

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, July 17, 2023

1. **RECONVENE REGULAR MEETING OF JULY 17, 2023, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for July 17, 2023, at 6:30 p.m.

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

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

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

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

Mayor Coffman led the prayer for the July 17<sup>th</sup>, Council Meeting.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman provided an update on the Executive Session, where they discussed class action litigation, energy, easement conveyance, and utility extension projects.

6. **APPROVAL OF MINUTES**

6.a. **June 28, 2023, Meeting Minutes**

Motion by Sundberg, second by Zvonek, to approve the minutes of the June 28, 2023 as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

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8. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

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

Mayor Coffman read a land acknowledgment.

9. **ADOPTION OF THE AGENDA**

CM Marcano requested to remove item 12.a. from the agenda. He requested for the item tabled indefinitely. Mayor Pro Tem Gardner requested to remove item 13.c. from the agenda. He asked to continue the item for the regular meeting on July 31.

Motion by Marcano, second by Murillo to adopt the agenda with item 12.a. and item 13.c. removed.

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

10. **CONSENT CALENDAR - MOTIONS**

*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 **Motions**

10.a.1 **Consideration to AWARD A CHANGE ORDER TO AN OPENLY SOLICITED**

**CONTRACT in the Amount of \$715,834.00 to Black & Veatch, Corp., Denver, Colorado for the Quincy Pump Station Improvements, Project No. R-2116**

Dean Bedford, Principal Engineer, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

10.a.2 **Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland, Colorado in the Not-to-Exceed Amount of \$300,200.00 for the Purchase of Water Quality Monitoring Equipment and Supplies as Required through July 31, 2024**

Bobby Oligo, Manager of Water Treatment, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

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- 10.a.3 **Consideration to AWARD A SOLE SOURCE CONTRACT to Polydyne, Inc., Riceboro, Georgia in the Not-to-Exceed Amount of \$360,000.00 for the Purchase of Water Treatment Chemical Poly Electrolyte Cationic Clarifloc C-308P as Required through July 31, 2024**

Bobby Oligo, Manager of Water Treatment, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.4 **Consideration to AWARD A CHANGE ORDER TO AN OPENLY SOLICITED CONTRACT to HDR Engineering, Inc., Denver, Colorado in the Amount of \$222,600.00 for the Senac Creek Interceptor Phase 2 Project**

Andrea Long, Principal Engineer, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.5 **Consideration to AWARD A CHANGE ORDER TO A COMPETITIVELY BID CONTRACT to Reynolds Construction, LLC, Denver, CO in the Amount of \$16,000,000.00 for the First Creek Interceptor Segments 1B, 1C, 1D Bid Package 2 Project, Project No. 5858B**

Andrea Long, Principal Engineer, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.6 **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Hudick Excavating Inc. dba HEI Civil, Castle Rock, CO in the Amount of \$2,979,008.00 for the Imboden Road Improvements; Project 5941A**

A waiver of reconsideration is requested to expedite the beginning of the construction for several key reasons listed in the commentary.

Bret Banwart, Engineering Supervisor, Public Works / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.7 **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Noraa Concrete Construction Corporation, Brighton, CO in the Amount of \$1,792,515.25 for the Mini-Roundabout; Project 5938AB**

Carl Harline, Engineering Supervisor, Public Works / Hanosky Hernandez, Senior Assistant City Attorney

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10.a.8 **Consideration to AWARD A CHANGE ORDER to Morton Electric, Inc., Pueblo, CO in the Amount of \$545,694.00 to Add a New Location to the 2022 Traffic Signal Construction; Project 5900A**

A waiver of reconsideration is requested due to the long lead times specialized traffic signal equipment currently is experiencing. Recent orders of equipment have taken more than eight months between order and delivery.

Carlie Campuzano, Manager of Traffic, Public Works / Hanosky Hernandez, Senior Assistant City Attorney

10.a.9 **Consideration to AWARD A SOLE SOURCE CONTRACT to CPAT Distribution Inc., Murrieta, California, in the Amount of \$96,014.34 for a Candidate Physical Ability Testing Package**

Mathew Wasserburger, Manager of Business Services, Fire / Hanosky Hernandez, Senior Assistant City Attorney

10.a.10 **Annual Repair – Maintenance for Breathing Apparatus 3M**

Consideration to AWARD A SOLE SOURCE CONTRACT to 3M Company (Formally known as Scott Safety), Monroe North Carolina, in the Amount of \$76,258.68 for Annual Repair/Maintenance as Required for Scott Self-Contained Breathing Apparatus (SCBA) through May 31, 2024

Mathew Wasserburger, Manager of Business Services, Fire / Hanosky Hernandez, Senior Assistant City Attorney

10.a.11 **Life Technologies**

Consideration to AWARD A SOLE SOURCE CONTRACT to Life Technologies Corporation, a Division of Thermo Fisher Scientific, Grand Island, New York in the Amount of \$286,166.44 for DNA Laboratory Supplies and Instrument Service Agreement for the Unified Metropolitan Forensic Crime Lab

Phillip Rathbun, Police Lieutenant, Police / Hanosky Hernandez, Senior Assistant City Attorney

10.a.12 **Consideration to AWARD A SINGLE SOURCE CONTRACT to NicheVision Forensics LLC, Akron, Ohio in the Amount of \$90,250.00 for the Installation of Two STRmix Expert DNA Analysis Systems for the**

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**Unified Metropolitan Forensic Crime Lab**

Phillip Rathbun, Police Lieutenant, Police / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.13 **Consideration to AWARD A SINGLE SOURCE CONTRACT to Qiagen North American Holdings, Germantown, Maryland in the Amount of \$97,966.00 for a Robotic DNA Extraction System for Use in the DNA Section of the Unified Metropolitan Forensic Crime Laboratory**

Phillip Rathbun, Police Lieutenant, Police / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.14 **Consideration to AWARD A SOLE SOURCE CONTRACT to Netwrix Corporation, Pasadena, CA for Netwrix Security Auditing Tool Annual Renewal for Information Technology through September 14, 2024**

Scott Newman, Chief Information Officer / Hanosky Hernandez, Senior Assistant City Attorney

- 10.a.15 **Consideration to AWARD AN OPENLY SOLICITED CONTRACT to The Sentinel, Aurora, Colorado in the Not-to-Exceed Amount of \$30,000.00 for Publication of Legal Notices, R-2333**

Sponsor: Danielle Jurinsky, Council Member

Hanosky Hernandez, Senior Assistant City Attorney

10.b **Planning Matters**

10.c **Appointments to Boards and Commissions**

- 10.c.1 **Consideration to Appoint One (1) Member to the Judicial Performance Commission**

Kadee Rodriguez, City Clerk / Tim Joyce, Assistant City Attorney

- 10.c.2 **Consideration to Appoint One (1) Member to the Art in Public Places Commission**

Kadee Rodriguez, City Clerk / Tim Joyce, Assistant City Attorney

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10.c.3 **Consideration to Appoint One (1) and Reappoint Two (2) Members to the Veterans Affairs Commission**

Kadee Rodriguez, City Clerk / Tim Joyce, Assistant City Attorney

Motion by Gardner, second by Bergan to approve the Motions consent calendar.

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

11. **CONSENT CALENDAR – RESOLUTIONS AND ORDINANCES**

*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.*

11.a **Resolutions**

11.a.1 **Aurora v Denver Mutual Aid Resolution**

**R2023-71** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, DIRECTING THE CITY MANAGER TO SUSPEND ALL LAW ENFORCEMENT MUTUAL AID AGREEMENT(S) WITH THE CITY AND COUNTY OF DENVER ("DENVER") UNTIL AURORA RECEIVES ASSURANCES FROM DENVER THAT THEY WILL BE RESPONSIBLE FOR THE DEFENSE AND DAMAGES THAT ARISE OUT OF INCIDENTS WHERE MUTUAL AID IS REQUESTED AND PROVIDED BY AURORA

Sponsor: Mike Coffman, Mayor

Pete Schulte, City Attorney / Dan Brotzman, City Attorney

Pete Schulte, City Attorney, provided a summary of the item.

Mayor Coffman shared his conversation with Mayor Hancock regarding a legal issue. He stated that Mayor Hancock's initial stance was to seek clarification from the court on their liability concerning constitutional violations during protests. However, Mayor Coffman believed that the interpretation used by Denver officials was too narrow and only covered indemnification for negligence, not constitutional violations. During large protests, activist groups' lawyers focus on constitutional questions, making it difficult for Denver to agree on indemnifying their officers for events related to the George Floyd protest in 2020 and future incidents. Consequently, Mayor Coffman stated it was not feasible to send officers to Denver under a Mutual Aid Agreement until

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an agreement was reached on this issue.

CM Marcano mentioned that Mayor Hancock was no longer in office as of earlier that day. He asked Mayor Coffman if he had contacted Mayor Johnston to discuss the mentioned issue with him.

Mayor Coffman answered that he recently had a brief discussion with Mayor Johnston regarding an issue. They plan to sit down together to further discuss it. Mayor Coffman expressed that there was value in bringing the Mutual Aid Agreement before the Council for approval. However, the agreement's renewal was dependent on two crucial factors: First, they need assurance that Mayor Johnston's administration would indemnify their officers for the 2020 incident when they were called to provide aid under the Mutual Aid Agreement, which was originally enacted under the Denver Police Department's leadership. Second, they require a commitment from Mayor Johnston's administration to continue indemnifying their officers in the future.

Mayor Pro Tem Gardner expressed concern about Section 3 of the resolution. He stated that the state statute was clear in stating that Denver should indemnify Aurora's officers, and he agreed with that. However, he perceived the resolution as an unofficial "middle finger" to Denver. He expressed worry that passing this resolution may lead to difficulties in day-to-day police work, especially when dealing with cross-city crimes like stolen cars or drug cases. He also questioned the urgency of passing the resolution, especially since a new mayor was just sworn in. He suggested contacting the new mayor to resolve the issue collaboratively, citing a similar situation in 2008 during the Democratic National Convention when Denver and Aurora's mayors worked together to indemnify officers.

Mayor Coffman stated two main points to answer Mayor Pro Tem Gardner's concern. Firstly, he mentioned that there should be no need for litigation to enforce something already clear in state statutes. And secondly, he argued that the resolution puts pressure on Denver to defend Aurora's officers in the same way they defend their own when working under Denver's direction. He emphasized the mutual benefit of collaboration between the police departments of Aurora and Denver on a daily operational basis. He pointed out that criminals do not respect city boundaries, so cooperation between the departments was essential for effective law enforcement. He then invited a representative from the Aurora Police Department to comment on the police department's culture.

Chief Acevedo expressed their confidence that the day-to-day operations of the police department would not be affected by the question of indemnification.

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Mayor Pro Tem Gardner agreed with the previous discussions and raised concerns about the lack of control over Denver's officers and their actions. He proposed a solution that involves continuing the matter for a month and having Mayor Coffman personally contact the Mayor of Denver to work out a resolution.

CM Bergan acknowledged the intention behind the resolution and agreed that Aurora's officers should have been indemnified. She suggested putting the matter on hold for a month to allow the opportunity for Mayor Coffman to discuss the issue with the incoming mayor of Denver. If the response is not satisfactory, then they can proceed with passing the resolution.

Mayor Coffman expressed a different perspective, emphasizing the importance of the resolution. He believed that going to court was not the ideal option and wanted Denver to drop the lawsuit. The resolution provides leverage to address the issue and ensure that Aurora's officers are defended when they work in Denver under Denver's direction. He expressed concern that if the officers are not indemnified for the 2020 incident, Aurora taxpayers might face a substantial financial burden, which he finds alarming.

CM Coombs agreed that Aurora's officers should be indemnified, and she believed everyone present shared this sentiment. However, she emphasized that leadership and collaboration with neighboring cities should not be based on leverage but on communication and true leadership. CM Coombs expressed concern that using leverage might lead to an agreement that was unsatisfactory and could negatively impact Aurora's future relationship with the incoming Mayor and Council of Denver. She also pointed out that the opinions of officers from both cities are not relevant in this matter; instead, the focus should be on exercising leadership to foster a positive relationship with neighboring cities.

Mayor Coffman highlighted the significant financial impact on Denver due to payouts on behalf of their officers, amounting to \$14 million. He requested support to have leverage in negotiations with Denver over indemnifying Aurora's officers. Despite this hiccup, he believed there would be a good relationship with the incoming Mayor and Council of Denver, just as they had with previous mayors. He emphasized that their agreement late last year with Denver on crime rate reduction issues was successful in gaining support from the governor and legislature. However, Denver's reluctance to indemnify Aurora's officers was due to the substantial financial implications of potential payouts. He stated that it is unwise to send Aurora's officers to Denver when Denver was not willing to defend them, making it a matter of principle to seek a resolution on this issue.

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CM Bergan requested clarification on the consequences of not passing the resolution. She wanted to understand if not passing the resolution would still obligate Aurora to provide Mutual Aid to Denver if requested. Additionally, she inquired whether it would be possible to decline the request for Mutual Aid by citing the ongoing pending litigation as a reason for refusal instead of relying on the resolution.

Mayor Coffman emphasized the importance of passing the resolution to avoid being obligated to send Aurora's officers to Denver under the Mutual Aid Agreement. He explained he wanted two things from Denver: First, indemnification for the 2020 incident that occurred under the previous administration, to prevent Aurora taxpayers from bearing a significant financial burden. Second, he requires Denver's commitment to indemnify Aurora's officers, regardless of the ongoing litigation. He believed that during major protests, constitutional claims would arise repeatedly, leading to potential financial burdens for Aurora until a resolution was reached with Denver.

CM Jurinsky requested P. Schulte to provide the status of the lawsuit.

P. Schulte provided background information on the ongoing litigation between Aurora and Denver.

CM Jurinsky asked a follow-up question. She requested clarification on the situation if something were to happen in Denver the following day, and the resolution was not passed. She asked P. Schulte to confirm whether Aurora's officers would have to go to Denver without the protection of this resolution in place.

P. Schulte explained the process of mutual aid requests between Aurora and Denver. Currently, Denver has not specifically asked Aurora for assistance during potential protests or disturbances.

CM Bergan stated that based on the opinion shared by P. Schulte, she has decided to support the resolution, although she wishes a resolution could have been achieved through other means. She acknowledged that not passing the resolution would put Aurora's officers in a precarious situation where they might not be indemnified if called to assist Denver. Despite some hesitancy, she believed supporting the resolution was necessary to protect Aurora's officers.

Mayor Coffman recalled that Mayor-elect Johnston was in that position, and his spokesman released a statement that supported the same position as the Hancock Administration on the indemnification issue.

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Motion by Jurinsky, second by Zvonek to approve item 11.a.1.

Voting Aye: Bergan, Jurinsky, Murillo, Sundberg, Zvonek

Voting Nay: Medina, Marcano, Coombs, Gardner

11.a.2 **Godfrey Ditch Water Rights Purchase from Loeffler**

**R2023-73** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE CONTRACT FOR PURCHASE OF GODFREY DITCH COMPANY STOCK FOR WATER RIGHTS BETWEEN THE CITY OF AURORA AND JERRY LOEFFLER

Alexandra Davis, Assistant General Manager of Water Supply and Demand, Aurora Water / Stephen Cann, Senior Assistant City Attorney

11.a.3 **Renaming a Portion of Springhill Park**

**R2023-74** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF RENAMING THE SOUTHERN PORTION OF THE EXISTING SPRINGHILL PARK "MEMORIAL PARK"

Nicole Ankeney, Manager of Planning, Design and Construction, Parks, Recreation and Open Space / Tim Joyce, Assistant City Attorney

Outside Speaker: Rick Crandall, Executive Director Colorado Freedom Memorial Foundation

11.a.4 **Havana Street Corridor Study Final Report**

**R2023-75** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING THE HAVANA STREET CORRIDOR STUDY AND APPENDING THE STUDY TO THE CITY'S COMPREHENSIVE PLAN, AURORA PLACES

Huiliang Liu, Principal Transportation Planner, Planning and Development Services/ Michelle Gardner, Senior Assistant City Attorney

11.a.5 **Direct Sale to Vintage Theatre as Logical Potential Purchaser**

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**R2023-76** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE CONVEYANCE OF CERTAIN CITY-OWNED PROPERTY TO VINTAGE THEATRE PRODUCTIONS, INC. AS A DIRECT SALE TO THE LOGICAL POTENTIAL PURCHASER

Melissa Rogers, Urban Renewal Supervisor, Planning and Development Services / Michelle Gardner, Senior Assistant City Attorney

11.a.6 **Intergovernmental Agreement with Colorado Anschutz Medical Campus Police Department (CUPD) for Shared Technology**

**R2023-77** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNIVERSITY OF COLORADO DENVER ANSCHUTZ MEDICAL CAMPUS AND THE CITY OF AURORA REGARDING SHARING OF PUBLIC SAFETY TECHNOLOGY

Scott Newman, Chief Information Officer, Information Technology / Megan Platt, Assistant City Attorney

11.b **Finalizing of Ordinances**

11.b.1 **Prairie Point Site Plan No. 1 (Kings Point North) – Zoning Map Amendment**

**2023-24** CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 910 ACRES, MORE OR LESS, LOCATED BETWEEN PARKER ROAD AND E-470, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO TO ADJUST THE BOUNDARIES OF LOW-DENSITY RESIDENTIAL ZONE DISTRICT (R-1) AND MEDIUM-DENSITY RESIDENTIAL ZONE DISTRICT (R-2) AND AMENDING THE ZONING MAP ACCORDINGLY (PRAIRIE POINT NO. 1 ZONING MAP AMENDMENT)

Erik Gates, Planner, Planning and Development Services / Rachel Allen, Manager of Client Services, City Attorney

11.b.2 **Westlake Vista Zoning Map Amendment**

**2023-25** CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND

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MEASURING 2.72 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SABLE BOULEVARD AND E. 21ST AVENUE, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO FROM RURAL RESIDENTIAL ZONE DISTRICT (R-R) TO MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT (R-2) AND AMENDING THE ZONING MAP ACCORDINGLY (WESTLAKE VISTA ZONING MAP AMENDMENT)

Ariana Muca, Planner, Planning and Development Services / Rachel Allen, Manager of Client Services, City Attorney

Outside Speaker: Collin Kemberlin, Kemberlin Architecture

11.b.3 **8641 Murphy At 32<sup>nd</sup> And Airport Zoning Map Amendment**

**2023-26** CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 2.537 ACRES MORE OR LESS AT 3001 N AIRPORT BLVD FROM MIXED-USE CORRIDOR DISTRICT (MU-C) TO BUSINESS/TECH DISTRICT (I-1) AND AMENDING THE ZONING MAP ACCORDINGLY (8641 MURPHY AT 32ND AND AIRPORT ZONING MAP AMENDMENT)

Ariana Muca, Planner, Planning and Development Services / Rachel Allen, Manager of Client Services, City Attorney

Motion by Gardner, second by Coombs to approve the Resolutions and Ordinances consent calendar with item 11.a.1. removed.

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

12. **PUBLIC HEARINGS**

12.a **Unified Development Ordinance (UDO) Text Change Prairie Dogs**

**2023-28** A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTION 4.12.1 AND A CORRESPONDING DEFINITION, TO CHAPTER 146 OF THE CITY CODE PERTAINING TO THE HUMANE TREATMENT AND RELOCATION OF PRAIRIE DOGS AND THE PROTECTION OF ENDANGERED WILDLIFE SUCH AS THE BLACK-FOOTED FERRET AND WESTERN BURROWING OWL

Sponsors: Juan Marcano, Council Member / Crystal Murillo, Council Member

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Aja Tibbs, Planning Supervisor, Planning and Development Services / Rachel Allen,  
Manager of Client Services, City Attorney

Item was pulled from the agenda.

12.b **Unified Development Ordinance (UDO) Amendment - Relating to Turf Usage**

**2023-29** A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, AS IT RELATES TO THE USE OF TURF AND ORNAMENTAL WATER FEATURES

Sponsor: Françoise Bergan, Council Member

Kelly Bish, Senior Planner, Planning and Development Services / Rachel Allen, Client Services Manager, City Attorney

Mayor Coffman opened the public hearing.

Brandon Cammarata of the Planning Department provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Bergan, second by Sundberg to approve item 12.b.

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

13. **INTRODUCTION OF ORDINANCES**

13.a. **Amending Sections 138-61, 138-63, 138-66, and 138-67 of the City Code Pertaining to the Citizens Water Advisory Committee and Renaming it the Citizens Water Advisory Commission**

**2023-30** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 138-61, 138-62, 138-63, 138 66 AND 138-67 OF THE CITY CODE PERTAINING TO THE CITIZENS WATER ADVISORY COMMITTEE AND RENAMING IT THE CITIZENS WATER ADVISORY COMMISSION

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Greg Baker, Manager of Water Public Relations, Aurora Water / Ian Best, Assistant City Attorney

Greg Baker, Manager of Water Public Relations, provided a summary of the item.

CM Marcano expressed curiosity about the reason behind bringing this issue before the Council. He found it interesting that a committee was being given the authority to potentially override Aurora Water's recommendations, particularly regarding water use for large projects.

G. Baker clarified that the intention was not to overrule Aurora Water's recommendations and instead provided clarification on the purpose of the item.

CM Bergan asked to confirm that even after the committee has reconsidered the matter and provided their recommendation, the final decision still rests with the Council. G. Baker confirmed and explained that the committee's input was another point of discussion and recommendation for the Council to consider when making their policy decisions.

Motion by Coombs, second by Bergan to approve item 13.a.

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

**13.b. Update Charter Language to be Gender Neutral – Ordinance for 2023 Ballot**

**2023-31** FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, PROPOSED AMENDMENTS TO ARTICLES 2-2, 3-10, 3-14(4), 3-14(5), 3-14(7), 3-15(1), 3-15(3), 3-15(4), 3-16(6), 3-16(8)(a), 3-16(8)(j), 3-16(8)(j)(a), 3-17(2), 3-17(3), 5-2, 5-9, 6-5, 7-4(e), 7-4(f), 8-2, 10-1, 10-5, 10-8, 11-3, 14-9 & 15-9 OF THE CITY CHARTER CONCERNING NON- SUBSTANTIVE UPDATES TO THE CITY CHARTER TO RENDER GENDER SPECIFIC PRONOUNS AS NON-GENDER SPECIFIC NOUNS INCLUSIVE OF ALL PERSONS OR AS THE EXPRESSION "THAT PERSON", SPECIFICALLY CHANGING THE WORD "CHAIRMAN" TO "CHAIRPERSON", THE WORD "HIS" TO "THAT PERSON'S" OR A NOUN, THE EXPRESSION "HIS OR HER" TO "THAT PERSON" OR A NOUN, THE EXPRESSION "HE OR SHE" TO "THAT PERSON" OR A NOUN, THE WORD "HE" TO "THAT PERSON", AND AMENDING ARTICLE 5-9 TO INCORPORATE DIRECTION THAT UNIFORM CODES ADOPTED BY THE CITY FOR INCLUSION IN THE CITY CODE SHALL FIRST BE AMENDED TO USE INCLUSIVE, NON-GENDER SPECIFIC PRONOUNS OR NOUNS

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Sponsor: Alison Coombs, Council Member

Jack Bajorek, Deputy City Attorney

CM Coombs raised a point of order, stating that the language they had proposed used "they" and "them" instead of "that person" or noun versions. She mentioned that the version being discussed was drafted but not formally introduced.

Mayor Coffman asked the City Clerk, Kadee Rodriguez, about the time needed to defer the matter to get it on the ballot. K. Rodriguez mentioned that they could get it back on July 31 with the final reading on August 14.

Mayor Coffman asked if CM Coombs has a substitute language at that time. CM Coombs clarified that the language originally proposed for the public hearing used "they" and "them" instead of "that person" or noun versions. She explained that this version of the language had been sent by Dave Lathers before he resigned, but it was not pursued further due to its cumbersome nature.

CM Jurinsky explained that during a Study Session, CM Marcano spoke on CM Coombs' behalf due to them being sick that night. At that session, the council members agreed to move forward with a version of the proposal that uses the name of the position (e.g., City Manager, City Attorney) instead of "they" and "them" pronouns.

Mayor Coffman asked CM Coombs about her preference regarding the current matter. The options presented to CM Coombs were to either vote on the issue as it stands, delay the decision, or propose amendments to the current proposal.

CM Coombs expressed some reservations about the proposed language but acknowledged that if it was the only way to garner support, she was willing to approve it as was. She mentioned that the wording might be cumbersome for voters to understand when written on the ballot. Despite this concern, CM Coombs agreed to move the proposal forward with the current language.

K. Rodriguez confirmed that the same verbiage was discussed during the Study Session on July 10 as well.

CM Coombs mentioned that she found it interesting that using "they" and "them" pronouns in the language was less cumbersome and easier to understand, yet there was opposition to this approach. She believed it was essential for the city charter's language to be non-gendered, as most legal language and laws are typically written in a non-gendered manner. Despite the opposition, CM Coombs continued to support making these changes to promote inclusivity in the city charter's language.

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Jack Bajorek, Deputy City Attorney, raised that there was a discrepancy between the title of the proposal and the actual ballot language.

Mayor Coffman recommends pulling the proposal and continuing it to allow more time for reflection and to have consistent language. The final decision on whether to pull or proceed with the proposal was within CM Coombs's discretion.

CM Coombs pointed out the inconsistency between the charter language and the title of the proposal. She inquired whether the process needs to be repeated with the correct, consistent language. J. Bajorek added that the title of the ordinance should align with the ballot question, and currently, there was a disparity between the two. He suggested discussing the next steps and deciding on a course of action to resolve the issue.

CM Jurinsky explained that during the Study Session, a middle ground was found to avoid using pronouns such as "he or she" or "they and them." Instead, they decided to refer to the position by its name.

Mayor Coffman suggested bringing the matter back to the next Study Session, but CM Coombs prefers to have it brought back to the next Council Meeting instead. CM Coombs acknowledged that there has already been enough discussion on the topic. Mayor Coffman agreed not to delay it further and decided to continue the matter to the next regular meeting of the Aurora City Council.

Motion by Coombs, second by Bergan to move item 13.b. to the July 31 City Council Meeting.

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

13.c. **Amending Section 54-133 of the City Code Pertaining to Unlawful Acts**

**2023-32** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-133 OF THE CITY CODE PERTAINING TO UNLAWFUL ACTS

Sponsor: Curtis Gardner, Mayor Pro Tem

Dan Brotzman, City Attorney / Jack Bajorek, Assistant City Attorney

Item was pulled from the agenda.

14. **FINALIZING OF ORDINANCES**

Ordinances not approved unanimously at first reading.

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15. **ANNEXATIONS**

15.a. **Overlook at King's Point South Annexation - Findings of Fact**

**R2023-78** 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 SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO (Overlook at Kings Point South) 19.937 ACRES

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

Mayor Coffman opened the public hearing.

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

CM Bergan requested clarification on the process regarding the resolution, ordinance, and zoning for this matter. She mentioned that in May, they had already passed the ability to introduce the issue.

J. Cox explained the process for annexation, which involved five different items that go through the three-step Council process as required by state statute.

CM Bergan reaffirmed J. Cox's statement that the Council would vote on the first reading of the annexation approval by ordinance during the current meeting. She inquired about when the details of the annexation would be discussed, and J. Cox responded yes, stating that the details would be covered during the meeting.

CM Bergan asked about the zoning and specifically inquired if there was any provision for multifamily housing within the zoning plan. J. Cox responded that he does not believe so and that the zoning was designated as R-1 Low-Density Residential, indicating that it was primarily intended for single-family housing.

Brian Rulla, Assistant City Attorney, confirmed that the zoning designated as R-1 Low-Density Residential does not permit multifamily housing. CM Bergan noted that the parcel in question was small, about 20 acres within the entire Master Plan. She asked

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why the applicant would want to annex into the city now when the entire 120-acre Master Plan was previously annexed. B. Rulla mentioned that there are several reasons, including access to water service and provided explanation.

CM Bergan asked regarding the turf ordinance passed last year, which restricts new developments from having turf in their front yards and allows only 500 square feet in the backyard. She inquired if the proposed annexation and zoning, if approved, would be required to comply with this ordinance. J. Cox confirmed that they would have to abide by the turf ordinance since there was no site plan currently in process.

Mayor Coffman closed the public hearing.

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

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

15.b. **Overlook at King's Point South Annexation**

**2023-33** CONSIDERATION OF AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO (Overlook at Kings Point South) 19.937 ACRES

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

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

CM Bergan asked about potential issues with regional infrastructure that could be affected by the annexation. J. Cox responded.

Erik Gates, a Planner from Planning and Development Services, confirmed that the Master Plan application was currently being handled administratively, and there have been no requests for adjustments that would require a public hearing. However, he mentioned that the decision can still be called up for further review once the administrative process has been completed.

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

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

15.c. **The Overlook at Kings Point South – Zoning Map Amendment**

**2023-27** A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING A PARCEL OF LAND MEASURING 20 ACRES MORE OR LESS NEAR THE NORTHEAST CORNER OF EAST SPUR LANE AND PINE DRIVE TO LOW-DENSITY SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (THE OVERLOOK AT KINGS POINT SOUTH ZONING MAP AMENDMENT)

Erik Gates, Planner, Planning and Development Services / Rachel Allen, Manager of Client Services, City Attorney

Mayor Coffman opened the public hearing.

Erik Gates, a Planner from Planning and Development Services, provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Bergan, second by Gardner to approve item 15.c.

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

16. **RECONSIDERATIONS AND CALL UPS**

17. **GENERAL BUSINESS**

18. **REPORTS**

18.a. **Report by the Mayor**

Mayor Coffman shared his experience attending a hearing of the Veterans Court. He expressed admiration for the process, which involves five veterans who participated in a rigorous program with a deferred sentence for a year. The judge effectively tapped into the veterans' culture, encouraging their support for each other, while the staff also assisted. A VA representative was present to offer on-site appointments when needed. The veterans are required to make daily calls and undergo random urinalysis. All five veterans in the program were progressing through its four phases, making it an impressive and supportive initiative.

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## 18.b. **Reports by the Council**

CM Jurinsky stated that their counterpart for the Ward 2 town halls will be absent, so she will be conducting the Ward 2 town hall alone. The town hall meeting is scheduled for 6:30 p.m. at the Central Rec Center, and she encouraged a high turnout for the event since CM Sundberg will not be present.

CM Sundberg expressed gratitude to CM Jurinsky for filling in for him. He anticipated an exciting evening focused on public safety, budget, and open space in Ward 2. He also mentioned attending an art show organized by the Aurora Cultural Arts District (ACAD) to support Board Chair Stephanie Hancock. The art show featured incredible artwork by Zsudayka Nzinga.

CM Medina shared his recent experience as a judge for the African Chamber of Commerce, where they evaluated proposals from youth. The event featured various activities and presentations by the youth, and three of the participants received financial support to kickstart their ideas.

CM Marcano shared his recent experience of going on a ride-along with Chief Acevedo. He recounted multiple incidents during the ride-along, including assisting a woman in crisis, apprehending a drunk driver, and shutting down a drug dealing operation. He also mentioned identifying technology issues that need to be addressed by the department and hints at bringing forward a proposal soon. He invited attendees to the next Ward 4 Meeting on Thursday, August 10 at 6:30 p.m. at Colorado Early Colleges, although the topic was yet to be determined as the planned presentation has been moved to September.

CM Coombs announced their upcoming town hall scheduled for Tuesday at 6:00 p.m. at the Central Recreation Center. The town hall meeting would include presentations from the Forestry Department on upcoming neighborhood work related to trees, as well as updates from PAR and Fire, and a presentation from the High Line Canal Conservancy about their projects in Aurora. She shared her recent attendance at various community events, including the Colfax Breakfast Club, a Bengali community lunch and soccer game, a community baby shower at Dayton Street Opportunity Center, Aurora Ecofest, and an event with Suburban Futures. She expressed hope for a partnership with Suburban Futures and the Civic Engagement Commission to better connect with the City of Aurora. She also mentioned her attendance at the Colorado Gay Rodeo Association Rocky Mountain Regional Rodeo at the Arapahoe County Fairgrounds and looks forward to the upcoming Arapahoe County Fair and Aurora Pride at the Aurora Reservoir on August 5.

CM Bergan announced their upcoming town hall meeting scheduled for Wednesday night. The town hall meeting would include a retail presentation to address questions about attracting stores like Trader Joe's or Whole Foods to the area. Additionally, there would be a report from the Consent Advisory Council and a discussion on the Ridge

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View update by a representative from DOLA (Department of Local Affairs). She provided updates on various projects, including the Jewell Avenue trail partnership with E-470 starting in August, the ongoing Gartrell signals project expected to be completed in the fall, and the upcoming transformation of the central maintenance facility on E-470 into a new barn-like structure. She also mentioned her involvement in the Opioid Governance Council, where they finalized decisions on RFPs (Requests for Proposals).

19. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.

  
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MIKE COFFMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
KADEE RODRIGUEZ, CITY CLERK - Deputy  
Cecilia Zapata



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