

MINUTES

Regular Meeting of the Aurora City Council

Monday, July 31, 2023

1. **RECONVENE REGULAR MEETING OF JULY 31, 2023, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for July 31, 2023, 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

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 31st, Council Meeting.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman provided an update on the Executive Session, where they discussed a potential contract with a non-profit organization.

6. **APPROVAL OF MINUTES**

6.a. **July 17, 2023, Meeting Minutes**

Motion by Sundberg, second by Zvonek, to approve the minutes of the July 17, 2023 as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

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7.a. **Amazing Auroran Award**

CM Jurinsky recognized Anis Elgomati, a 16-year-old student, for his multitude of accomplishments and leadership roles in the community and academe.

7.b. **Firefighter Cancer Awareness and Prevention Month**

Mayor Coffman proclaimed June 2023 as Firefighter Cancer Awareness and Prevention Month in the City of Aurora, Colorado.

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 and CM Coombs requested contact information of Timothy Rohac who expressed his concerns about the state of law enforcement and public safety in Aurora. He mentioned that Aurora faces significant challenges such as lawlessness, drug abuse, and crime.

Mayor Coffman read a land acknowledgment.

9. **ADOPTION OF THE AGENDA**

Motion by Gardner, second by Sundberg to adopt the agenda as presented.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, 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 COMPETITIVE BID CONTRACT to American West Construction LLC., Denver, Colorado in the Amount of \$2,674,660.00 for the Zone 5 to Zone 4 Pressure Reducing Valve Vault Project, Project No, 5942A**

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

10.a.2 **Consideration to AWARD A CHANGE ORDER in the Amount of**

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\$514,519.08 to Buehler Companies, Aurora, Colorado, for the Southeast Area Maintenance Facility (SEAM) Move, Phase 2 Project, Project No. R-2329

Sarah Young, Assistant General Manager of Planning and Engineering, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

10.a.3 **Consideration to EXTEND A COMPETITIVELY BID CONTRACT TO EJ USA, Inc., Denver, CO in the Not-to-Exceed Amount of \$70,000.00 for Manhole Products as Required by Aurora Water through July 31, 2024 (B-4611)**

Brian Carfield, Manager of Water Service, Aurora Water / Hanosky Hernandez, Senior Assistant City Attorney

10.a.4 **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Steve's Septic Services, Aurora, Colorado in the Amount of \$51,100.00 to Provide Vault Restroom Pumping Services, Bid No. B-4693**

John Wesolowski, Manager of Parks, Recreation and Open Spaces / Hanosky Hernandez, Senior Assistant City Attorney

10.a.5 **Consideration to AWARD A CHANGE ORDER NO. 8 to a Guaranteed Maximum Price Contract to Saunders Construction, Inc., Centennial, Colorado in the Amount of \$151,307.29 for the Southeast Recreation Center (SERC) Project, Project No. 5727A**

Kelli Arnold, Project Manager Supervisor, Public Works / Hanosky Hernandez, Senior Assistant City Attorney

10.a.6 **Consideration to EXTEND A COMPETITIVELY BID CONTRACT to EAP Glass, Littleton, Colorado in the Not-to-Exceed Amount of \$60,000.00 for Glass Replacement and Repair Service for Windows Throughout the City. B-4617**

Lynne Center, Deputy Director of Operations, Public Works / Hanosky Hernandez, Senior Assistant City Attorney

10.a.7 **Consideration to AWARD A SINGLE SOURCE CONTRACT to Galls Inc., Denver, Colorado in the Amount of \$700,000.00 for Police Uniforms and Tailoring Services as Required through July 31, 2024**

Brian Kelly, Police Lieutenant / Hanosky Hernandez, Senior Assistant City Attorney

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- 10.a.8 **Consideration to AWARD A SOLE SOURCE CONTRACT to CentralSquare Technologies, dba Superior, LLC Lake Mary FL in the Amount of \$82,515.98 for Annual Software Support to City's One Solution System through June 30, 2024**

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

- 10.a.9 **Consideration to AWARD A SINGLE SOURCE CONTRACT to SPIDR Tech, Mesa, AZ in the Amount of \$179,141.50 for a Customer Service Management System for the Aurora Police Department**

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

- 10.a.10 **Consideration to AWARD A SOLE SOURCE CONTRACT to Fusus, Inc., Peachtree Corners, GA in the Amount of \$125,000.00 for RTC3 Software for the Aurora Police Department**

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

10.b **Planning Matters**

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

Motion by Gardner, second by Bergan to approve the Consent Calendar - Motions.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, 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 **Reimbursement Agreement for Majestic Commercenter**

R2023-72 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF THE FIRST CREEK IMPROVEMENTS AND REGIONAL DETENTION POND REGIONAL

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UTILITY REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF AURORA
ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND MAJESTIC
COMMERCENTER, II, LLC

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

11.a.2 **Rocky Mountain Land Library Lease Extension for Buffalo Peaks Bunch**

R2023-79 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE
EXTENSION OF A LEASE AGREEMENT BETWEEN THE CITY OF AURORA
COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE
CITY AND ROCKY MOUNTAIN LAND LIBRARY FOR EDUCATIONAL USE

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

11.a.3 **North Campus Well Field Expansion Project – Ken Ogilvie Living Trust
Easement Acquisition**

R2023-80 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, FOR THE PURCHASE FROM KEN OGILVIE LIVING TRUST FOR A
WELL FIELD AND PIPELINE EASEMENT NECESSARY FOR THE NORTH CAMPUS
WELL FIELD EXTENSION PROJECT IN THE AMOUNT NOT TO EXCEED
\$1,560,000

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

11.a.4 **Easement Conveyance to Black Hills Energy**

R2023-81 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE CONVEYANCE OF EASEMENT AREA OWNED BY
THE CITY IN ROCKY FORD LOCATED IN CROWLEY COUNTY TO BLACK HILLS
ENERGY (BHE)

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

11.a.5 **Rules of Order and Procedure: Amend Section F, Appendix B**

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R2023-82 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO AMEND THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL REGARDING THE DEFINITION OF SUPPORT OF COUNCIL ON BALLOT ISSUE RESOLUTIONS

Sponsor: Dustin Zvonek, Council Member

George Koumantakis, Manager of Client Services, City Attorney

11.a.6 **City Watering Schedule**

R2023-83 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE CITY TO FOLLOW THE TURF LAWN IRRIGATION RESTRICTIONS THAT LARGE IRRIGATION CUSTOMERS MUST FOLLOW

Sponsor: Danielle Jurinsky, Council Member

Tim Joyce, Assistant City Attorney

Council heard public testimony on the agenda item.

Marshall Brown provided a summary of the item.

CM Marcano referred to an earlier comment from a participant mentioning the observation of city property sprinklers operating before noon. CM Marcano asked whether there were still properties lacking smart irrigation systems and in what areas it was occurring.

M. Brown responded to CM Marcano's inquiry.

CM Marcano expressed appreciation and raised a concern about the sprinkler activity at the nearby Arapahoe County building. CM Marcano personally witnessed the sprinklers operating during rainstorms and mentioned that he previously brought this matter to their attention. He asked if any action had been taken to address the situation.

M. Brown acknowledged Marcano's concern and stated that outreach efforts were undertaken.

CM Bergan asked about the outreach process to users who were required to follow the variance program. She referenced M. Brown's earlier comment regarding outreach to metro districts, aimed at ensuring their understanding of conservation needs.

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M. Brown affirmed that such outreach had taken place and provided further details about their communication efforts.

CM Jurinsky pointed out an inconsistency on the agenda regarding lawn irrigation restrictions. There seemed to be confusion about which version was accurate and should be followed. The backup materials presented two versions: one referencing residential rules and the other related to the great lawn. She asked for clarification on whether they were meant to adhere to residential restrictions or the large irrigation customers' regulations as stated on the agenda.

M. Brown provided a response.

CM Medina asked if schools are included in the variance program.

M. Brown provided clarification.

CM Medina acknowledged this and shared an observation of water being used on a hot day around noon at the Anschutz campus on the Parkway.

Motion by Jurinsky, second by Coombs to approve item 11.a.6.

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

11.a.7 **Resolution for Economic Development Plan 2023**

R2023-84 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, SUPPORTING THE APPROPRIATION OF GENERAL FUND REVENUES TO DEVELOP AN ECONOMIC DEVELOPMENT PLAN

Sponsor: Mike Coffman, Mayor

Rachel Allen, Client Group Manager, City Attorney

Mayor Coffman explained the reason for presenting the matter, emphasizing the significance of the City Council having a clear economic vision for the City's future.

CM Bergan expressed concern about the absence of a fiscal note in the backup materials. Notably, despite the resolution's proposal to allocate funds, there was a lack of information about the potential revenue impact.

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In response, Mayor Coffman deferred to the Interim City Manager, Jason Batchelor, for clarification.

J. Batchelor addressed the issue, explaining that to arrive at an accurate cost, they needed to initiate a Request for Proposal (RFP) process. Based on a preliminary assessment, it was estimated that the envisioned scope would require approximately \$150,000. J. Batchelor also recommended sourcing this funding from the balance in the General Fund.

CM Bergan asked if they were voting for the potential pursuit of an RFP.

J. Batchelor confirmed CM Bergan's question. He clarified that the resolution aimed to express support for moving forward to the next step in the process, as outlined in the mayor's draft.

CM Marcano expressed confusion about the topic resurfacing on the agenda. He referred to a previous workshop where a general strategy and approach had seemingly gained agreement. However, due to insufficient votes during that meeting, the issue was seemingly dropped without any subsequent follow-up. He questioned whether any discussions or progress occurred since then, and he encouraged colleagues to share their insights if there had been any. He critiqued the resolution currently under consideration, describing it as lacking substance. He pointed out its lack of a fiscal note and argued that it seemed devoid of meaningful strategy, intent, or significance.

Mayor Coffman highlighted the importance of recording the vote on the issue and acknowledged external pressures influencing the Council's decisions.

CM Coombs reiterated CM Marcano's question. She emphasized that the insufficient votes were a consequence of the absence of effort to engage with fellow Council members and secure their backing. Despite a previous consensus during a workshop that an economic development strategy was desired, subsequent actions did not align with that intent. She highlighted that the original plan was for the matter to return to the Council for discussions, feedback, and information gathering, with the goal of crafting a proposal that could garner at least six votes. However, this preparatory work didn't occur as expected, leading to the ongoing lack of sufficient support for the initiative.

Mayor Pro Tem Gardner addressed a few points during the discussion. He mentioned that an economic development strategy was already outlined in a certain document, acknowledging the potential dissatisfaction of Mayor Coffman

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with its content and suggesting that it could be further developed. He referred to a previous workshop where a discussion had taken place, leading to a consensus that most of the Council agreed with, however, Mayor Coffman disagreed. He expressed confusion about the current proposal, which lacked specific details and a fiscal note. He noted that the mayor had previously advocated for including a fiscal note when bringing forth items and expressed uncertainty about how a vote could proceed without clear cost information.

Mayor Coffman addressed the situation and expressed his disappointment with the staff's failure to provide a specific cost estimate. He took responsibility for the oversight and announced his decision to withdraw the proposal and delay it for two weeks. He expressed willingness to engage in discussions and consider amendments during this period. He anticipated that the proposal's outcome might not change due to external pressures on the City Council. He emphasized that the proposal would be returned in two weeks for a vote, allowing Council members to offer input and potential amendments. Despite the expected outcome, he stressed the importance of accountability throughout the process.

CM Bergan inquired whether, when the proposal returned in two weeks, there would be both a fiscal note and a detailed description included.

Mayor Coffman expressed willingness to engage in discussions with any Council member who had recommendations aimed at improving the proposal, rather than simply seeking to reject it. He acknowledged the anticipated fate of the proposal, suggesting that it might not receive sufficient support. He emphasized the Council's responsibility to establish an economic vision for the City rather than outsourcing this task to external parties. He announced that the proposal would be scheduled for discussion on the agenda two weeks from that point.

Kadee Rodriguez requested clarification regarding the timing, asking if the proposal would be placed at the next Council meeting or a Study Session in two weeks.

Mayor Coffman confirmed that it would be on the agenda for the next Council meeting, specifically on August 14th.

K. Rodriguez asked the City Attorney's Office for clarification on the process, wondering if a second was needed for Mayor Coffman's motion to continue the item.

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Daniel Brotzman from the City Attorney's Office confirmed that a second was needed for the motion to continue the item to a specific date.

Mayor Coffman then announced that the proposal was officially delayed until August 14th.

CM Lawson raised concerns about the resolution, particularly in paragraph seven. She highlighted the statement asserting that various organizations should work together in one direction to attract businesses. While she understood the overarching idea, she noted that each organization had a unique perspective and approach to economic development. She expressed skepticism about the feasibility of aligning these diverse entities under a single direction.

Mayor Coffman responded, referring to this concept as a "vision," and expressing his belief in its possibility.

CM Lawson disagreed with this perspective, asserting that she didn't find it feasible.

CM Jurinsky expressed her perspective on the matter, emphasizing that the mayor, being in charge of the city, likely had a vision for its development. She suggested that instead of investing in a study, the mayor could convene a meeting with key players in Aurora's Economic Development, including two members present at the meeting. This approach, in her opinion, would allow for the exchange of ideas and collaboration among these stakeholders, leading to the creation of a master plan and vision without the need for a study.

Mayor Coffman responded, acknowledging CM Jurinsky's earlier stance during the Study Session. He emphasized the importance of having an objective analysis to assess the city's capabilities. He posed the question of whether the city's destiny was solely to serve as a hub for warehouses and low-wage jobs. He cited a specific issue related to the increasing number of semis and truck traffic in the city, underscoring the need for proactive planning. He pointed out the lack of adequate facilities for overnight truck parking and how this exemplified poor planning. He conveyed his willingness to engage in conversations and highlighted his awareness of the expected outcome of the proposal's fate.

CM Sundberg asked about the expected duration of such a study.

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J. Batchelor responded that when this matter was examined before the winter workshop, the estimate was approximately nine months. He explained that this time frame would involve engaging with the relevant parties, conducting comprehensive discussions as desired by the Council, and holding a few check-in points. He confirmed that the study's realistic duration was indeed less than a year, specifically around nine months.

CM Sundberg shared his perspective. He agreed with the mayor's viewpoint that having a clear direction, strategy, and map for the city's development was crucial. He acknowledged that circumstances evolved since the study was conducted and expressed trust in the reputable organizations that played a pivotal role in driving industry, commerce, and visitors to Aurora. CM Sundberg emphasized the importance of a well-defined plan, given the reliance on these organizations. He suggested that it might be beneficial for these organizations to step forward and share their vision for the city's future. He envisioned them presenting a comprehensive perspective, even providing visual aids like pie charts to depict their goals, such as the desired ratio of entertainment. He mentioned the city's current lack of a walkable downtown neighborhood and its disjointed geographic layout. He highlighted the potential for strategic growth and the opportunity to enhance the city's development in a coherent manner. He concluded by noting that it wasn't fair to dismiss the mayor's proposal outright. He encouraged the various organizations to collaborate, sharing their collective aspirations and contributing to the city's growth in meaningful ways.

Mayor Coffman emphasized the process and his perspective. He began by noting that a vote was imminent. He explained that an objective third-party economic analysis would be conducted, followed by the City Council's review and input from economic partners. He cited Colorado Springs as an example where a similar approach led to great success, with all partners aligning around an economic development plan. He extended an invitation for anyone interested to meet and discuss the matter with him in two weeks. He reiterated that regardless of the outcome of the vote, the responsibility to establish a vision for the city rested with the City Council. He emphasized that the city lacked such a vision, especially an economic one, and argued that this deficiency was evident in the city's state. He mentioned a recent incident involving a hotel owner and trucks parked in front of the hotel, highlighting the difficulties arising from inadequate planning.

CM Bergan chimed in, recalling a conversation with the mayor several months ago. During that conversation, they discussed the possibility of organizing a forum where different partners, along with the Council, could come together to

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discuss a potential unifying vision. CM Bergan proposed this approach as a way to collaboratively explore the vision before proceeding with a study. She asked the mayor if he would consider this alternative route rather than bringing the matter back to a Study Session without such collaborative discussion.

Mayor Coffman emphasized the need for a preliminary study to determine the city's economic potential. He stressed the importance of an unbiased and objective analysis, free from undue influence. He expressed his confusion regarding the delay in the process and questioned the necessity of the ongoing discussion, given that the proposal was already scheduled for a discussion two weeks later. He reiterated his willingness to engage in discussions with any council member interested in exploring the matter further.

CM Marcano shared his viewpoint during the discussion. He highlighted that the ongoing conversation was a result of the mayor's prior commitment to revisit the topic. He criticized the current proposal for lacking substantial details and suggested that the entire council should engage in the conversation. He proposed the idea of hiring Urban3, a firm capable of evaluating the city's potential, both untapped and underutilized. CM Marcano believed involving current economic partners would be beneficial. He expressed his understanding that the mayor's intention seemed to be bringing back the same proposal without substantive changes. He conveyed that the current proposal lacked meaningful content for discussion.

Mayor Coffman interjected, denying the claim Marcano made. Marcano insisted that the mayor had indeed made that assertion. Mayor Coffman clarified that he intended to individually converse with council members before bringing the matter forward in two weeks.

CM Murillo raised a point of order, seeking to address a procedural matter wherein she requested that colleagues should not be interrupted. Mayor Coffman apologized and CM Marcano continued to convey his opinion.

CM Marcano highlighted the mayor's earlier statement to bring the matter back in two weeks. He suggested that instead of simply revisiting the existing proposal, there should be an effort to develop a more comprehensive plan. He proposed involving experts for analysis, engaging existing partners, and fostering a broader conversation. CM Marcano believed that this approach could gain more traction compared to bringing back the current proposal, which she deemed unlikely to progress.

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CM Coombs addressed the mayor, expressing the need to give CM Murillo an opportunity to speak. CM Coombs requested clarification on the mayor's statement that he was willing to sit down with anyone. He asked whether the mayor would be willing to dedicate substantial time, even beyond 30 minutes, to discuss and develop a comprehensive plan.

Mayor Coffman responded that he believed he could manage time more effectively, possibly with 30-minute discussions. However, he affirmed that he was willing to allocate more time if necessary due to his busy schedule. He emphasized his readiness to consider amendments while upholding the Council's responsibility to establish a vision for the city without outsourcing it. He assured the Council that he wouldn't compromise the vision's integrity but was open to constructive suggestions. He further stated that if the proposal was voted down, he would not compromise its content, but he was open to discussions. He invited additional questions or comments as they approached the upcoming vote in two weeks and reiterated his willingness to converse with any council member before the vote.

CM Murillo requested clarification on the timeline of the initial discussion regarding the study.

Mayor Coffman responded that there had been multiple discussions on the subject, including a Study Session. However, he didn't have the exact date at that moment. He mentioned a Saturday workshop as a possibility but wasn't certain.

CM Murillo pressed for more specific information, asking if the discussion had taken place a couple of months ago, possibly in October.

Mayor Coffman agreed, stating that he believed it had been a few months since the initial discussion, but noted that the topic had been brought up even earlier.

CM Murillo expressed skepticism about the feasibility of having substantial discussions, amendments, and meetings within the two-week timeframe, given the apparent lack of progress since October. She noted that the time required to place matters on the agenda also needed to be considered. CM Murillo found it hard to believe that the discussions and collaborations the mayor proposed for the next two weeks had not taken place over the past several months. She conveyed her frustration with the situation, highlighting there were no real discussions that occurred with community partners or colleagues concerning an economic development strategy.

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CM Bergan expressed gratitude for the mayor's willingness to meet and discuss the matter. However, she shared the sentiment of CM Murillo, believing that the two-week timeframe might not provide sufficient time for productive discussions.

Mayor Coffman acknowledged their concerns and indicated that he would evaluate the progress made during these discussions. He emphasized the importance of determining if the conversations were genuinely productive or if they were simply excuses due to external pressures against voting for a city vision. He mentioned the possibility of extending the timeline if the discussions were indeed productive.

CM Murillo asked for clarification regarding the external pressures against having an economic development strategy.

Mayor Coffman explained that some commercial developers might have opposed the idea due to their focus on short-term profits rather than long-term planning. He acknowledged his respect for their work but noted that their interests could conflict with a long-term vision for the city.

CM Murillo inquired about naming specific developers, but Mayor Coffman declined, stating that he was referring to commercial developers in general and reiterated the importance of working with them rather than for them.

CM Lawson challenged the perception that the city's economic development is solely centered around manufacturing. She mentioned the presence of diverse businesses like data centers, aerospace, and other industries that had been brought in by economic development efforts.

Mayor Coffman acknowledged the diversity of businesses and clarified that distribution, while not manufacturing, appeared to be a primary focus. He expressed his determination to push for the economic development strategy, even though he recognized potential opposition. He emphasized his willingness to collaborate with all Council members and invited anyone interested to meet with him.

Motion by Coffman, second by Zvonek to table item 11.a.7.

Voting Aye: Coffman, Bergan, Coombs, Lawson, Marcano, Murillo, Sundberg, Zvonek

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Voting Nay: Gardner, Jurinsky, Medina

11.b **Finalizing of Ordinances**

11.b.1 **Unified Development Ordinance (UDO) Amendment – Relating to Turf Usage**

2023-29 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

11.b.2 **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

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

Motion by Gardner, second by Bergan to approve the Consent Calendar – Resolutions and Ordinances with items 11.a.6 and 11.a.7 removed.

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

12. **PUBLIC HEARINGS**

12.a **Eagle Ridge Zoning Map Amendment**

2023-34 A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 31.28 ACRES, MORE OR LESS, LOCATED WITHIN SUBAREA C, ALONG STEPHEN D HOGAN PARKWAY AND WEST OF PICADILLY ROAD, CITY OF AURORA,

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COUNTY OF ADAMS, STATE OF COLORADO FROM MIXED-USE REGIONAL DISTRICT (MU-R) TO MIXED-USE CORRIDOR DISTRICT (MU-C) AND AMENDING THE ZONING MAP ACCORDINGLY (EAGLE RIDGE ZONING MAP AMENDMENT)

Ariana Muca, Planner, Planning and Development Services / Rachel Allen, Senior Assistant City Attorney

Outside Speaker: Julie Gamec and Alicia Khine, THK Associates

Mayor Coffman opened the public hearing.

Ariana Muca, staff, Alicia Khine, JV developer, and Ryan Zent of Overland Property Group, provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Sundberg to approve 12.a.

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

12.b **Revision to Exhibits A and D of the Operator Agreement with Axis Exploration LLC**

2023-85 A PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF REVISIONS TO EXHIBITS A AND D OF THE AXIS EXPLORATION, LLC OPERATOR AGREEMENT

Jeffrey Moore, Manager, Energy and Environment Division / Dave Scott, Assistant City Attorney

Outside Speaker: Dan Harrington, Asset Development Lead, Civitas Resources

Mayor Coffman opened the public hearing.

Jeffrey Moore, Manager of the Energy and Environment Division, and Dan Harrington, Asset Development Lead of Civitas Resources provided a summary of the item.

Mayor Coffman closed the public hearing.

CM Coombs expressed a desire to avoid drilling any wells and requested clarification on the possibility of achieving this outcome by not making the proposed change.

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J. Moore explained that the existing Operator Agreement allowed for four well sites with 80 wells, and these sites were vested to the operator, enabling them to drill wells as desired.

CM Coombs inquired about the cost implications of not approving the proposal and the responsibility for plugging the wells if Civitas does not do so.

J. Moore explained that the legacy wells, while already plugged, might need re-plugging due to changing state regulations.

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

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

13. **INTRODUCTION OF ORDINANCES**

13.a. **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, 11-2, 11-3, 12-7, 14-9(6) & 15-9(6) OF THE CITY CHARTER CONCERNING NON-SUBSTANTIVE UPDATES TO THE CITY CHARTER TO CREATE GENDER NEUTRALITY BY REPLACING ALL GENDER-SPECIFIC NOUNS AND ALL PERSONAL PRONOUNS WITH NON-GENDER SPECIFIC NOUNS, 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 GENDER-NEUTRAL REFERENCES TO PERSONS

Sponsor: Alison Coombs, Council Member

Jack Bajorek, Deputy City Attorney

CM Coombs, Andrea Wood, Assistant City Attorney, and George Koumantakis of the City Attorney's Office provided a summary of the item.

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

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

13.b. **Amending Sections 54-133 and 54-151 of the City Code Pertaining to Unlawful Acts**

2023-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 54-133 AND 54-151 OF THE CITY CODE PERTAINING TO UNLAWFUL ACTS

Sponsor: Curtis Gardner, Mayor Pro Tem

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

Mayor Pro Tem Gardner outlined that the item does two things. The first section bans the use of deceptive practices when obtaining signatures. He clarifies that the second section would bring the opportunity for folks who have signed a petition to remove their name, noting that there was not previously a formal process to do so.

Mayor Coffman asked the Clerk, Kadee Rodriguez, about the required language on the front of a petition to which she provided an explanation.

CM Coombs thanked Mayor Pro Tem Gardner for entertaining the amendments and working with the staff. She expressed support to the ordinance.

Motion by Gardner, second by Marcano to approve item 13.b.

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

13.c. **Police Reserve Force**

2023-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A SECTION TO THE CITY CODE AUTHORIZING A RESERVE POLICE FORCE

Sponsor: Danielle Jurinsky, Council Member

Art Acevedo, Police Chief / Pete Schulte, City Attorney

Council heard public testimony on the agenda item.

Pete Schulte, Public Safety Client Manager for the City Attorney's Office, and Art Acevedo, Chief Police in Aurora, presented a summary of the item.

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CM Bergan expressed gratitude and inquired about the process of checking prior disciplinary history as mentioned in the provided information.

P. Schulte responded.

CM Bergan asked about the cadet program, highlighting that individuals with less than five years in the program could be involved.

P. Schulte clarified that the cadet program was a separate consideration.

CM Bergan asked to confirm if this aspect was not going to be implemented from the start and P. Schulte affirmed in response.

CM Bergan asked about the functioning of a reserve officer paired with another officer, focusing on decision-making and command structure.

P. Schulte provided his personal experience as a reserve officer, but noted that his previous experience would vary in the current scenario due to the presence of reserve certification without full training. Nevertheless, the possibility existed that reserve officers holding full basic certification might apply and engage in similar collaborative work if they opted to do so.

A. Acevedo anticipated that some retirees might develop a strong desire to serve the city again after retirement, considering the city had been the foundation of their successful careers. Mayor Coffman expressed approval of this concept. A. Acevedo indicated that the capacity was constrained to about 35 individuals at that time.

CM Lawson asked about the necessary experience level for the experienced officer paired with a reserved person, expressing concerns about newly graduated cadets being in that role.

A. Acevedo addressed the query by explaining that they considered Field Training Officers (FTOs) or senior officers whom the department had confidence in and pointed out that the purpose assigned to the reserves, like facilitating community events, played a role in the decision. For patrol duties, reserve officers would be partnered with senior officers and FTOs.

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CM Coombs raised concerns about ensuring accountability and trustworthiness in the reserve officer program. She inquired about background checks for candidates without prior civil service backgrounds and the measures in place for accountability.

P. Schulte responded by explaining that the hiring process for the reserve program mirrored that of lateral police officers and civilians. He noted that eligibility for applicants without prior experience might have been limited, except for retirees or fully certified officers seeking continued employment.

A. Acevedo emphasized the idea that past performance is a strong indicator of future behavior and stressed the department's limited tolerance for anyone attempting to undermine the program's integrity.

CM Coombs asked about the implications of not having civil service status on both the City's and individuals' liabilities while serving in the reserve officer role.

P. Schulte responded that there was not a significant impact on liability since reserve officers held a volunteer position without contractual obligations.

CM Coombs requested clarification regarding retired officers with basic Peace Officer certification, who were not required to be under the supervision of another officer. She questioned the extent of their responsibilities and the mechanisms in place to prevent them from exceeding their designated scope.

P. Schulte responded that the boundaries of their roles were determined by established policies and procedures, which these retired officers were familiar with from their careers with the police department. He noted that Chief Acevedo would have the final say on permitting such assignments.

A. Acevedo mentioned that in his duration as Chief, reserve officers would not work alone. P. Schulte agreed. He also committed to involving the Chairs of Public Safety in the process of drafting policies in the weeks to come.

CM Coombs questioned how to prevent individuals from acting as officers when not directed by the police department, particularly those with full basic Peace Officer certification in the program.

P. Schulte explained that legally, reserve officers were only allowed to act within the scope of policy-approved positions.

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CM Coombs requested clarification on a scenario in which someone in the program might act as a police officer even when not officially on duty under the Chief's or other leadership's direction.

A. Acevedo explained that such a situation would likely result in a "one and done" instance where the individual would not continue to be part of their program because their policy was very clear on this matter.

CM Bergan asked whether the training offered through the POST certification program encompassed all the training that regular officers received, including use of force training.

P. Schulte confirmed that following the acquisition of their reserve certification, the department would provide supplementary training beyond the POST certification.

CM Marcano asked about the reasons for discontinuing the reserve program in the past, indicating that it wasn't as straightforward as a mere code cleanup, as the code went unused.

P. Schulte explained that after the events of September 11, 2001, there was a significant influx of individuals wanting to join the police force, firefighting, and paramedic roles. However, this interest gradually diminished over time.

CM Marcano asked about the party responsible for liability if a volunteer incurred an injury.

P. Schulte responded that according to state law, volunteers were covered by workers' compensation if their actions fell within the scope of their policy and employment terms. In case of injury, workers' compensation would be applicable. Similar to regular officers, evaluations would be conducted for situations involving matters like use of force and potential lawsuits. He stated that in most cases, the department would cover the costs, unless it was determined that the volunteer had not acted in good faith.

CM Marcano asked a follow-up about the mechanism of worker's compensation for a volunteer.

P. Schulte outlined the compensation and coverage that would be provided for volunteers.

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CM Marcano expressed concerns about the prohibition outlined in the state statute, preventing compensation for volunteer officers. He said that the discussion pertained to individuals who would essentially serve as part-time officers while managing other commitments. He asked for clarification to understand the historical context and reasons behind introducing this restriction in the state statute.

P. Schulte explained that the prohibition was implemented due to a historical issue that was not unique to Colorado.

Motion by Jurinsky, second by Sundberg to approve item 13.c.

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

Voting Nay: Murillo

14. **FINALIZING OF ORDINANCES**

Ordinances not approved unanimously at first reading.

15. **ANNEXATIONS**

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

R2023-33 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.

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

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

15.b. **The Overlook at King's Point South – Zoning Map Amendment**

2023-27 CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING A PARCEL OF LAND MEASURING 20 ACRES MORE OR

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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

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

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

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

15.c. **Overlook at Kings Point South Annexation Agreement**

CONSIDERATION OF AN ANNEXATION AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND PRUSSE LAND COMPANY (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 Member Bergan asked whether the annexation agreement being presented was the one that had been used for several years.

J. Cox confirmed that it was indeed the same agreement and mentioned that they made updates to it whenever discrepancies were found to align with the latest codes.

CM Bergan asked about the criteria for land dedication for different purposes, citing a past experience involving a school district. She mentioned that the land was initially dedicated based on an agreement, but later the district decided the land was not necessary for a school and proceeded to sell it. She asked whether there were any changes to the criteria for dedicating land for schools, parks, and similar uses.

J. Cox explained that the current scenario did not pose a problem because the ongoing master plan did not include a school site for dedication. He clarified that this matter was not tackled at that point, but there were proactive intentions to address it in the upcoming year, potentially involving discussions with the city to enhance safeguards.

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CM Bergan asked whether adjustments to the cash-in-lieu option were possible for certain scenarios.

J. Cox explained that there were discussions about a policy change to prevent such situations in the future, aiming for collaboration with the City regarding dedication piece within the master plan process. However, no definitive decisions were reached at that time.

CM Bergan clarified that the parcel in question was indeed part of the larger Kings Point South master plan. Within the context of this master plan, certain amenities like parks were required. They discussed the possibility that due to its inclusion in the larger plan, the small parcel might not need its own separate park.

J. Cox confirmed this assessment and determined that there was not a designated school site within its scope.

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

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

16. **RECONSIDERATIONS AND CALL UPS**

17. **GENERAL BUSINESS**

17.a. **Consideration to Appoint One (1) Member to the Civil Service Commission**

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

CM Coombs proposed a substitute motion to designate Paul Poole for the position on the Civil Service Commission.

CM Marcano mentioned that Candidate Poole had shown greater strengths compared to the previous candidate. He highlighted that both Sergeant Poole and Don Lewis demonstrated a better understanding of the consent decree and the role of the Civil Service Commission compared to the other applicant. He encouraged colleagues to support Sergeant Poole's candidacy.

Motion by Sundberg, second by Zvonek, to appoint Patricia Stephens to the Civil Service Commission.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

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SUBSTITUTE MOTION

Motion by Coombs, second by Marcano, to appoint Paul Poole to the Civil Service Commission.

Voting Aye: Coombs, Marcano, Medina, Murillo

Voting Nay: Mayor Coffman, Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

18. **REPORTS**

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

Mayor Coffman mentioned that he participated in a ride-along with officers Samson Vitara and Gavin Roberts in Districts 1 and 2 respectively. He also attended a promotion ceremony for Aurora Fire Rescue officers, acknowledging promotions to various ranks. He highlighted his involvement in Camp Spark, a program by Aurora Fire Rescue aimed at fostering young women's interest in the fire service. He expressed gratitude for the efforts of the firefighters involved. He joined patrol officer Gavin Roberts in District 2 and detailed his efforts to collaborate with judges in establishing a specialized court to address minor offenses related to homelessness. He observed proceedings in courts in Boulder and Denver and planned to visit Lakewood's courts as well, all of which had similar specialized courts.

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

CM Lawson gave updates on the Federal, State, and Intergovernmental Relations Committee. She mentioned the progress made in the federal appropriations process for congressionally directed spending projects. All four city projects, including the Nine-Mile Pedestrian Bridge, Central Library Remodel, Water Line Replacement, and Pressure Regulating Valve Improvement projects, passed the Appropriations Subcommittee for funding. However, final approval for funding was still pending. In Colorado, new laws came into effect on August 7th, requiring drivers to move over or slow down for stationary public utility vehicles with hazard lights on. The City Intergovernmental Relations website underwent phase one of revamping, and everyone was encouraged to check out the changes. CM Lawson thanked Liz for her work on the website and welcomed suggestions from the Council. Additionally, she mentioned participating in two proclamation readings for the 84th Association of Business and Professional Women's Club at the Hyatt, which had been a positive experience.

CM Sundberg mentioned that the Benson Hotel at the Fitzsimons Innovation Campus was an impressive establishment, highlighting its use of high-quality materials, woodworking, stonework, and art. He encouraged others to visit the hotel's bars. The Acting City Manager and CM Sundberg journeyed to Bennett, a town with a population of 3,500, to attend a State of the Town address. He noted the town's innovative water initiatives. He volunteered at the 7/20 Memorial event wherein he served breakfast to

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the 5K Run and participated in the Chalk and Beer Festival, both of which were positive experiences. He and the mayor also attended the graduation of a woman from the Aurora Armed Forces Treatment Court, sharing her inspiring transformation from homelessness to sobriety and employment. He also mentioned that he, CM Jurinsky, and candidate John O. Scott visited the Shamrock Distribution Center, an extensive automated facility. He expressed gratitude to CM Jurinsky for stepping in at his Town Hall due to a wedding commitment and recommended her as a substitute for other board members. He reminded everyone about National Night Out and the upcoming "Shop with a Cop" event, expressing hope for positive media coverage.

CM Medina announced his upcoming Town Hall on August 2nd, focusing on traffic calming and neighborhood resources. He attended the Spark Ceremony and training, alongside CM Coombs, emphasizing the importance of training young women for firefighting roles and building self-esteem and teamwork skills. He also mentioned his participation in the National Night Out event at Fletcher Plaza and encouraged attendance.

CM Marcano informed that the Ward IV Town Hall scheduled for August 10th was canceled due to the Governor's listening session taking place in Aurora on the same night. The public was invited to attend the Governor's session from 5:45 to 7:30. He mentioned his plan to share the sign-up link once it became available. He also discussed the September meeting's focus on Vision Zero and improving arterial road safety. He noted the news coverage highlighting a record number of fatalities on Aurora's streets, an issue seen nationwide. The aim of the September meeting was to explore solutions for creating safer streets for all. He expressed his hope to see everyone at the meeting.

CM Coombs mentioned that her August Town Hall, originally scheduled for the 15th, was rescheduled to the 22nd to avoid a conflict with the Aurora Water Tour. The new Town Hall took place on August 22nd at 6:00 p.m. at Heather Gardens, focusing on Public Safety. Chief Oughton and either Chief Acevedo or another APD leader were present. The August 19th Saturday meeting was rescheduled to September 16th to avoid a conflict with Global Fest. The rescheduled meeting would discuss safe streets, including arterials, traffic calming, and multimodal transportation. The September 12th meeting was planned as a candidate forum for Mayor, At Large, and Ward V candidates. She attended various events, including the County Fair and the ADCOG dinner in Bennett with CM Marcano. She also participated in the SEIU Kaiser Informational Picket to support healthcare employees' negotiations. She highlighted Aurora Pride happening on August 5th, with the main event from noon to 7:00 p.m. and early access options available. She provided information on tickets and amenities at AuroraPride.com.

CM Bergan mentioned attending the enjoyable County Fair Boots Not Suits event. She highlighted the impressive grand opening of the Benson Hotel and recommended a visit, especially the nice bar. She hosted her Town Hall and expressed gratitude to the presenters, including Omar Montgomery, Bob Oliva from retail in the city, and a presentation from DOLA on the Ridgeview Project. She discussed various recent

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meetings including EADC Executive Board, ARDA, an opioid meeting, and a meeting with the Salvation Army to learn more about their work and vision.

19. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK



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