

MINUTES

Regular Meeting of the Aurora City Council

Monday, January 10, 2022

1. **RECONVENE REGULAR MEETING OF JANUARY 10, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for January 10, 2022, at 6:30 p.m.

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

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Council Member Jurinsky had connection issues and could not be counted present at the time.

Public call-in instructions were provided in both English and Spanish.

3. **INVOCATION/MOMENT OF SILENCE** – Mike Coffman, Mayor

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated legal advice, negotiations and a litigation briefing were discussed at Executive Session.

6. **APPROVAL OF MINUTES**

6.a. December 20, 2021, Meeting Minutes

Motion by Zvonek, second by Bergan, to approve the minutes of the December 20, 2021, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

7. **PROCLAMATIONS OR CEREMONIES**

7.a. Dr. Martin Luther King, Jr. Day

Mayor Coffman read the proclamation declaring January 17, 2022, Dr. Martin Luther King, Jr. Day.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

Council Member Lawson asked staff who was responsible for terminating the Morning Star Program and why Council was not consulted in that regard.

Mayor Coffman noted that was significant enough of an issue to put on the next study session agenda.

Council Member Lawson concurred.

Council Member Marcano asked for the reasoning behind why recreation centers were being closed to be added to the study session as well.

Mayor Coffman concurred.

9. **ADOPTION OF THE AGENDA**

9.a. Enclave at Saddle Rock Site Plan Presentations (Item 13.a.)

Appellant presentation (if approved by Council)

Applicant presentation (permitted under Council Rules)

Motion by Bergan, second by Zvonek, to adopt the agenda as amended to allow for the appellant of item 13a to make a 15-minute presentation.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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. Quincy Reservoir Phase 1 Best Management Practices – Hydroponics and Littoral Zone Project

Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Hazen and Sawyer, D.P.C., Hicksville, NY in the amount of \$193,630.00 for providing Engineering Services for the Quincy Reservoir Phase 1 Best Management Practices Hydroponics and Littoral Zone Project, Project No. R-2121

Elizabeth Carter, Principal Engineer, Aurora Water / Dave Lathers, Assistant City Attorney

10.b. Tollgate and Sand Creek Interceptor Diversion Structure Project, Project No. R-1642

Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Mott MacDonald LLC, Denver, Colorado in the amount of \$146,738.00 for services during construction (SDC's) and post construction services for the Tollgate and Sand Creek Interceptor Diversion Structure Project, Project No. R-1642

Andrea Long, Senior Engineer, Aurora Water / Dave Lathers, Assistant City Attorney

10.c. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Loomis, Aurora, Colorado in the amount not-to- exceed \$65,000.00 for armored car services, RFP R-1972

Nancy Wishmeyer, Controller / Ian Best, Assistant City Attorney

10.d. Amendment to South Parker Road / East Quincy Avenue/Smoky Hill Intersection Design

Consideration to AMEND AN OPENLY SOLICITED CONTRACT with David Evans & Associates Inc., Denver, Colorado in the amount of \$748,433.00 to provide final design phase and environmental study services for South Parker Road/East Quincy Avenue/Smoky Hill Intersection Improvements Project, R-1950

Victor Rachael, Deputy Director Public Works / Ian Best, Assistant City Attorney

10.e. Consideration to AWARD A SOLE SOURCE CONTRACT to Radix Metasystems, Aurora, Colorado in the amount of \$136,710.37 for the Nighthawk LEOVision software subscription renewal for the Aurora Police Department through January 31, 2023

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

10.f. Consideration to AWARD A SINGLE SOURCE CONTRACT to Stone Security, LLC, Salt Lake City, Utah in the amount of \$74,465.00 for annual support of the City's Axis security cameras and video software through January 12, 2023

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

10.g. Workday Enterprise Resource Planning Software System Implementation

Consideration to AWARD CHANGE ORDER 1 to Collaborative Solutions, Reston, VA in the total amount of \$1,026,040.00 to provide software implementation services for the Workday Enterprise Resource Planning (ERP) software system implementation for the City's Finance and Human Resource Departments. (R-2070)

Scott Newman, CIO and Terri Velasquez, Finance Director / Dave Lathers, Sr. Assistant City Attorney

10.h. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Energy Management Corp., Denver, CO in the not-to-exceed amount of \$254,210.00 for annual motor inspection and repair services in the Aurora Water facilities through December 31, 2022. (R-2135)

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

10.i. On-call Support and Consulting Services on the Water Department's Customer Billing Software

Consideration to EXTEND A SINGLE SOURCE CONTRACT to Shibumi Consulting Services LLC, Tempe, Arizona in the not-to-exceed amount of \$175,000.00 for on-call support and consulting services on the Water Department's customer billing software through December 31, 2022

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Ian Best, Assistant City Attorney

10.j. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC, Lake Mary, Florida in the amount of \$90,075.00 for annual software support on the Water billing system through October 31, 2022.

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Ian Best, Assistant City Attorney

10.k. Fuel Pricing Lock

Consideration to AUTHORIZE STAFF TO LOCK FUEL PRICES THROUGH A COMPETITIVE PROCESS that will lead to the award of a competitively bid contract to selected vendor(s) in the not-to-exceed amount of \$3,000,000.00 to cover the cost of motor vehicle fuel as required citywide for calendar year 2023

Staff requests a waiver of reconsideration due to current volatility in the fuel market.

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

10.l. Consideration to EXTEND A SINGLE SOURCE AWARD for the annual subscription of golf point of sale software in the not-to-exceed amount of \$69,000.00 to Golf Now, Chicago, IL through December 31, 2023.

Doug McNeil, Manager of Golf / Ian Best, Assistant City Attorney

10.m. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Goodland Construction, Inc. in a not-to-exceed amount of \$316,846.00 for Colfax Streetscape Improvements; Project 5861A the.

Philip Nachbar, Planning and Development Services Project Manager / Dave Lathers, Senior Assistant City Attorney.

Motion by Bergan, second by Marcano, to approve items 10a – 10m.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.n. Consideration to AWARD A SINGLE SOURCE Contract to the Aurora Economic Development Council (AEDC), Aurora, Colorado in an amount not to exceed \$550,000 for services to retain, expand, and attract companies and employment within the City of Aurora.

Frank Butz, Project Manager, Planning & Development Services / Christine McKenney, Manager of Client Services

Frank Butz, Project Manager, Planning & Development Services, provided a summary of the item.

Mayor Coffman asked if jobs paying a livable wage could be audited. Mr. Butz stated they complied in that regard.

Council Member Marcano stated he pulled the item out because of the audit results. He asked staff to speak to how far along the City was in the process of following best practices because there were many areas where the City was only slightly complying or not complying at all with leading practices. He expressed concerns related to approving an agreement where best practices were not being followed and meaningful metrics were not being provided. Mr. Butz stated staff had frequent conversations with the AEDC to ensure they were diligently satisfying the audit recommendations. He noted some of those were ongoing and staff had monthly meetings with the AEDC where they discussed these concerns.

Andrea Amonick, Planning & Development Services, stated some of the metrics were based on an annual report AEDC provided that would be reviewed with staff in January and then reported back to Council. She stated staff would be happy to provide a full report once the data was reviewed.

Mayor Coffman asked when that would take place. Ms. Amonick stated by the end of February or the beginning of March at the latest. Mayor Coffman asked when the contract began. Ms. Amonick stated in January.

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

Council Member Coombs asked why the contract was being renewed prior to the metrics being received. Mayor Pro Tem Bergan stated a full report of all new activities, deals, and sales revenue generated were provided at each AEDC quarterly board meeting. She believed \$55M in new taxes have been generated to the City.

Mayor Coffman stated his understanding the concern was Council getting the audit information.

Mayor Pro Tem Bergan stated she understood the importance of Council receiving audit information but noted it was not relevant to state the AEDC has not fulfilled their obligation when they provide reports every quarter.

Mayor Coffman stated the purpose of the audit was to test the information provided which was a different process.

Council Member Coombs clarified she was not stating AEDC did not provide any information, but rather she was stating the timing did not line up very well because Council should have the audit information prior to deciding whether to move forward.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Medina, Murillo, Sundberg, Zvonek

Voting Nay: Mayor Coffman, Marcano

- 10.o. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to JVA Consulting Engineers, Denver, Colorado in the amount of \$54,000.00 for professional design services for the Police 100-yard range paving and erosion control project.

Staff requests a waiver of reconsideration to initiate and complete the design services as soon as possible so the associated construction bid can be completed and awarded as soon as possible to prevent further erosion on the site. In addition, this is an active training site that will pose scheduling challenges throughout the process.

Katrina Rodriguez, Manager of Project Delivery Services, Public Works / Dave Lathers, Senior Assistant Attorney

- 10.p. Removal and Cleaning of Unauthorized Encampments on Colorado Department of Transportation Properties

Lana Dalton, Homelessness Program Manager / Tim Joyce, Assistant City Attorney

Motion by Bergan, second by Marcano, to approve items 10o – 10p.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

11. **RESOLUTIONS**

11.a. Support to Create a Business Safety and Security Update Grant Program

R2021-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT TO CREATE A BUSINESS SAFETY & SECURITY UPGRADE GRANT PROGRAM

Curtis Gardner, Council Member / Tim Joyce, Assistant City Attorney

Council heard public call-in testimony on the item.

Council Member Gardner provided a summary of the item.

Council Member Murillo expressed appreciation to Council Member Gardner for including non-profits and community groups in the resolution. She referenced the last 'whereas' in the resolution related to the first come, first serve basis and asked Council Member Gardner to speak to that. Council Member Gardner did so, noting applicants were eligible for funds on a first come, first serve basis and the program would expire June 30, 2023. Council Member Murillo expressed concerns related to everyone having an equitable opportunity to apply for the grant.

Council Member Gardner stated everyone had 18 months to apply for the grant.

Council Member Murillo stated her understanding the grants would be distributed on a first come first serve basis.

Council Member Gardner concurred.

Council Member Murillo asked staff how the process could be made more equitable to those who heard about it and applied last.

Jim Twombly, City Manager, discussed how the City would robustly advertise the program.

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

Council Member Murillo stated she felt torn because she wanted to offer support in good faith, but she had concerns related to how the funds would be used and that the indirect message with the first come first serve status of the resolution was that the City prioritized new businesses over old businesses. She pointed out she did not want to see people using

the funds to purchase security cameras or private security monitoring because that was not providing safety. She noted the older businesses on Colfax should be honored as they have been the backbone of the Colfax area and noted she would be looking at the backend of the policy process in that regard.

Council Member Jurinsky expressed appreciation to Council Member Gardner for bringing the item forward. She stated her hope the money would be distributed to Aurora businesses specifically those on the Colfax corridor as quickly as possible. She stated so many businessowners along Colfax have stated they felt unsafe, so she did not care how the funds were used specifically. She expressed her hope City staff would not mire down the process by adding too much red tape to the application and distribution process.

Mayor Pro Tem Bergan stated the program was needed and she was supportive of it. She pointed out in terms of transparency for the taxpayers, the businesses were required to submit an Environmental Design Review conducted by Aurora Police as well as all their receipts for equipment purchased in this regard.

Council Member Zvonek echoed appreciation to Council Member Gardner. He referenced Council Member Murillo's concerns related to people knowing about the program and encouraged staff to get the word out to every business in Aurora so they could do whatever was necessary to secure their businesses.

Council Member Jurinsky suggested the City's Tax & Licensing Department send out the program information via email to every business in Aurora.

Council Member Coombs stated the funding was coming out of American Rescue Plan Act (ARPA) funds and she expressed concerns related to the continued depletion of those funds when Council agreed to discuss their use from a comprehensive perspective. She expressed her hope Council would be thoughtful and equitable about the use of ARPA funds as they were spreading them out across various entities.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.b. Adoption of the 2021 City of Aurora Hazard Mitigation Plan

R2022-1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADOPTING THE 2021 CITY OF AURORA HAZARD MITIGATION PLAN

Matt Chapman, Battalion Chief / Angela Garcia, Senior Assistant City Attorney

Matt Chapman, Battalion Chief, gave a summary of the item.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.c. Brothers Redevelopment, Inc. Resolution

R2022-2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE CITY OF AURORA, COLORADO FUNDING BROTHERS REDEVELOPMENT, INC. WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO PROVIDE SINGLE-FAMILY HOUSING REHABILITATION SERVICES TO LOW-INCOME TO MODERATE-INCOME HOUSEHOLDS FOR THE YEAR 2022

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Jessica Prosser, Director of Housing and Community Services, gave a summary of the item.

Motion by Sundberg, second by Lawson, to approve item 11c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

11.d. Resolution to Adopt Rules and Regulations for Regulation of Lobbyist

R2022-3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF RULES AND REGULATIONS FOR REGULATION OF LOBBYISTS

Sponsor: Angela Lawson, Council Member

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

Council Member Lawson gave a summary of the item.

Mayor Pro Tem Bergan stated her support for the item. She asked staff to speak to how people would know to register.

Kadee Rodriguez, City Clerk, discussed the specific notification process.

Mayor Pro Tem Bergan stated the information would cite who needed to register and how.

Ms. Rodriguez concurred, noting a guidebook and FAQ document would be included as well.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

12.a. Murphy Creek General Development Plan Amendment - Area 9C

2201-01 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE MURPHY CREEK GDP TO CHANGE PLANNING AREA 9C FROM PD COMMERCIAL TO SINGLE-FAMILY RESIDENTIAL IN ORDER TO ALLOW ADDITIONAL SINGLE-FAMILY DETACHED LOTS (MURPHY CREEK GDP AMENDMENT)

Ariana Muca, Planner I / Daniel L. Money, Senior Assistant City Attorney

Outside Speaker: Karen Henry, Henry Design Group

Mayor Coffman opened the public hearing on the item.

Ariana Muca, Planner I, gave a presentation on the item.

Council Member Sundberg asked if the current proposal would generate less traffic than a commercial development. Ms. Muca answered affirmatively. Council Member Sundberg asked Ms. Muca to speak to the traffic study. Ms. Muca suggested the applicant could since they provided it. Council Member Sundberg noted this was his neighborhood and commercial shopping was needed.

Carlie Campuzano, Traffic Manager, discussed the traffic impact study for the item.

Council Member Coombs referenced Council Member Sundberg's comments related to the lack of commercial development in the area, noting this has been a concern for some time. She stated the understanding was rooftops were needed to provide for commercial development, but it appeared more rooftops were being built in the area thereby leaving nowhere for the commercial to go which was a concern. She noted this appeared to be an ongoing issue and asked staff when commercial development was planned for the Murphy Creek area.

Council Member Sundberg stated his understanding the plan was for commercial development to be provided along Gun Club Road which was already rather congested.

Ms. Campuzano confirmed commercial development was planned around the Gun Club area.

Council Member Jurinsky expressed similar concerns related to the lack of commercial development in the Murphy Creek area and stated she would like to see the site remain commercial.

Mayor Pro Tem Bergan asked Ms. Muca if there have been any commercial applications for the area. Ms. Muca answered no. Mayor Pro Tem Bergan asked if that was true for the last

two years. Ms. Muca stated she was uncertain about the last two years of applications but noted she has only worked on residential projects for Murphy Creek. Mayor Pro Tem Bergan agreed everyone had valid concerns regarding the need for commercial development and noted what Council Member Coombs stated was true; rooftops were needed to support commercial development. She stated there was also a housing shortage in Aurora, so it was difficult because people also needed grocery stores.

Council Member Sundberg asked staff if the parcel in question was large enough for a grocery store. Ms. Muca stated it would be very difficult to develop a large-scale commercial pad in that area.

Karen Henry, Henry Design Group, discussed the reasons behind the applicant's request. She spoke to the commercial development plan for the area.

Council Member Lawson stated commercial development at Murphy Creek has been an issue since she has been on Council and asked Ms. Henry to speak to that concern. Ms. Henry did so.

Council heard public call-in testimony on the item.

Council Member Jurinsky stated her understanding there was no shopping of any kind that could go into the parcel that would be accessible for traffic.

Ms. Muca stated the application was to move the item from commercial to residential because of the traffic and access patterns of the parcel.

Tom Geising, Heritage Homes, discussed the referenced traffic and access pattern issues for the site.

Council Member Coombs asked why the City would have approved a commercial plan without access as a part of the General Development Plan and if there was a history of surrounding parcels being rezoned from commercial to residential as a result.

Heather Lamboy, Planning and Development Services, discussed the history of the Eastern Plains and the Murphy Creek Development Plan.

Council Member Lawson asked what metro district the parcel would be in. Ms. Henry stated it was not currently in a metro district.

Council Member Sundberg stated his understanding the parcel was strange and unsafe as it related to traffic going in and out of it. He addressed developers in the area and stated promises of commercial development were made and subsequently unkept and he asked the homebuilders to take notice and to step up to make that happen for the greater good of the community.

Mayor Coffman closed the public hearing on the item.

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

- ◆ ***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.***

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

12.b. Initial Zoning Of A 12.66-Acre E-470 Remnant Parcel To Parks & Open Space (Pos) Located East Of E-470 Generally South E Bayaud Ave And North Of The E Alameda Ave Alignment

2022-02 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 12.66 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED EAST OF E470, SOUTH OF EAST BAYAUD AVENUE AND NORTH OF THE EAST ALAMEDA AVENUE ALIGNMENT, WITHIN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, TO PARKS AND OPEN SPACE DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (E470 REMNANT PARCEL INITIAL ZONING)

Heather Lamboy, Planning Supervisor / Brian Green, OSNR Superintendent, PROS / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Heather Lamboy, Planning Supervisor, gave a presentation on the item.

Council heard public call-in testimony on the item.

Council Member Sundberg asked staff to speak to trail access from Gun Club Road.

Brian Green, OSNR Superintendent, PROS, did so.

Council Member Sundberg asked if there would be immediate access to the small parking lot off Gun Club. Mr. Green answered affirmatively. Council Member Sundberg stated he was excited for the entire vision of the trail system and the possibilities that everything would become more connected. He expressed concerns that the turns being added to Gun Club Road would continue to cause traffic to back up.

Mayor Pro Tem Bergan stated her understanding the parcel was a remnant parcel of E-470.

Mr. Green concurred.

Mayor Pro Tem Bergan stated the recommendation was so a regional flow could go through there.

Mr. Green concurred.

Mayor Coffman closed the public hearing on the item.

Motion by Medina, second by Murillo, to approve item 12b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

- 12.c. Introduction Of An Ordinance To Zone Approximately 129 Acres Of Undeveloped Land Located West Of E-470 In The Triple Creek Corridor To Parks & Open Space (Pos)

2022-03 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 128.97 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED SOUTH OF STEPHEN D. HOGAN PARKWAY AND EAST OF STATE HIGHWAY 30, WITHIN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, TO PARKS AND OPEN SPACE DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (TRIPLE CREEK TRAIL INITIAL ZONING)

Heather Lamboy, Planning Supervisor / Brian Green, OSNR Superintendent, PROS / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Heather Lamboy, Planning Supervisor, provided a presentation on the item.

Mayor Pro Tem Bergan asked if the area was 129 acres. Ms. Lamboy answered affirmatively. Mayor Pro Tem Bergan asked if there were any discussions about making it less than that amount.

Mr. Green stated the parcels were purchased as open space.

Mayor Coffman closed the public hearing on the item.

Council Member Sundberg asked staff to speak to the possibility of adding a dog park east of the parcel. Mr. Green stated that was not a possibility.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

Public Hearing and Appeal of the November 10, 2021, Appeal of the Planning Commission Decision to Approve the Enclave at Saddle Rock Site Plan for 30 Single-family Detached Dwelling Units on 7.95 Acres

Heather Lamboy, Planning Supervisor / Daniel L. Money, Assistant City Attorney

Outside Speaker: Geoff Babbitt, GB Capital, LLC

Mayor Coffman opened the public hearing on the item.

- ◆ *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.*

Heather Lamboy, Planning Supervisor, gave a presentation on the item.

Mayor Pro Tem Bergan asked if there was an amendment to the original General Development Plan (GDP) from 1987. Ms. Lamboy answered affirmatively, noting the Saddle Rock Golf Club North GDP occurred in 2006. Mayor Pro Tem Bergan stated her understanding that was zoned to allow for a school or single-family in lieu of a school.

Ms. Lamboy concurred.

Mayor Pro Tem Bergan stated her understanding the City required the developer to dedicate land or to pay money in lieu of land.

Ms. Lamboy concurred.

Mayor Pro Tem Bergan stated the school district owned the land and they had the right to sell it if a school was not built on the land.

Ms. Lamboy concurred and discussed the resulting change to the Unified Development Ordinance (UDO) in 2019, which gave the City first right of refusal.

Mayor Pro Tem Bergan stated she initiated the change in the UDO, and she remembered the developer was discussing 33 units at that time.

Ms. Lamboy recalled the developer was discussing more units in 2019.

Mayor Pro Tem Bergan remembered the discussion was around a different product as well. She asked if anything happened in that regard from February 2019 to November 2020. Ms. Lamboy confirmed nothing happened February 2019 to early 2021. Mayor Pro Tem Bergan asked if staff referred to the UDO if something was not clear in the GDP. Ms. Lamboy answered affirmatively.

Julie Gamec, THK & Associates, representing the applicant, gave a presentation on the item.

Jay Garcia, Thrive Home Builders, representing the applicant, gave a presentation on the item.

Council Member Zvonek stated his understanding the original GDP allowed 33 homes, the Planning Commission approved 30 and the applicant was planning 27. He stated that was a 20 percent reduction in overall units.

Mr. Garcia concurred.

Council Member Zvonek asked staff to speak to how the change from 30 to 27 was handled. Ms. Lamboy stated it was Council's ability and prerogative to modify the Planning Commission's original approval of 30.

Mayor Pro Tem Bergan asked the average square footage of the homes. Mr. Garcia stated the finished first floor would range between 1800 to 2000 square feet with the potential to

increase that number to 3400 to 3600 square feet should the homeowner choose to finish the basements. Mayor Pro Tem Bergan asked the average lot size.

Ms. Gamec stated the Saddle Rock design guidelines required a minimum lot size of 6000 square feet and the applicant was proposing an average of mid-10,000 square feet.

Mayor Pro Tem Bergan stated her understanding the number of homes was reduced from 30 to 27 and the rear setback would be increased to 25 feet. Ms. Gamec pointed out the lots with the 25-foot setback. Mayor Pro Tem Bergan asked if any trees or shrubs would be removed on those lots with the setback. Ms. Gamec answered no. Mayor Pro Tem Bergan stated some of the side setbacks changed from five to ten feet.

Ms. Gamec concurred.

Mayor Pro Tem Bergan stated all the homes were ranch-style.

Ms. Gamec concurred.

Mayor Pro Tem Bergan stated that did not change.

Ms. Gamec concurred.

Mayor Pro Tem Bergan asked if the applicant planned to put in a flashing pedestrian light at the trail crossing. Ms. Gamec answered affirmatively. Mayor Pro Tem Bergan noted traffic was a concern and the City would have to investigate traffic calming in the area.

Ms. Gamec concurred.

Mayor Pro Tem Bergan asked if the neighbors have seen the new plan.

Mr. Babbitt representing the applicant, believed so.

Mayor Pro Tem Bergan asked if trees would be added for visual buffering. Mr. Babbitt answered affirmatively. Mayor Pro Tem Bergan asked if the number of homes could be reduced to 24. Mr. Babbitt answered no.

Jim Mattson, representing the appellant, gave a presentation on the item.

Council Member Zvonek asked staff if density was calculated by buildable or gross acreage. Ms. Lamboy stated by gross acreage and noted the detention area owned by Cherry Creek School District was included in the calculation in this regard. Council Member Zvonek asked if that added up to 10 acres. Ms. Lamboy stated it was originally 10 acres but was now considered 7.95 acres.

Mayor Pro Tem Bergan stated her understanding of how frustrating it could be for the residents who were expecting a school to be built at this location and instead the school district sold it which they had the right to do. She asked Mr. Mattson if he contended it should be built on eight acres. Mr. Mattson stated his contention was the 6.7 acres should be

used for the density calculations. Mayor Pro Tem Bergan asked staff to speak to what the approval for the 33 dwelling units was based on.

Ms. Lamboy did so, noting 33 dwelling units was based on the originally entitled 10.9 acres times 3.1. Mayor Pro Tem Bergan asked if the entitlement was legally changed. Ms. Lamboy answered no. Mayor Pro Tem Bergan asked if the 10.9 acres was still entitled. Ms. Lamboy stated 7.95 acres were owned by the Cherry Creek School District. She explained the reference Mr. Mattson made related to the two areas that were dedicated to the jurisdiction which in this case would be maintained by the development's homeowner's association. Mayor Pro Tem Bergan asked legal staff to speak to what was legal when 10.9 acres was originally entitled, and the Planning Commission approved 30 homes for 7.95 acres.

Daniel Money, Assistant City Attorney, did so.

Mayor Pro Tem Bergan stated the 10.9 acres calculated on 3.1 was 33 homes.

Mr. Money concurred. He noted inconsistencies required interpretations from code. He advised Council would have to decide if they would go with 27 or 24 which was allowed by the UDO.

Mr. Mattson stated the inconsistencies were found in the GDP and not City code.

Mayor Pro Tem Bergan asked what numbers were used when the Planning Commission reviewed the item. Mr. Money stated the numbers were the same. He stated Mr. Mattson presented the same argument to the Planning Commission.

Mr. Mattson disagreed.

Mayor Coffman asked everyone to be recognized by the mayor before they spoke.

Mr. Money stated there was a note on the GDP that stated the maximum number of homes allowed was 33 and the note was shown to the Planning Commission during their deliberations. He agreed with Mr. Mattson that there were inconsistencies in the document, and he reiterated inconsistencies required interpretation of what was allowable in City code today. He stated however, Council must ultimately decide what should be allowed.

Mr. Mattson apologized for his outburst and pointed out the appellant made a different argument to the Planning Commission as he found the GDP inconsistencies since that time.

Mayor Pro Tem Bergan asked what the developer was entitled to in terms of single-family homes. Mr. Babbitt stated the developer worked closely with City staff to reach the 20 percent reduction to 27 units.

Mr. Mattson noted one of the homes did not have the required 25-foot rear and 10-foot side setbacks.

Mayor Coffman closed the public hearing on the item.

Mayor Pro Tem Bergan stated she was in a very difficult position as the Ward VI council member representing this community. She stated she did not want to make a wrong move because she did not know how her colleagues were going to vote and making a motion to deny the Planning Commission's decision that failed would mean the residents would get 30 homes when the applicant proposed 27 homes. She stated she was inclined to make the motion to accept the modification.

Mr. Money stated any council member could make a motion to approve, deny or modify conditions.

Mayor Pro Tem Bergan stated it came down to how many units were allowed and the answers have been unclear. She stated she was trying to make the best decision for everyone involved. She asked if her colleagues were able to discuss the issue prior to a motion being made. Mayor Coffman confirmed discussion would take place after a motion was made.

Motion by Bergan, second by Zvonek, to accept a modification of 27 homes including all the concessions made by the developer such as the 25-foot rear setback; the 10-foot side setback; not removing the trees and shrubs; provision of additional landscape for visual buffering; and a flashing pedestrian light.

Mayor Coffman stated his understanding Mayor Pro Tem Bergan wanted 27 homes with all the conditions laid out by the developer.

Mayor Pro Tem Bergan concurred.

Mayor Coffman asked Mr. Money if merging the two issues was clear and allowable. Mr. Money answered affirmatively. He stated 27 was a substantial modification and the developer would still have to comply with City code.

Council Member Coombs asked Mayor Pro Tem Bergan if the conditions included the unit that was missing the buffer standards as referenced by Mr. Mattson.

Mr. Mattson pointed out the location of the lot with the inaccurate setbacks.

Ms. Gamec discussed why that one lot was excluded.

Mayor Coffman asked staff to add details to what the Mayor Pro Tem was asking and then come back to the item.

Mayor Pro Tem Bergan stated she would add the setback to the one lot, but it was not possible.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Mayor Pro Tem Bergan addressed the residents of the area and acknowledged this has been an excruciating process to go through. She stated she heard their frustration of thinking it was going to be a school site when it was not; as well as with the inconsistencies with the

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GDP and UDO and she expressed her hope this situation did not arise again. She stated her hope that City staff would do whatever was necessary to tighten up City code so that clear presentations to the Planning Commission and City Council could be provided. She assured the area residents she would have not made it happen for them if that were possible and instead, she felt she had to compromise so they would not end up with 30 homes.

14. **INTRODUCTION OF ORDINANCES**

None

15. **FINALIZING OF ORDINANCES**

Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.

15.a. Metropolitan District Model Service Plan Updates

2021-69 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 122-30 OF THE CITY CODE PERTAINING TO SPECIAL DISTRICTS

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

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

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. Appointment of Relief Judges to the Aurora Municipal Court Bench

Shawn Day, Presiding Judge of the Aurora Municipal Court

Chief Judge Shawn Day provided a summary of the item.

Motion by Bergan, second by Jurinsky, to appoint Judges Vicki Marie Pace, Charles Peters and Katie Allison to the Aurora Municipal Court Bench.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

19.b. Determination of Final Candidates to be Interviewed for the Civil Service Commission

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

Kadee Rodriguez, City Clerk, discussed the process and called out the top three candidates and two potential dates for interviews.

Motion by Coombs, second by Murillo to interview the top five candidates for the Civil Service Commission.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Ms. Rodriguez asked Council for direction of what dates they wanted to conduct the Civil Service Commission interviews.

Motion by Coombs, second by Jurinsky, to conduct the Civil Service interviews on February 7, 2022.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

19.c. Determination of Final Candidates to be Interviewed for the Planning and Zoning Commission

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

ORIGINAL MOTION

Motion by Murillo, second by Coombs, to interview the top four Planning Commission candidates.

Council Member Jurinsky stated she would like it to be the top five candidates.

SUBSTITUTE MOTION

Motion by Jurinsky, second by Bergan, to interview the top five Planning Commission candidates.

Council Member Coombs stated there was a similar gap of two between the Planning Commission and Civil Service Commission candidates so she felt it should remain at four.

Mayor Pro Tem Bergan stated her understanding Council Member Coombs was using the gap as the determining factor rather than keeping it consistent at five.

Council Member Coombs concurred, noting it was consistent based on people having similar amounts of support for their application.

Council Member Marcano echoed Council Member Coombs' comments.

Council Member Murillo pointed out only Council Member Jurinsky rated the fifth candidate a five which made the fifth candidate at least 10 points away in terms of overall interest of Council.

Council Member Jurinsky stated she wanted to make sure Council was being consistent with five from an equity standpoint.

Council Member Murillo asked Council Member Jurinsky to define equity because that was not equity.

Council Member Jurinsky stated this was not a lesson as Council was preparing to vote.

VOTE ON SUBSTITUTE MOTION

Voting Aye: Mayor Coffman, Bergan, Gardner, Jurinsky, Lawson, Medina, Sundberg, Zvonek

Voting Nay: Coombs, Marcano, Murillo

19.d. Consideration to Appoint One (1) Member and Reappoint One (1) Member to the Election Commission

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

Council Member Medina noted Arnie Schultz applied in 2021 and considering applications were good for one year, asked why he was not considered in the process.

Kadee Rodriguez, City Clerk, confirmed Dr. Schultz was interviewed in the previous cycle and his application was not selected to move forward from there.

ORIGINAL MOTION

Motion by Bergan, second by Zvonek, to appoint Lori Gimelshteyn and reappoint Debra Johnson to the Election Commission.

Council Member Coombs asked if the item could be delayed to the next meeting since Council did not receive all the applications in their backup material which was standard practice. Ms. Rodriguez confirmed all the applications of those interviewed were included in the Council packets. Council Member Coombs stated many times Council received all the applications even those who were not interviewed.

SUBSTITUTE MOTION

Motion by Coombs, second by Marcano, to delay the item until the next Council meeting so that all applications could be provided to Council.

Council Member Marcano stated his understanding everyone with an active application was interviewed and that all applications were included in Council's packet which was omitted with this item. He noted Council was reconsidering those who applied for both Planning Commission and the Civil Service Commission and he requested consistency be maintained in the standard process going forward.

Voting Aye: Mayor Coffman, Coombs, Gardner, Lawson, Marcano, Medina, Murillo

Voting Nay: Bergan, Jurinsky, Sundberg, Zvonek

Ms. Rodriguez asked Council for clarification regarding the motion. She stated her understanding that Council wanted all the applications included in their backup material. She believed the boards and commissions selected the applicants they wanted to interview and suggested perhaps that would be a larger conversation with the policy committee regarding who they must interview.

19.e. Consideration to Appoint Two (2) Members to the Veterans Affairs Commission

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

Motion by Coombs, second by Medina, to appoint Alicia Cooper and Jenalise Long to the Veteran's Affairs Commission.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

19.f. Consideration to Appoint Two (2) Members and Reappoint Three (3) Members to the Citizens' Water Advisory Committee

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

Motion by Coombs, second by Bergan, to appoint Dennis Dechant and Daniel Widrich and to reappoint Janet Marlow, Jay Campbell and Richard Eason to the Citizens Water Advisory Committee.

Council Member Coombs asked if there were any applicants from Ward III.

Kadee Rodriguez, City Clerk, answered no.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

20. **REPORTS**

20.a. Report by the Mayor

Mayor Coffman stated Aurora did an extraordinary job in terms of remembering the legacy of Dr. Martin Luther King, Jr. with a weeklong celebration and he encouraged everyone to visit auroragov.org for a calendar of those events. He announced a special study session was scheduled for Tuesday, January 18, 2022, at 6:30 p.m. where the Aurora Gang Reduction Impact Program (A-GRIP) would be discussed.

20.b. Reports by the Council

Council Member Lawson discussed her attendance at the recent MLK interfaith remembrance service at Heritage Christian Center which could be viewed on Facebook. She announced she was appointed to the National League of Cities (NLC) Transportation and Infrastructure Committee and her appointment of George Peck to the Citizens' Advisory Budget Committee (CABC). She provided an FSIR update.

Council Member Gardner announced his reappointment to the NLC Finance Administration & Intergovernmental Relations Sub-Committee.

Council Member Jurinsky discussed the success of the recent fundraiser she held for two Aurora police officers whose homes burned down in the Marshall fire. She expressed appreciation to Council Member Sundberg, Mayor Coffman, Jim Twombly, City Manager, and Chief Vanessa Wilson, Aurora Police, for their efforts in that regard. She discussed her attendance at briefings in all three police districts in Aurora where she gathered feedback in her efforts to continue to make public safety a priority. She discussed the successful end to a stabbing incident involving Officer Oliver from District 1 and expressed appreciation for his efforts in this regard. She stated Officer Oliver was a hero for his quick response and hopefully saving a life. She thanked and stated her respect and support for all Aurora Police officers for being out there every day and continuing to put their lives on the line.

Council Member Zvonek announced the Public Safety Committee meeting was scheduled for Thursday, January 13, 2022, from 9:00 a.m. to 10:30 a.m. where Aurora Police and Fire would be present to provide an overview of 2022 and a recap of 2021 as well as the Red Tape Reduction Ad Hoc Committee kickoff meeting scheduled for Thursday, 20, 2022 from

noon to 1:30 p.m. where he hoped a plan for the committee, whose goal it was to make Aurora the most business-friendly city in the state, would be developed. He encouraged his colleagues not on the committee to attend the initial meeting to help them set the plan for the committee going forward.

Council Member Murillo announced the Ward I Town Hall virtual meeting was scheduled for Thursday, January 27, 2022, at 6:00 p.m. She stated she was looking forward to all the MLK celebrations particularly the motorcade at 7:00 a.m. on MLK Day as well as the wreath-laying ceremony at the library where Brother Jeff's Cultural Center and the City would provide free meals. She noted the MLK Jr. rodeo would be held at the Coliseum as well. She expressed appreciation to the Aurora Chamber of Commerce and the Community College of Aurora for hosting the annual Legislators' Breakfast.

Council Member Sundberg expressed appreciation to Council Member Jurinsky, all the volunteers and Launchpad Brewery for their efforts in the success of the recent fundraiser for the Aurora police officers who lost their homes. He announced the Ward II Town Hall meeting was scheduled for Thursday, January 20, 2022, at the Beck Center where neighborhood watch groups would be discussed. He discussed his attendance at the recent MLK event at the Heritage Christian Center as well as the opening ceremonies at the City building.

Council Member Medina announced the Ward III Town Hall was scheduled for Wednesday, February 2, 2022, at 6:00 p.m. at the Community College of Aurora and discussed his plans to meet with various entities to discuss enhancing community engagement.

Council Member Marcano announced the Ward IV virtual meeting was scheduled for Thursday, January 13, 2022, at 6:30 p.m. on Webex and Facebook Live where youth violence would be discussed.

Council Member Coombs announced the Ward V meeting scheduled for Tuesday, January 18, 2022, was cancelled due to her medical leave and Zoom meetings were scheduled for Tuesday, February 15, 2022, and Saturday, February 19, 2022, at 10:30 a.m. where youth violence prevention would be discussed.

Mayor Pro Tem Bergan announced the Ward VI Town Hall virtual meeting was scheduled for Wednesday, January 19, 2022, where the main presentation would be on traffic. She thanked Council Member Jurinsky for her fundraising efforts on behalf of the Aurora police officers. She discussed her recent meeting with Southlands to discuss retail and noted she was working with the City Manager on the upcoming workshop.

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:33 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK

Cecilia Zapata

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