the Alignment Study and Feasibility Design for the Wild Horse Reservoir Pipelines, RFP R-2100

John P. Clark, Principal Engineer / Ian Best, Assistant City Attorney

Motion by Bergan, second by Berzins, to approve items 10a – 10g.

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. 2022 Pay Resolution

R2021-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 EMPLOYEE PAY TABLE AND CLASSIFICATIONS

Ryan Lantz, Director of Human Resources / Rachel Allen, Client Group Manager

Ryan Lantz, Director of Human Resources, provided a summary of the item.

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

Mayor Pro Tem Bergan asked if there were any new positions that did not have a comparison in the marketplace. Mr. Lantz answered no.

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

- 11.b. Renaming the Aurora Water Building at the Southeast Area Maintenance Facility the Daniel P. Mikesell Water Operations Facility (Resolution)

R2021-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA COLORADO RENAMING THE AURORA WATER BUILDING AT THE SOUTHEAST AREA MAINTENANCE FACILITY THE DANIEL P. MIKESSELL WATER OPERATIONS FACILITY

Marshall Brown, General Manager, Aurora Water / Christine McKenney, City Attorney

Marshall Brown, General Manager, Aurora Water, provided a summary of the item.

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

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

11.c. Acknowledgement of the Supporters of the Aurora Armed Forces Treatment Court Resolution

R2021-117 A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ACKNOWLEDGING THE DEDICATION, COLLABORATION, AND SUPPORT OF THE AURORA ARMED FORCES TREATMENT COURT COMMUNITY PARTNERS

Jason Batchelor, Deputy City Manager / Angela Garcia, Senior Assistant City Attorney

Council Member Gruber provided a summary of the item. He recognized the efforts of Council Member Hiltz and former Council Member Johnston in this regard.

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

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

11.d. Gartrell Rd. Interchange Expansion Design Project IGA with E-470 (Resolution)

R2021-118 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN E-470 PUBLIC HIGHWAY AUTHORITY AND CITY OF AURORA REGARDING DESIGN OF THE GARTRELL ROAD INTERCHANGE EXPANSION IMPROVEMENTS AND FUNDING THEREFOR

Bret Banwart, Transportation Project Delivery Engineering Supervisor / Michelle Gardner, Sr. Assistant City Attorney

Bret Banwart, Transportation Project Delivery Engineering Supervisor, provided a summary of the item.

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

Mayor Pro Tem Bergan stated this project was very important for residents of southeast Aurora because the interchange was currently very dangerous.

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

- 11.e. IGA with E-470 for the Temporary Traffic Signals at Gartrell Road and E-470 (Resolution)

R2021-119 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE E-470 PUBLIC HIGHWAY AUTHORITY REGARDING TEMPORARY TRAFFIC SIGNALS AT GARTRELL ROAD AND E-470.

Carlie Campuzano, Traffic Manager / Michelle Gardner, Sr. Assistant City Attorney

Carlie Campuzano, Traffic Manager, provided a summary of the item.

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

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

- 11.f. I70 Picadilly Funding IGA with CDOT (Resolution)

R2021-120 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGARDING THE PASSTHROUGH FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) BETTER UTILIZING INFRASTRUCTURE TO LEVERAGE DEVELOPMENT (BUILD) GRANT FOR THE I-70 AND PICADILLY PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner - Senior Assistant City Attorney

Bret Banwart, Transportation Project Delivery Engineering Supervisor, provided a summary of the item.

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

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

- 11.g. I70 Picadilly Grant Agreement with USDOT (Resolution)

R2021-121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF AURORA AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) REGARDING THE BUILD (BETTER UTILIZING INFRASTRUCTURE TO

LEVERAGE DEVELOPMENT) GRANT PROGRAM FOR THE I-70 AND PICADILLY INTERCHANGE PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner – Senior Assistant City Attorney

Bret Banwart, Transportation Project Delivery Engineering Supervisor, provided a summary of the item.

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

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

11.h. Colorado Opioids Settlement Memorandum of Understanding (Resolution)

R2021-122 A RESOLUTION BY THE CITY COUNCIL OF AURORA, COLORADO, TO APPROVE THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING

Kendall Koca, Manager of Special Projects / Kerstin Claspell, Lead Financial Analyst / Isabelle Evans, Litigation Manager

Kendall Koca, Manager of Special Projects, provided a summary of the item.

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

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

11.i. Johns Ranch Land and Water Rights Purchase

R2021-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SALE AND CITY PURCHASE OF LAND AND WATER RIGHTS AND THE TRANSFER OF SAID WATER RIGHTS

Alexandra Davis, Deputy Director of Water Resources / Stephanie Neitzel, Asst. City Attorney

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

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

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**

None

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

*For purposes of considering items 14.a. - 14.f., the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively.*

Items 14.g. - 14.j. are 2022 Budget Related Ordinances

14.a. Cherry Creek Racquet Club

2021-48 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 1-2007 (CHERRY CREEK RACQUET CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer, Finance / Hans Hernandez, Assistant City Attorney

Teresa Sedmak, City Treasurer, Finance, provided a summary of items 14a – 14f.

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

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

14.b. Peoria Park

2021-49 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 1-2008 (PEORIA PARK) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

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

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Motion by Marcano, second by Lawson, to introduce item 14b.

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

14.c. Meadow Hills Country Club

2021-50 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 3-2008 (MEADOW HILLS COUNTRY CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

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

Motion by Marcano, second by Berzins, to introduce item 14c.

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

14.d. Pier Point 7

2021-51 AN ORDINANCE OF PIER POINT 7 GENERAL IMPROVEMENT DISTRICT 2-2009 ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

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

Motion by Coombs, second by Gruber, to introduce item 14d.

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

14.e. Aurora Conference Center

2021-52 AN ORDINANCE OF THE AURORA CONFERENCE CENTER GENERAL IMPROVEMENT DISTRICT (NO. 2-2011) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak – City Treasurer / Hans Hernandez, Assistant City Attorney

Motion by Berzins, second by Murillo, to introduce item 14e.

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

14.f. Cobblewood General Improvement District 1-2016

2021-53 AN ORDINANCE OF COBBLEWOOD GENERAL IMPROVEMENT DISTRICT 1-2016 (COBBLEWOOD GENERAL IMPROVEMENT DISTRICT) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

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

Motion by Berzins, second by Lawson, to introduce item 14f.

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

14.g. 2022 Adopting Budget Ordinance

2021-54 AN ORDINANCE OF THE CITY OF AURORA, COLORADO, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENTS PROJECTS BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

Motion by Gruber, second by Gardner, to introduce item 14g.

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

14.h. 2022 Tax Levy

2021-55 FOR AN ORDINANCE ESTABLISHING THE TAX LEVY ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AURORA, COLORADO, FOR THE TAX COLLECTION YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

Greg Hays, Budget Officer, provided a summary of items 14h – 14j.

Motion by Marcano, second by Bergan, to introduce item 14h.

Mayor Pro Tem Bergan clarified the property tax levy being approved had a mill levy assessed of 8.605 on each home.

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

14.i. 2020 Budget Appropriations Ordinance

2021-56 AN ORDINANCE OF THE CITY OF AURORA, COLORADO,  
APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES  
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31,  
2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

Motion by Gruber, second by Marcano, to introduce item 14i.

Council Member Murillo pointed out the item called out 2020 Budget Appropriations Ordinance.

Mr. Hays agreed that was an oversight that should be 2022.

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

14.j. 2022 Aurora Water Rate Increases

2021-57 FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 138  
OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO SERVICES  
FOR THE PROVISION OF WATER

Jo Ann Giddings, Deputy Director, Water Finance Admin / Ian Best, Assistant City Attorney

Jo Ann Giddings, Deputy Director, Water Finance Admin, provided a summary of the item.

Motion by Marcano, second by Coombs, to introduce item 14j.

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

Voting Nay: Berzins

15. **FINALIZING OF ORDINANCES**

15.a. High Point at DIA - Comprehensive Plan Amendment

2021-40 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

Brandon Cammarata, Manager, Planning, provided a summary of the item.

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

Mayor Pro Tem Bergan asked if there were any neighborhoods adjacent to the area. Mr. Cammarata stated the parcel was surrounded by other Urban District designations, so it made it a consistent designation in that regard.

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

15.b. 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

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

Motion by Bergan, second by Berzins, to approve item 15b.

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.

16. **PLANNING MATTERS**

All items under PLANNING MATTERS are Public Hearings

Mayor Coffman asked staff to speak to the Planning Matters process.

Daniel Money, Senior Assistant Attorney, did so.

16.a. Mountain View Community Homes Zoning Map Amendment

2021-59 PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE TO AMEND  
THE CITY OF AURORA ZONING MAP BY CHANGING 2.06-ACRES OF LAND  
WITHIN LOT 4, BLOCK 3 OF HAVANA HEIGHTS SUBDIVISION SITUATED IN THE  
NORTHWEST ¼ OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE  
PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF  
COLORADO FROM R-1 LOW-DENSITY SINGLE-FAMILY DISTRICT TO R-2

MEDIUM DENSITY DISTRICT (MOUNTAIN VIEW COMMUNITY HOMES ZONING  
MAP AMENDMENT)

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant Attorney

Outside Speaker: Kory Whitaker, Real, Habitat for Humanity of Metro Denver

Mayor Coffman opened the public hearing on the item.

Daniel Osoba, Planner II, gave a presentation on the item.

Kory Whitaker, Habitat for Humanity, representing the applicant, gave a presentation on the item.

Council heard public call-in testimony on the item.

Council Member Marcano asked who was responsible for paying property taxes. Mr. Whitaker stated the residents would be paying taxes on both the land and the improvements. Council Member Marcano stated his understanding the land would remain in possession of Mountainview United Church and not Habitat for Humanity in the form of a 99-year land lease.

Mr. Whitaker concurred.

Council Member Marcano asked Mr. Whitaker to speak to the stormwater runoff process that would accommodate the water. Mr. Whitaker did so. Council Member Marcano stated the grading for the permeable surface would not send water in others' yards.

Mr. Whitaker concurred.

Council Member Gruber pointed out Council Member Marcano's questions related to the site plan rather than the rezoning. He explained how the Land Trust situation usually worked and asked Mr. Whitaker to speak to how it would work with the church owning the land in this instance. Mr. Whitaker did so. Council Member Gruber stated his understanding the homeowner would have a mortgage and also a payment to Habitat and then Habitat paid the church. He asked who was responsible for the care of common areas in the development. Mr. Whitaker stated common areas, apart from the storm system, were intentionally limited in the design. Council Member Gruber asked who was responsible for the upkeep of the general community. Mr. Whitaker stated it would be traditional home ownership just as it was throughout the Havana Heights neighborhood. Council Member Gruber asked who was responsible for shoveling the sidewalks located behind the houses. Mr. Whitaker stated all of the sidewalks were public improvements and would therefore be the responsibility of the adjacent property owners to maintain. Council Member Gruber disagreed.

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Mayor Coffman stated Havana Heights was built prior to Homeowners Associations (HOA). He discussed the problems that occurred in the City in areas without them and asked how this project could move forward without one. He discussed the importance of maintaining the property and shared his experience visiting another of the applicant's sites at 48<sup>th</sup> and Elizabeth that did not have anyone taking care of it. He suggested Habitat for Humanity could provide a management service to the homeowners at a much lower cost than using a private company. He stated any development of this sort ought to have some type of mandatory association and it would cost the homeowners far more in terms of property values than it would cost to pay monthly Homeowners Association dues. He asked the applicant when the property at 48<sup>th</sup> and Elizabeth was developed. Mr. Whitaker stated last year.

Mayor Pro Tem Bergan asked Mr. Whitaker to speak to whether the development was possible with less density in the existing R-1 zone. Mr. Whitaker did so, noting there would not be enough homes to offset the cost. Mayor Pro Tem Bergan stated her understanding Habitat for Humanity could not build ten homes in the R-1 zone for \$300,000 and absorb the development cost.

Mr. Whitaker concurred.

Mayor Pro Tem Bergan stated she was conflicted because of the neighbors who bought their homes in the R-1 zoning area.

Council Member Coombs asked staff if the City required an HOA of duplex developments that were not affordable. Mr. Osoba answered no.

Mayor Coffman asked staff if they were aware of any new duplex developments that did not have HOAs. Mr. Osoba stated most of the infill development in areas A and B did not have HOAs. Mayor Coffman encouraged council members to go out and look at the applicant's development at 44<sup>th</sup> and Elizabeth because that was what would happen at this location.

Council Member Marcano asked Mr. Whitaker if he was aware of the type of landscaping that was used at the new build and if it was suitable for the climate. Mr. Whitaker stated he visited the site recently and agreed some of the landscaping was not maintained. He spoke to the opportunity he saw at the site. He stated sod was in the tree lawn areas with rock mulch and perennials throughout the property. He stated Habitat for Humanity attempted to learn from every development and what they would change with this new development was that every home would have a permanent irrigation system and better delineated property lines. He stated the homeowners were expected to maintain the properties under the land lease structure and Habitat would intervene if they did not.

Council Member Gruber asked what action Habitat for Humanity would take to correct the deficiencies at the Denver site. Mr. Whitaker clarified that property was not a land lease situation so Habitat for Humanity would not take any further action. He pointed out it was the homeowners' responsibility to maintain their property and it was a City Code violation if they did not. Council Member Gruber asked if Habitat for Humanity would mandate a property standard in the lease terms that Habitat for Humanity would enforce. Mr. Whitaker

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stated the land lease stipulated those owners were required to keep their property up to code and not doing so would put them in violation of their lease and then Habitat for Humanity could intervene. Council Member Gruber asked if Habitat for Humanity would take responsibility for ensuring the neighborhood was kept up or was the church responsible for all code violations. Mr. Whitaker stated the homeowners were responsible for maintaining their property in accordance with City codes. Council Member Gruber stated those homeowners would not own the property. He agreed they owned the house but noted Habitat for Humanity owned the land therefore it appeared any code violations would be left for Habitat for Humanity to fix. He stated he was hearing Mr. Whitaker pass off that responsibility when it was of great concern to the neighbors.

Mr. Whitaker stated the responsibility in the land lease was transferred to the homeowner and the homeowner was responsible for maintaining the property.

Council Member Gruber stated his understanding Habitat for Humanity and the church had no responsibility and would therefore do nothing to help if the neighborhood turned into a similar situation to that found at the Denver site.

Mr. Whitaker stated Habitat for Humanity had a long-term interest in these properties, but they empowered homeowners to maintain their property up to code.

Council Member Gruber stated his understanding the answer to his question was no, Habitat for Humanity would not enforce the standards even though they owned the property that was leased to the church.

Mr. Whitaker stated Habitat for Humanity had the ability under the lease to intervene to help the homeowner because neglecting the property would cause them to be in default of their lease.

Council Member Gruber asked if Habitat for Humanity would take responsibility for code violations. Mr. Whitaker stated that responsibility was to the homeowner on the property. He stated Habitat had the ability to intervene and assist the homeowner under the lease if the homeowner defaulted on their land lease. Council Member Gruber stated that was a non-answer and he conceded.

Council Member Murillo asked if the site was serviced by RTD considering it was located one block off Havana. Mr. Whitaker confirmed there were bus routes on Havana near the property. Council Member Murillo referenced concerns raised by the neighbors around parking and stated she liked that it was located next to a major roadway that had accessible public transit. She stated other means of transit and that type of proximity was something Council should consider when making these kinds of decisions.

Council Member Marcano stated his understanding the 105 on Havana was one of RTDs busiest bus routes. He raised the topic of conditions of the land because he felt Council Member Gruber intentionally created confusion around that. He explained his understanding of how the property ownership worked which was the church owned the land but granted a 99-year land lease to Habitat for Humanity to develop.

Mr. Whitaker concurred.

Council Member Marcano stated the homeowner was responsible for maintaining their parcel of land.

Mr. Whitaker concurred.

Council Member Marcano stated the sidewalks and other improvements would be dedicated to the City as public right-of-way.

Mr. Whitaker concurred.

Council Member Marcano stated it was therefore not unlike the conditions at Havana Heights and other parts of the City as well where people were happy to not deal with HOAs as they were perfectly capable of maintaining their property without paying a large HOA fee and being subject to political gamesmanship that happened with these boards. He stated he heard a lot about this from his constituents, and he was excited to see a new housing development in Ward IV that did not have an HOA because that would give people peace of mind while allowing City Code Enforcement to address code violations should they arise. He pointed out Habitat for Humanity provided educational and supportive services to ensure people were able to properly maintain their homes.

Mr. Whitaker concurred.

Council Member Marcano stated that was done without any penalty to the homeowner.

Mr. Whitaker concurred.

Council Member Marcano asked if that approach was effective. Mr. Whitaker stated Habitat for Humanity has found their education prepared first-time homeowners more than any other first-time homeowners were prepared. Council Member Marcano noted he believed that and discussed his personal miserable experience living in an HOA. He stated people could maintain their properties and he found it exceptionally suspect when people suddenly wanted to discuss how other people did with their property when the discussion was about affordable housing.

Mayor Coffman encouraged everyone to go to 44th and Elizabeth to see what one of these developments looked like after a year.

Council Member Coombs pointed out Council was voting on the item currently and therefore would probably not get from their homes to 44th and Elizabeth before doing so. She stated people could be irresponsible with their land in all types of neighborhoods. She pointed out the applicant noted one of the shortcomings of that project was not having irrigation systems and that was changed in this instance. She stated the applicant has looked at

issues that occurred and they have changed them, so she felt it was unfair and unreasonable to ignore their efforts in this regard.

Mayor Coffman stated Mr. Whitaker was understating the condition of the property.

Council Member Berzins stated she had a nice experience helping put up a Habitat for Humanity home in Ward I and she really appreciated the work they did. She congratulated Habitat for winning the bid for the church Request for Proposal (RFP) and pointed out none of the callers spoke badly about Habitat for Humanity. She noted one of the callers stated this was tearing at their heartstrings and that was true because everyone knew that people needed homes. She stated it was unfortunate that this was an R-2 zone because it was necessary to take the people who already owned homes there for 40 years into consideration. She stated those homeowners paid their taxes and this was a nice neighborhood where people remodeled and maintained their homes. She stated it was unfortunate that Mr. Arnold played the race card during his call-in testimony on the item, which she found disgusting, offensive, and unnecessary as this was a rezoning discussion and not about race. She pointed out the duplex homes price points were \$250,000 - \$350,000 which was a lot of money when the land was not included, particularly as they would not be luxury homes. She noted the infrastructure had to go in, but it was done with the use of volunteer labor so multiplying those figures by 20 added up to a lot of money for the applicant to state they could not build 10 instead of 20.

Mr. Whitaker elaborated on how Habitat for Humanity built their homes and confirmed they could not afford to build 10 homes and make them affordable.

Council Member Berzins stated Council continued to discuss affordable housing and yet Mr. Whitaker was stating it could not be done because of the cost of labor, construction, and materials. She agreed this was a wonderful project, but she questioned the cost to the neighborhood and adjacent residents. She stated it was tough and weighed heavy on her that this would change the landscape of 150 houses in the area because the church decided to do this for 20 houses.

Council Member Marcano provided additional background information on the project as it was in Ward IV, noting the original plan was much denser. He noted the applicant has gone through several community meetings and as a result, they have taken community feedback into account because what they proposed was exceptionally different from what they began with. He noted the development was initially misrepresented as Section 8 housing and he felt Habitat has gone above and beyond what was expected for a developer in the City. He discussed Habitat's community involvement efforts and his wish that all developers would do this. He reiterated the rumors that Habitat or the church would make money from this development; that the City was giving the infrastructure to the developer for free; or that Habitat gave the church money were false. He stated Habitat was responsible for building the infrastructure; paying the tap fees, water, storm sewer, sanitary sewer, and adding curb, and gutter and sidewalks, etc., as a part of the development costs and that was why six or seven homes would not work. He addressed Council Member Berzins and stated the applicant did not state that affordable housing was not possible but rather affordable housing at the small scale that was being requested was not financially possible. He pointed

out there was R-2 zoning to the west of the site on East Warren Avenue therefore nothing about the rezoning was out of step with the community. He stated it was a very eclectic neighborhood where large houses, standard single-family houses and dense townhomes already existed therefore he did not understand the opposition's position. He noted there have been comments about the 'poor' living there and pointed out those living in the development had to earn \$68,500 annually to qualify for the program which was \$3000 more than Aurora's median income. He stated they would be middle class in a neighborhood that used to be middle class until housing prices got out of hand so there should not be any concerns regarding the character of the neighborhood.

Mayor Pro Tem Bergan stated the issue was not whether people wanted Habitat for Humanity but rather about changing the rezoning because there would not be a problem with the project if it was zoned R-1 because of those who bought their homes in an R-1 zone. She discussed her experience chairing the Planning & Economic Development Committee (PED) when they worked on zoning changes to create the Unified Development Ordinance (UDO) which took years and considerable public input to get through and noted now someone wanted to change it. She understood the applicant's reasoning that he could not build ten homes on that parcel of land and reiterated it had nothing to do with the project but rather it was about those who purchased their homes in an R-1 with the understanding it would remain low density even if there was R-2 a block away. She felt the project should be built in an existing R-2 zoning area.

Council Member Marcano asked his colleagues who voted in favor of the UDO, which rezoned huge swaths in Wards I, II and III from R-1 to R-2, if they had any qualms in doing so. Mayor Pro Tem Bergan stated Areas A, B & C all looked very different.

Motion by Mayor Coffman, second by Gruber, to end discussion and call for the question.

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

Mayor Coffman closed the public hearing on the item.

Council Member Marcano asked staff if Mayor Coffman's earlier comments in which he signaled he intended to vote in opposition about this quasi-judicial matter required him to recuse himself.

Mayor Coffman clarified he never stated a position in the online post.

Daniel Money, Deputy City Attorney, stated the two issues were that the Mayor would not vote on the ordinance unless it was to make or break a tie and if an ex parte such as the Mayor or any other council member having discussions outside of this public hearing have been communicated to the rest of Council. He stated if so, then a declaration of that had to be made and the cure was for the Mayor to state he was voting based on the public hearing only and that he could be fair and impartial in doing so. He stated there was a presumption that Council acted with honesty, integrity, fairness, and impartiality and there would have to be substantial prejudice to prove otherwise. He asked Mayor Coffman if he had communication with the Havana Heights neighbors. Mayor Coffman answered affirmatively.

Mr. Money asked Mayor Coffman if he were to vote to break or make a tie in this regard, could he do so based on the public hearing versus anything he heard outside of the hearing. Mayor Coffman admitted visiting the applicant's similar property influenced him. Mr. Money asked if he had to vote, would he do so based on the public hearing record only. Mayor Coffman answered affirmatively. Mr. Money asked if he could be fair and impartial in doing so. Mayor Coffman answered affirmatively. Mr. Money stated the Mayor could vote if he was required to do so.

Council Member Murillo stated she had never seen that happen before and she was shocked to see it transpire. She asked if the Mayor's impartiality was up for debate and not for a City Attorney to absolve him of impartiality. She asked staff if the applicant could still sue the City because of the post and comments the Mayor made prior to the meeting even after that exercise with the City Attorney.

Mayor Coffman recused himself from the vote on 16a.

Council Member Murillo asked for an answer to her question.

Mayor Coffman stated he recused himself therefore it was a moot point, and he would continue discussion once a motion was made on the item.

Council Member Murillo asked Mr. Money to answer her question.

Mayor Coffman stated he needed a motion so that Council could go into discussion. He addressed Council Member Murillo and stated she could then call out a point of order.

Council Member Murillo asked if she was allowed to continue the discussion. Mayor Coffman stated there was a call for the question and he needed a motion.

Motion by Coombs, second by Murillo, to approve item 16a.

Mr. Money addressed Council Member Murillo and stated a lawsuit could always be brought. He stated there were multiple ways to remedy ex parte and the Mayor took one of those routes by recusing himself from the vote. He discussed substantial prejudice and how it related to a recent situation in Denver. He stated the Mayor's recusal was fine.

Council Member Murillo stated Mayor Coffman recused himself from item 16a which only required his vote to make or break a tie and not as a quasi-judicial portion of the conversation.

Mayor Coffman stated he recused himself from item 16a and noted there could be another discussion in that regard when Council heard item 16b.

Council Member Murillo stated she was trying to get clarification.

- ◆ ***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.***

Mayor Coffman stated it was a moot issue at this point because he recused himself from the first question.

Council Member Murillo stated she was attempting to get clarification on the second question before she voted on the first one. She asked Mayor Coffman if that was okay with him. Mayor Coffman answered no. He addressed Council Member Murillo and stated Council was at the first vote and she was wasting time. Council Member Murillo stated she would like an answer to her question.

Mayor Coffman called the question.

Council Member Murillo stated she would vote even though she did not get answers to her questions.

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

Voting Nay: Bergan, Berzins, Gruber, Gardner

Council Member Gruber called for a point of order and asked if the ordinance required six votes to pass. Mr. Money stated it could pass on five votes on the first reading but required six votes on the final reading.

16.b. A Public Hearing and Appeal of the September 22, 2021, Planning and Zoning Commission Approval of the Mountain View Community Homes Site Plan with Adjustments.

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant Attorney

Outside Speaker: Kory Whitaker, Real, Habitat for Humanity of Metro Denver

Mayor Coffman asked Mr. Money if the arguments related to his voting on Item 16a were the same on item 16b. Mr. Money stated possibly, noting it was the same discussion that depended on what was discussed. He gave examples of those potential discussions and their outcomes, noting it was ultimately up to the Mayor. Mayor Coffman stated his conversations with members of the Havana Heights Homeowners Association led him to visit the applicant's site at 44<sup>th</sup> and Elizabeth which subsequently influenced his opinion. He asked Mr. Money to speak to how that would be interpreted. Mr. Money did so. Mayor Coffman stated he would recuse himself from the vote on item 16b. He opened the public hearing on item 16b.

Charles Thomas, Havana Heights Homeowners Association, as the appellant representing Havana Heights homeowners, had technical issues with his presentation.

Mayor Coffman called for a brief recess of Council to allow staff to support Mr. Thomas' with his technical issues.

Daniel Osoba, Planner II, gave a presentation on the item.

Mr. Thomas gave a presentation in opposition on the item.

Council Member Gruber asked Mr. Thomas to address the disconnect between those Council Member Marciano spoke with around the area who were in support of the item and those who signed the petition in opposition. Mr. Thomas stated he did not speak with Council Member Marciano, and he did not know who Council Member Marciano spoke with. He suggested Council Member Marciano visit the R-2 townhomes he spoke about to see what they looked like now. He noted they did have garages and extra parking, but the street remained full of cars during the day, and it needed painting, which made it something the neighbors did not look forward to having in the middle of their neighborhood.

Council Member Marciano clarified for the record that he did not state he spoke with people in the area about the project but rather that he spoke with them when he canvassed the neighborhood door-to-door in 2019 during his campaign.

Council Member Gruber stated it was clear Council Member Marciano has not asked his constituents about the item since that time.

Council Member Marciano addressed Council Member Gruber and asked him to please be honest and act in good faith. He stated as he mentioned earlier, people have reached out to him in this regard and he has discussed their concerns related to parking, corrected them on the Section 8 housing component, and in general, encouraged them to work with the developers, Habitat for Humanity. He stated he attended the meetings, and he was aware of what was stated and how the process unfolded.

Council Member Hiltz expressed appreciation to Mr. Thomas for his presentation, noting she understood this was a deeply personal issue for all involved on all sides. She noted that was also apparently true between council members.

Kory Whitaker, Habitat for Humanity, representing the applicant, revisited and discussed the criteria for site plan approval in the United Development Ordinance (UDO), and pointed out the item met and sometimes exceeded the criteria.

Council heard public call-in testimony on the item.

Mayor Coffman asked staff to speak to the motion language. Mr. Money did so, noting there were two portions to the appeal. He stated someone was appealing the Planning Commission's decision which brought the item to Council to either approve or deny the site plan and the motion language should reflect that.

Motion by Coombs, second by Marciano, to uphold the Planning and Zoning Commission's decision to approve the site plan.

Mayor Pro Tem Bergan asked how Council could approve a site plan that was not compatible with the zoning. Mr. Money stated approval would be contingent on the zoning. Mayor Pro Tem Bergan stated Council basically denied the rezone.

Mayor Coffman asked Mr. Money if Council Member Coombs' motion was in order. Mr. Money answered affirmatively. Mayor Coffman stated an affirmative vote was to approve the site plan.

Mr. Money concurred.

Council Member Coombs noted Council has had conversations around the cost of development and how they needed to do everything they could to ensure there was adequate housing stock. She stated the item before Council was a site plan where the developers have stated they could provide affordable for-sale housing, and they needed Council's support. She asked Council to be consistent with the values and commentary that were regularly made about development in the City when discussing affordable housing which everyone agreed and understood to be a dire need.

Council Member Hiltz recalled she was berated a few weeks ago for wanting to vote in opposition to the Planning and Zoning Commission because they were the body appointed to ensure technical compliance and to ensure that Council was not politicizing technical compliance through the Planning and Zoning Commission. She stated it would be interesting to see if that consistency came through currently considering things have changed in terms of the location of the affordability. She stated she was disappointed in much of the discussion of Council because the conversation was about whether the City would provide an opportunity for people to get into homeownership which at the same time would also change the make-up of a neighborhood where people have lived for many years. She reiterated it was very personal on both sides and expressed her wish that Council could have shown more compassion for people on both sides. She stated her support for the site plan and recognized it was not easy for most of Council to listen to this testimony and get through that. She expressed her hope that Council could refocus and be compassionate when the item came back rather than get back into political tit for tats.

Council Member Marcano agreed Council has had many conversations as a body around affordable housing and homelessness, noting those two issues were closely intertwined and noted this was a rare opportunity to house people without using public tax dollars. He expressed appreciation to Mountainview Church for giving up their land to make this a possibility as a part of the 'Yes, in God's Backyard' (YIGBY) movement. He expressed his hope Council could find it in their hearts to do the right thing and house people because if not, they would end up homeless.

Council Member Murillo addressed Mayor Coffman and asked if the question of whether he would recuse himself from the vote was settled. Mayor Coffman stated she would know the answer if she was listening at all and confirmed he recused himself. Council Member Murillo stated that was rude and she just wanted an answer.

Mayor Coffman stated he was not going there and called for the question.

Council Member Gruber stated the item was not in compliance with R-1 zoning.

Council Member Murillo stated the item was in compliance with the process the Planning and Zoning Commission followed.

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

Voting Nay: Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a brief recess of Council.

17. **ANNEXATIONS**

Item 17.h. under ANNEXATIONS is a Public Hearing with Related Ordinance

17.a. TransPort Colorado Annexation 1 - Ordinance

2021-42 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

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

Mayor Coffman asked Mr. Cox if his remarks pertained to items 17a - 17h. Mr. Cox stated his initial remarks did but each individual parcel had separate details that needed to be put into the record.

Mayor Pro Tem Bergan stated her understanding Council would vote on each item separately and asked if each item would also be read individually. Mayor Coffman answered affirmatively.

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

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

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

2021-43 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

Motion by Coombs, second by Lawson, to approve item 17b.

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

17.c. TransPort Colorado Annexation 2 - Ordinance

2021-44 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 Gardner, to approve item 17c.

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

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

2021-45 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

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

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

17.e. TransPort Colorado Annexation 3 - Ordinance

2021-46 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

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

Motion by Coombs, second by Bergan, to approve item 17e.

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

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

2021-47 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

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

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

17.g. Consideration of a Consolidated, Amended, and Restated Annexation Agreement Between the City of Aurora, Colorado, Western Transport, LLC and Rancho Coachella Properties, LLP for the Transport Colorado Logistics and Commerce Park

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 Marcano, to approve item 17g.

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

17.h. Transport Amended and Restated Development Agreement.

2021-58 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE APPROVING A CONSOLIDATED, AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT AND VESTED RIGHTS DEVELOPMENT AGREEMENT BETWEEN THE CITY OF AURORA COLORADO, WESTERN TRANSPORT, LLC, RANCHO COACHELLA PROPERTIES, LP, AND TRANSPORT METROPOLITAN DISTRICT NO. 1 CONTAINING PROVISIONS FOR A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S. FOR THE TRANSPORT COLORADO LOGISTICS & COMMERCE PARK

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 on the item. He noted the applicant was present to answer any questions.

Munsey Ayers, Attorney, concurred.

Mayor Pro Tem asked if vesting rights would be forfeited if they did not meet the development requirements. Mr. Cox stated they would not be allowed to be extended.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Gardner, to approve item 17h.

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

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

- 19.a. Consideration to reappoint one (1) member to the Citizens Advisory Committee for Housing & Community Development

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

Motion by Coombs, second by Marcano, to reappoint Charlene Wisner-Howard to the Citizens Advisory Committee for Housing & Community Development.

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

- 19.b. Consideration to appoint one (1) member to the Election Commission

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

*ORIGINAL MOTION*

Motion by Marcano, second by Bergan, to appoint Arnie Schultz to the Election Commission.

*SUBSTITUTE MOTION*

Motion by Berzins, second by Bergan, to appoint Debra Johnson to the Election Commission.

Council Member Berzins stated Ms. Johnson was a previous City Clerk and Recorder for the City of Aurora and the City and County of Denver.

Mayor Pro Tem Bergan stated her understanding the Election Commission strongly supported the appointment of Ms. Johnson.

Council Member Marcano stated his understanding from his interactions with the Election Commission was new blood was needed because the current group was too tightknit and resistant to changes the community wanted to see.

Council Member Berzins stated Ms. Johnson has not been in Aurora for a long time.

Council Member Marcano stated he understood.

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

Voting Nay: Coombs, Hiltz, Marcano, Murillo

20. **REPORTS**

- 20.a. Report by the Mayor

◆ *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.*

No report.

#### 20.b. Reports by the Council

Council Member Lawson stated youth gun violence was a public health crisis and requested a moment of silence for Aurora youth who have recently been impacted by gun violence. She extended condolences to those victims' families.

Mayor Coffman recognized a moment of silence.

Council Member Lawson discussed her attendance at the recent opening of the 18<sup>th</sup> Judicial Diversion Counseling Office.

Council Member Gruber expressed appreciation to Amazon and Can'd Aid for their recent efforts in providing skateboards to build and skateboard riding lessons to Murphy Creek P-8 students.

Council Member Hiltz discussed the success of the recent Faith & Blue event.

Council Member Murillo discussed her attendance at the Fall Fest at Fletcher Plaza and announced the Ward I Town Hall hybrid meeting was scheduled for Thursday, October 28, 2021, at 6:00 p.m. at Moorhead Recreation Center. She stated since she had the floor and could not be cut off or yelled over, she wanted to express frustration at not being able to ask simple questions and get answers about City processes. She stated she learned a very hard lesson this evening from the Mayor about the difference between forced authority and earned respect.

Council Member Marcano echoed Council Member Lawson's sentiments regarding DA John Kilner's Diversion Counseling office. He announced the virtual Nine-Mile public meeting was planned for Tuesday, October 26, 2021, at 6:30 p.m. He encouraged everyone to vote if they have not yet done so and discussed the low voter turnout currently and in the past. He announced the next Ward IV hybrid meeting was scheduled for Thursday, January 13, 2022, at the Stampede.

Council Member Coombs announced the Ward V meeting was scheduled Wednesday, November 2, 2021, at Heather Gardens at 6:00 p.m.

Mayor Pro Tem Bergan provided E-470 updates and discussed her attendance at the recent DIA Open House where she met the new airport CEO; the Police Academy graduation ceremony; and the Benson Hotel and Faculty Club at Anschutz Medical Campus announcement. She congratulated the academy graduates and stated she was surprised and impressed with all the new apartments and businesses located on the back side of the campus. She announced the recent loss of her beloved pet and noted Lap of Love Hospice was really great.

- ◆ ***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.***

Mayor Coffman stated he was sorry for her loss.

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