

## MINUTES

### **Regular Meeting – Aurora City Council Monday, November 16, 2020**

1. **CONVENE REGULAR MEETING OF NOVEMBER 16, 2020**

2. **Roll Call** Susan Barkman, Interim City Clerk

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

OTHERS PRESENT: Jim Twombly, City Manager, Dan Brotzman, City Attorney, Susan Barkman, Interim City Clerk

Interim Clerk Susan Barkman announced the topics for discussion in executive session.

Motion to go into Executive Session Made by Mayor Pro Tem Johnston, and Seconded by Council Member Bergan.

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

3. **RECONVENE REGULAR MEETING OF NOVEMBER 16, 2020 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 7:37 p.m.

4. **ROLL CALL** Susan Barkman, Interim City Clerk

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

3. **INVOCATION / MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence in memory of those who have been lost and have suffered from this terrible pandemic.

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

5. **APPROVAL OF MINUTES**

Motion by Gardner, second by Bergan, to approve the minutes of the meeting of October 5, 2020.

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

6. **PROCLAMATIONS OR CEREMONIES**

a. **Proclamation: Hunger and Homelessness Awareness Week**

Mayor Coffman read the proclamation declaring November 15 – 21, 2020 Hunger and Homelessness Awareness Week.

- ♦ *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.*

**b. 50<sup>th</sup> Anniversary of Defense Support Program Satellite Launch**

Mayor Coffman read the proclamation recognizing November 6, 2020 as the 50<sup>th</sup> anniversary of the Defense Support Program Satellite Launch.

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

Susan Barkman, Interim City Clerk, provided citizen call-in instructions.

Roger Sherman introduced the speakers.

**8. ADOPTION OF THE AGENDA**

**a. RECONSIDERATION FOR RESOLUTION R2020-24 - to Suspend Certain Council Rules**

Staff Source: Susan Barkman, Interim City Clerk

Staff Attorney: Dan Brotzman, City Attorney

Motion by Coombs, second by Marcano, to approve item 8a.

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

Motion by Johnston, second by Gruber, to adopt the agenda with the continuance of item 13a to December 7, 2020.

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

**9. CONSENT CALENDAR**

*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

**a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Evoqua Water Technologies LLC, Sarasota, Florida in the amount not to exceed \$135,000.00 to cover the cost of Akta Klor 25 water treatment chemical (Sodium Chlorite) from 11/1/20 through 2/28/21.**

**Presenter:** Bobby Oligo – Manager of Water Treatment – Aurora Water

**Attorney:** David Lathers, Sr. Assistant City Attorney

**b. Consideration to AWARD A SINGLE SOURCE CONTRACT to BKD, LLP Denver Colorado in the amount of \$978,690 for financial statement audit services through the year 2025**

**Presenter:** Nancy Wishmeyer, Controller

**Attorney:** Hanosky Hernandez, Assistant City Attorney

**c. Consideration to AWARD AN OPLENLY SOLICITED contract to Saunders**

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**Construction, Englewood, Colorado in the amount of \$7,832,036 for Work Package 2 of the Southeast Aurora Maintenance (SEAM) Facility Project. R-5661A**

**Presenter:** Watson, Elly, Manager of Business Services

**Attorney:** David Lathers, Sr. Assistant City Attorney

d. **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.**

**Presenter:** Butz, Frank - Project Manager - Planning & Development Services

**Attorney:** McKenney, Christine, Client Group Manager

e. **Consideration to AWARD A SINGLE SOURCE CONTRACT to SmartSafety Software, Boise, ID in the amount of \$67,600.00 to provide traffic accident drawing/diagramming software for the Police Department's use of the State of Colorado Accident form.**

**Presenter:** Scott Newman, CIO, IT Department

**Attorney:** David Lathers, Sr. Assistant City Attorney

f. **Consideration to Award a Single Source Contract to Innovest Portfolio Solutions**

**LLC, Denver Colorado in the amount of \$64,500 for consulting services associated with the City's 457 Deferred Compensation Plan and the 401(a) Executive Money Purchase Plan through December 31, 2021.**

**Presenter:** Nancy Wishmeyer, Controller

**Attorney:** Hanosky Hernandez, Assistant City Attorney

g. **Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Loomis,**

**Aurora, Colorado in the amount not-to-exceed \$60,000.00 for armored car services, RFP R-1972.**

**Presenter:** Fillinger, Bryn, Mgr Of Purchasing & Contracts

**Attorney:** David Lathers, Sr. Assistant City Attorney

Motion by Bergan, second by Berzins, to approve items 9a - 9g.

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

Susan Barkman, Interim City Clerk, provided citizen call-in instructions.

Mayor Coffman called for a five-minute recess.

10. **RESOLUTIONS**

a. **A Deaccessioning of "On the Move 1"**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL TO DEACCESSION AND

- ♦ *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.*

REMOVE THE WORK OF ART CALLED THE "ON THE MOVE 1" FROM THE CITY'S ART COLLECTION

**Presenter:** Bloom, Roberta - Program Supervisor

**Attorney:** Joyce, Tim, Assistant City Attorney II Civil

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

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

- b. RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP PREVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH, LLC. DBA AURORA DAY RESOURCE CENTER

**MARIJUANA SALES TAX FUND GRANT**

**Presenter:** Jessica Prosser, Manager of Community Development

**Attorney:** Tim Joyce, Assistant City Attorney

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

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

Voting Nay: Berzins

- c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 operating plan and budget for Parkside at City Centre business improvement district. (item is dual listed.)

**Presenter:** Orozco, Jennifer - Project Manager - Planning & Development Service

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

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

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

- d. **IGA with CDOT for 25th Avenue Pedestrian Improvement Project**

Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado for the Intergovernmental Agreement (IGA) between City of Aurora and State of Colorado Department of Transportation (CDOT) for Community Mobility Planning and Implementation (CMPI) grant funding for the 25th Avenue Pedestrian Improvement Project

**Presenter:** Campuzano, Carlie - Traffic Manager

**Attorney:** Gardner, Michelle, Senior Assistant City Attorney

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

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

- e. **IGA for Maintenance of Certain CDOT Roadways**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado for the Intergovernmental Agreement Between the City of Aurora and the Colorado Department of Transportation for the Operation and Maintenance of State Highways

**Presenter:** McMinimee, Thomas - Street Operations Manager

**Attorney:** Gardner, Michelle, Senior Assistant City Attorney

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

Council Member Bergan stated her understanding this item pertained to an agreement with the State of Colorado that the City would maintain certain state highways and asked if Gun Club Road was a part of the agreement.

Tom McMinimee, Street Operations Manager, answered no.

Council Member Bergan stated the reason it was not included was because the City was reimbursed by the state.

Mr. McMinimee stated he would look into the question about Gun Club.

Council Member Bergan requested he do so because she had many constituents who asked that Gun Club be widened. She noted she tells them the City could not widen it because it was a state highway.

Mr. McMinimee agreed to do so.

Nancy Freed, Deputy City Manager, added there has been discussion in the past in this regard but the issue was the state was not willing to bring Gun Club up to City standards.

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

- f. A Resolution of the City Council of the City of Aurora, Colorado, Expressing the Aurora City Council's Approval of the Agreement Between the City of Aurora, Colorado and Comitis Crisis Center, INC., for Comitis to Operate the City's E-Shelter. This item is dual listed.

**Presenter:** Jessica Prosser, Manager of Community Development

**Attorney:** Tim Joyce, Assistant City Attorney

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

Council Member Bergan referenced the budget and asked staff if the total operation cost was \$1,215,174.

Jessica Prosser, Manager of Community Development, answered affirmatively, noting with the exception of a reduction of approximately \$100k of one-time costs.

Council Member Bergan stated her understanding the CARES money went through the end of December and the other funds were those other than from the General Fund.

Ms. Prosser concurred, noting they were Emergency Solutions Grant money through HUD that was specifically called out for COVID related expenses.

Council Member Bergan pointed out this was a significant amount of money that was being used for the City's homelessness population as a remedy for the max capacity of 50 people at the Day Resource Center. She asked if there was any other alternative. Ms. Prosser answered no.

Council Member Gruber raised the topic of having a performance metric to measure whether or not the hundreds of thousands of dollars spent on the item made a difference and asked Ms. Prosser to speak to that in more detail. Ms. Prosser did so. Council Member Gruber stated that was his understanding as well, noting his expectation that there would be more information on how the operation was supposed to be run and evaluated.

Ms. Prosser reminded Council this was related to emergency sheltering and further listed the system's evaluation processes.

Council Member Bergan stated her understanding this related to emergency housing for the winter only and expressed her hope that possible trackable resources would be provided that could move people out of their homelessness situation.

Ms. Prosser concurred.

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

Voting Nay: Berzins

- g. Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado for the Amended and Restated Intergovernmental Agreement (IGA) between Regional Transportation District (RTD) and City of Aurora for the design, construction,

MAINTENANCE, MARKETING, AND PATRON ACCESS ADMINISTRATION OF ON-DEMAND BIKE LOCKERS. This item is dual listed. (Staff requests a waiver of reconsideration)

**Presenter:** Scott Bauman, Manager of Parking & Mobility Services

**Attorney:** Michelle Gardner, Assistant City Attorney

Motion by Marcano, second by Lawson, to approve item 10g.

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

- h. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Tower Business Improvement District. This item is dual listed

**Presenter:** Carol Toth, Manager of Accounting – Finance

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Johnston, to approve item 10h.

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

- i. Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado approving the purchase of 15 shares of Farmers Independent

Ditch Company and 144 acres of land the water was historically used to irrigate for a total purchase price

Presenter: Jewell, Dawn – S. Platte Basin Supervisor – Aurora Water

Attorney: Neitzel, Stephanie – Assistant City Attorney

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

Alexandra Davis, Aurora Water, provided a brief summary of the item.

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

- j. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Painted Prairie Business Improvement District Number Two – this item is dual listed

**Presenter:** Carol Toth, Manager of Accounting – Finance

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Johnston, to approve item 10j.

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

- k. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Painted Prairie Business Improvement District Number One – this item is dual listed

**Presenter:** Carol Toth, Manager of Accounting - Finance

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Johnston, to approve item 10k.

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

- l. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Fitzsimons Business Improvement District. [This item is dual listed for City Council]

**Presenter:** Chad Argentar, Senior Development Project Manager

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

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

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

- m. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Havana Business Improvement District. This item is dual listed.

**Presenter:** Chad Argentar, Senior Development Project Manager

**Attorney:** Hernandez Perez, Hans, Assistant City Attorney II Civil

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

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

- n. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Citadel on Colfax Business Improvement District – this item is dual listed

**Presenter:** Carol Toth, Manager of Accounting - Finance

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

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

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

- o. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2021 Operating Plan and Budget for the Porteos Business Improvement District This item is dual listed.

**Presenter:** Carol Toth, Manager of Accounting - Finance

**Attorney:** Hans Hernandez Perez, Assistant City Attorney

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

Susan Barkman, Interim City Clerk, provided citizen call-in instructions.

Mayor Coffman called for a five-minute recess.

13. **INTRODUCTION OF ORDINANCES**

- a. FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE PERTAINING TO BACKGROUND QUALIFICATIONS FOR MARIJUANA BUSINESS OWNERS AND EMPLOYEES AND TO ADD A SECTION TO ALLOW MARIJUANA DELIVERY WITHIN THE CITY - this item is dual listed

**Presenter:** Robin Peterson, Manager Marijuana Enforcement

**Attorney:** Money, Daniel, Senior Assistant City Attorney

ITEM 13a was postponed to December 7, 2020.

14. **FINALIZING OF ORDINANCES**

- a. **Funding Overview and Proposal**

**2020-60** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 50-37 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO MUNICIPAL COURT SURCHARGES, PROVIDING

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FUNDING FOR COMMUNITY SERVICE AGENCIES AND PROGRAMS, AND OTHER RELATED MATTERS

**Presenter:** Jason Batchelor, Deputy City Manager

**Attorney:** Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Lawson, second by Coombs, to approve item 14a.

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

- b. **Proposed Ordinance to Amend the Executive Retirement Plan 2020-61** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA AMENDING CHAPTER 102 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO THE MONEY PURCHASE PLAN FOR EXECUTIVE PERSONNEL

**Presenter:** Velasquez, Terri - Director of Finance

**Attorney:** Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Gruber, second by Johnston, to approve item 14b.

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

- c. **56th Avenue Right-of-Way Vacation** 2020-62 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, VACATING THREE SECTIONS OF THE PUBLIC RIGHT-OF-WAY FOR EAST 56TH AVENUE, LOCATED BETWEEN THE TIBET ROAD AND HARVEST ROAD ALIGNMENTS, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO (56TH AVENUE ROW VACATIONS)

**Presenter:** Bickmire, Deborah - Senior Planner

**Attorney:** Money, Daniel, Senior Assistant City Attorney

Motion by Coombs, second by Johnston, to approve item 14c.

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

- d. **Temporary Cap on Third Party Food Delivery Fees 2020-64** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 ADDING ARTICLE III REFERRED TO AS "TEMPORARY CAPS ON FEES FOR FOOD DELIVERY," AND OTHER RELATED MATTERS

**Presenter:** Vaughn, Trevor - Manager Of Tax And Licensing

**Attorney:** Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Gardner, second by Johnston, to approve item 14d.

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

- e. **FINANCING OF ELECTORAL CAMPAIGNS 2020-58** Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, repealing and replacing Section 54-2 and Sections 54-101 to 54-110 of the City code related to the Financing of Electoral Campaigns  
**Sponsor:** Mayor Pro Tem Johnston and Council Member Marciano

**Attorney:** Lathers, David, Senior Assistant City Attorney

Motion by Johnston, second by Marcano, to approve item 14e.

*AMENDMENT I*

Motion by Mayor Coffman, second by Gruber, to amend item 8a by striking section 54-103(c) because it was unconstitutional.

Council Member Marcano felt as though Council was beating a dead horse. He stated his belief the provision was not unconstitutional and noted Council has been advised it was not.

Mayor Coffman asked Council Member Marcano who advised him. Council Member Marcano stated a combination of the City's attorneys and the partnering attorneys with Common Cause. Mayor Coffman asked staff if they opined on the constitutionality of this provision.

David Lathers, Senior Assistant City Attorney, did not believe he was asked to opine specifically on the constitutionality of that one provision.

*VOTE ON AMENDMENT I*

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

*AMENDMENT II*

Motion by Mayor Coffman, second by Gruber, to amend item 8a by striking section 54-104.5(b) because it was unconstitutional.

Mayor Coffman pointed out Council Member Marcano had expressed previously that the provision was in federal and state law as well as in the City of Boulder, which was not true. He stated this legislation was supposedly best practices, but he felt it was just invented with the purpose of controlling speech and intimidating opponents.

Mayor Pro Tem Johnston asked the City Attorney for an opinion on the repetitiveness of going back to amendments that were not supported. Mr. Lathers agreed these were repetitive motions and pointed out they could continue to be made because it was the second reading. Mayor Pro Tem Johnston pointed out Council Member Marcano stated previously that he misspoke about the federal reference and that he believed it was so with Boulder as well. She stated that really did not matter as Council has had this full discussion. She stated she would support the amendment because she was concerned these issues of both the importance of trying to be on multiple issue committees and run campaigns was such a priority when the real issue was for more disclosure and accountability and those issues have already been decided by a vote of Council.

Council Member Berzins agreed with Mayor Pro Tem Johnston with the exception that doing so did not provide anyone with the opportunity to change their minds on a vote.

Council Member Marcano concurred with Mayor Pro Tem Johnston's comments. He felt these were anti-transparency amendments therefore would not support them.

Council Member Gruber stated it was absurd to have five names added to every advertisement or anything done in an election campaign. He stated it was punitive and unfair and he felt the

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ordinance would be challenged on constitutional grounds. He stated his hope that when that happened, the attorneys would see that some of the council members agreed it was unconstitutional.

*VOTE ON AMENDMENT II*

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

Council Member Gruber pointed out that although this was originally drafted by someone in Aurora, all of the work on it has been done outside of Aurora by activists. He stated this was not an Aurora bill for Aurorans and he would not support it.

*VOTE ON ORIGINAL MOTION*

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

Voting Nay: Bergan, Berzins, Gruber

15. **PLANNING MATTERS**

None

16. **ANNEXATIONS**

- a. PUBLIC HEARING and CONSIDERATION TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO (Vista Creek) 9.99 ACRES  
**Staff Presenter:** Jacob Cox, Senior Development Project Manager  
**Staff Attorney:** Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Berzins, second by Bergan, to approve item 16a.

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

- b. CONSIDERATION OF AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE STATE OF COLORADO (Vista Creek) 9.99 ACRES  
**Staff Presenter:** Jacob Cox, Senior Development Project Manager  
**Staff Attorney:** Brian Rulla, Assistant City Attorney

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

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

17. **RECONSIDERATIONS AND CALL UPS**

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

**Attorney:** Evans, Isabelle, Assistant City Attorney

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

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

- b. Call up of a decision by the Planning and Zoning Commission which unanimously approved an Oil and Gas Location applied for by GMT Exploration Company.

**Presenter:** Jeffrey Moore Manager Oil & Gas Division

**Attorney:** Best, Ian, Assistant City Attorney

Motion by Johnston, second by Gruber, to continue item 17b to December 21, 2020.

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

Susan Barkman, Interim City Clerk, announced the first call-up related to the repeal of Chapter 1475, Restrictions by Ordinance.

Motion by Hiltz, second by Coombs, to remove the motion to approve item 11a from the August 17th Council meeting to bring it back to study session on December 7, 2020.

Council Member Hiltz stated her reasoning for doing so was because the item was originally tabled when Council wanted to separate it from the larger conversation related to Chapter 14.

Council Member Berzins reminded Council the previous conversation on the item related to putting it on the 2021 ballot and asked Council Member Hiltz if she wanted to have that conversation or to go around the voters. Council Member Hiltz stated she wanted to have a conversation about repealing it with the full Council at study session and she believed the Mayor had a different proposal. Council Member Berzins stated this was the fifth time Council has gone through this and noted she has been working on the pit bull ordinance since 2005. She referenced some of the callers' comments and asked staff to provide Council with information at the study session related to the number of injuries that have been reported recently since they have not been allowed in Aurora compared to when they were allowed. She clarified the voters decided on the breed ban and not City Council as has been suggested.

Council Member Hiltz stated it was originally implemented by Council and that might be where people got the idea. She pointed out when it went to the ballot, the question was whether or not to ban pit bulls. She noted that was not the case as three specific breeds were banned. She

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stated she wanted to have the conversation and she did not think anything she stated in that conversation would take anyone by surprise.

Council Member Berzins asked those who wanted to bring the dogs back to look at the pictures and read the articles that people send because it does happen and the value of a life should be considered.

Council Member Coombs asked staff to also provide information related to how many people call in to complain that a dog was a pit bull and how many subsequently tested as actually being 50 percent or more of the restricted breeds.

Council Member Marcano stated he would also like staff to provide information in terms of how much staff time went into dealing with those issues and how much residents paid for DNA testing.

Council Member Gruber requested staff provide information on how many of the overall population of dogs within the city were chipped.

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

Voting Nay: Bergan, Berzins, Gruber

## 18. **REPORTS**

### a. Report by the Mayor

No report.

### b. Reports by Council

Mayor Pro Tem Johnston discussed the success of the recent Lunch and Learn mental wellness workshop and expressed appreciation to the council members who attended. She stated this week's topic would be about caring for seniors.

Council Member Lawson expressed appreciation to Chiefs Gray and Wilson for their attendance at the Public Safety session for the Civic Engagement Academy and to George Adams, Mindy Parnes, Vanessa Irving and Jeffrey Moore for providing presentations at the Civic Engagement Academy.

Council Member Gruber gave a shout-out to Buckley Air Force Base and their mission there. He further discussed their mission and its importance to the City.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, November 19, 2020 at 6:00 p.m.

Council Member Marcano announced the Ward IV Town Hall meeting was scheduled for Thursday, November 19, 2020 at 6:30 p.m. where The Point at Nine Mile, economic development and housing would be discussed.

Council Member Coombs announced the Ward V Town Hall meeting was scheduled for 6:30 p.m. where Dave Paterson, Faulk, would provide a presentation and fire and police representatives would be present to answer public safety questions. She expressed appreciation to the Air Force and Space Force service members as well as Council Member Marcano for their efforts in graveling the emergency shelter yard on Veteran's Day. She acknowledged this was Transgender Awareness Week and Friday, November 20, 2020 was Transgender Day of Remembrance.

- ◆ *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.*

Council Member Bergan announced the Ward VI Town Hall was scheduled for Wednesday, November 18, 2020 from 6:00 p.m. to 8:00 p.m., where a presentation on roads and the Fire Department would be provided.

Council Member Berzins acknowledged the recent passing of Peggy Kerns and discussed her political career. She stated Ms. Kerns would be missed as she was a fine lady who was very passionate about service to Aurora.

Mayor Coffman agreed she was an extraordinary leader for the City of Aurora.

19. **PUBLIC INVITED TO BE HEARD**

Roger Sherman introduced speakers.

20. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:58 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk

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