

MINUTES

Regular Meeting of the Aurora City Council

Monday, August 28, 2023

1. **RECONVENE REGULAR MEETING OF AUGUST 28, 2023, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for August 28, 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 August 28th Council Meeting.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman provided an update on the Executive Session where they discussed financing for Water Rights and negotiations to provide service outside the City of Aurora.

6. **APPROVAL OF MINUTES**

6.a. July 31, 2023, Meeting Minutes

6.b. August 14, 2023, Meeting Minutes

Motion by Sundberg, second by Bergan, to approve the minutes of the July 31, 2023, and August 14, 2023 City Council meeting as presented.

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

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7. **PROCLAMATIONS OR CEREMONIES**

7.a. **National Suicide Awareness and Prevention Month**

Mayor Coffman proclaimed September 2023 as National Suicide Awareness and Prevention Month.

7.b. **National Hispanic Heritage Month**

Mayor Coffman proclaimed September 15th through October 15th as National Hispanic Heritage Month.

8. **PUBLIC INVITED TO BE HEARD**

8.a. **Public Invited to be Heard on the 2024 Budget**

(non-agenda-related issues only)

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

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Jurinsky to adopt the agenda with item 16.a. moved up to the front of the agenda.

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 **Financial and Rate Consulting Services**

Consideration to AWARD A CHANGE ORDER TO AN OPENLY SOLICITED CONTRACT for Financial and Rate Consulting Services to FCS Group, Redmond, WA for the Review of Aurora Water's In-House Rates and Outside Rate for Wise in the Amount of \$100,000.00, RFP-2075

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Catherine Olukotun, Deputy Director of Business Services, Aurora Water /
Hanosky Hernandez, Senior Assistant City Attorney

10.a.2 **Evoqua Water Technologies for Akta Klor 25 Water Treatment Chemical 2023**

Consideration to AWARD A SINGLE SOURCE CONTRACT to Evoqua Water Technologies, Sarasota, Florida in the Not-to-Exceed Amount of \$437,250.00 for the Purchase of Akta Klor 25 Water Treatment Chemical (Sodium Chlorite) as Required by Aurora Water through August 31, 2024

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

Council heard public testimony on agenda related item.

10.a.3 **Southeast Area Maintenance Facility (SEAM) Service and Maintenance**

Consideration to APPROVE A SINGLE SOURCE CONTRACT in the Amount of \$186,951.00 with MTech Mechanical, Westminster, CO, for Maintenance and Service for Mechanical, Plumbing, and Building Automation Systems for the Southeast Area Maintenance Facility

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

10.a.4 **Custodial Services for the Southeast Asia Maintenance Facility (SEAM)**

Consideration to AWARD A CHANGE ORDER in the Not-to-Exceed Amount of \$112,998.00 to Add the Southeast Area Maintenance Facility (SEAM) to the Contract with Velociti Services dba ISS Facility Services, Inc. for Custodial Cleaning Services for the Southern Half of the City through February 28, 2024

A waiver of reconsideration is requested for several key reasons listed in the commentary.

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

10.a.5 **Consideration to AMEND AN OPENLY SOLICITED CONTRACT in the Amount of \$260,592.00 with HDR Engineering, Inc., Denver, Colorado for the Structures**

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Demolition Program Project, Project No. R-2282

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

- 10.a.6 **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Lighthouse Transportation Group, LLC, Westminster, CO in the Amount of \$257,045.00 for the 2023 Traffic Calming Device Installation Services; Project 5947A**

A waiver of reconsideration is requested due to industry wide materials shortages and long lead times experienced for equipment included as part of this contract.

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

- 10.a.7 **Restaurant Program Subrecipient Agreement Approval with JWS Second Property, LLC for Izakaya Japanese Restaurant (Ward 4)**

Sponsor: Juan Marcano, Council Member

Robert Oliva, Senior Project Manager, Planning and Development Services / Rachel Allen, Group Client Manager, City Attorney

10.b **Planning Matters**

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

- 10.c.1 **Consideration to Appoint Two (2) Members to the Arts in Public Places Commission**

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

- 10.c.2 **Consideration to Reappoint Two (2) Members to the Historic Preservation Commission**

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

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Motion by Gardner, second by Sundberg 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 **Intergovernmental Agreement with Arapahoe County for the 2023 Coordinated Election**

R2023-87 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN ARAPAHOE COUNTY AND THE CITY OF AURORA FOR THE COORDINATED ELECTION TO BE HELD NOVEMBER 7, 2023

Kadee Rodriguez, City Clerk / Andrea Wood, Criminal Prosecution Manager

11.a.2 **Intergovernmental Agreement with Adams County for the 2023 Coordinated Election**

R2023-88 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF AURORA FOR THE COORDINATED ELECTION TO BE HELD NOVEMBER 7, 2023

Kadee Rodriguez, City Clerk / Andrea Wood, Criminal Prosecution Manager

11.a.3 **Intergovernmental Agreement with Douglas County for the 2023 Coordinated Election**

R2023-89 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN DOUGLAS COUNTY AND THE CITY OF AURORA FOR THE COORDINATED ELECTION TO BE HELD NOVEMBER 7, 2023

Kadee Rodriguez, City Clerk / Andrea Wood, Criminal Prosecution Manager

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11.a.4 **Second Amendment to Drainage and Flood Control Improvements for Cherry Creek Restoration at Arapahoe Road**

R2023-97 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE SECOND AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, SOUTHEAST METRO STORMWATER AUTHORITY, THE CHERRY CREEK BASIN WATER QUALITY AUTHORITY, AND ARAPAHOE COUNTY REGARDING FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK RESTORATION AT ARAPAHOE ROAD

James DeHerrera, Planning Services Manager, Aurora Water / Ian Best, Assistant City Attorney

11.a.5 **Senac Site Historic Landmark Nomination**

R2023-98 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO APPROVE DESIGNATING THE SENAC SITE LOCATED AT 5800 SOUTH POWHATAN ROAD, AURORA RESERVOIR VICINITY, AURORA, COLORADO, AS A LOCAL HISTORIC LANDMARK

T. Scott Williams, Museum Supervisor, Library and Cultural Services / Tim Joyce, Assistant City Attorney

Outside Speakers: Dr. Gordon Tucker Jr. and Todd McMahon, Historic Preservation Commission Members

11.a.6 **Property Acquisition for the Parker Quincy Smoky Hill Improvements Project**

R2023-99 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE PARKER QUINCY SMOKY HILL IMPROVEMENTS PROJECT IN THE AMOUNT NOT TO EXCEED \$766,000 PLUS INCIDENTAL EXPENSES AND CLOSING COSTS

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

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11.b Finalizing of Ordinances

11.b.1 Tower Crossings South Zoning Map Amendment

2023-36 CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 22.4 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF TOWER RD AND E 32ND PKWY FROM BUSINESS/TECH DISTRICT (I-1) TO MIXED-USE CORRIDOOR (MU-C) AND AMENDING THE ZONING MAP ACCORDINGLY (TOWER CROSSINGS SOUTH ZONING MAP AMENDMENT)

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

11.b.2 2023 IT Lease Purchase Authority

2023-37 FOR AN ORDINANCE AUTHORIZING THE CHIEF INFORMATION TECHNOLOGY OFFICER TO ACQUIRE CERTAIN TANGIBLE AND INTANGIBLE INFORMATION TECHNOLOGY PROPERTY DURING THE 2023 FISCAL YEAR, EITHER BY PURCHASE OR PURSUANT TO THE TERMS OF LEASE-PURCHASE AGREEMENTS TO BE ENTERED INTO BETWEEN THE CITY, AS LESSEE, AND LEASE INVESTORS, VENDORS OR THE AURORA CAPITAL LEASING CORPORATION, EACH AS LESSOR, AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY

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

11.b.3 Single Subject Ballot Initiatives

2023-38 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 54-121 AND 54-131 OF THE CITY CODE PERTAINING TO BALLOT INITIATIVES

Sponsor: Curtis Gardner, Mayor Pro Tem

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

Outside Speakers: Julie Gamec and Alicia Khine, THK Associates

Motion by Gardner, second by Lawson to approve the Consent Calendar - Resolutions and Ordinances.

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

12. **PUBLIC HEARINGS**

Public hearings with or without related ordinances

12.a **Unified Development Ordinance (UDO) Amendments to Clarify Parks and Opens Spaces**

2023-40 A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO PROVIDE CORRECTIONS, CLARIFICATIONS AND UPDATES TO THE LAND USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Nicole Ankeney, Planning, Design and Construction Manager of Parks, Recreation and Open Space / Michelle Gardner, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Nicole Ankeney, Manager of Planning, Design, and Construction, provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Bergan, second by Marcano to approve 12.a.

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

12.b **Unified Development Ordinance (UDO) Amendments to Update Various Sections in the Landscape, Dimensional, and Parking Standards**

2023-41 A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE, TO ADDRESS LANDSCAPE, DIMENSIONAL AND PARKING STANDARDS WITHIN THE CITY

Brandon Cammarata, Planning Manager, Planning and Development Services / Rachel Allen, Client Services Manager, City Attorney

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Mayor Coffman opened the public hearing.

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

Mayor Coffman closed the public hearing.

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

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

13. **INTRODUCTION OF ORDINANCES**

13.a **Amending Chapter 70-20 of the City Code Regarding Designation of Floodplain Administrator**

2023-42 FOR AN ORDINANCE AMENDING SECTION 70-20 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING DESIGNATION OF FLOODPLAIN ADMINISTRATOR

Sarah Young, Assistant General Manager of Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

13.b **Amending Chapter 138 of the City Code Pertaining to Certain Stormwater Drainage and Floodplain Administrator Delegations of Authority**

2023-43 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF CHAPTER 138 OF THE CITY CODE PERTAINING TO CERTAIN STORMWATER DRAINAGE AND FLOODPLAIN ADMINISTRATOR DELEGATIONS OF AUTHORITY

Sarah Young, Assistant General Manager or Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

13.c **Amending Chapter 138 of City Code to Reflect Changes Made to Aurora Water's Organizational Structure**

2023-44 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF CHAPTER 138 OF THE CITY CODE

Sarah Young, Assistant General Manager of Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

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Sarah Young, Assistant General Manager of Aurora Water, provided a summary for items 13.a., 13.b., and 13.c.

Motion by Gardner, second by Bergan to approve items 13.a through 13.c.

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

13.d **Amendment to Chapter 98 of City Code Regarding Authority of the Parks Recreation and Open Space (PROS) Director**

2023-45 FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 98 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO ADD NEW SECTIONS TO BE NUMBERED 98-1 AND 98-2 AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND OPEN SPACE TO ESTABLISH DEDICATION AND DEVELOPMENT CRITERIA THROUGH ADOPTED RULES AND REGULATIONS

Nicole Ankeney, Planning, Design, and Construction Manager of Parks, Recreation and Open Space / Michelle Gardner, Senior Assistant City Attorney

Nicole Ankeney, Manager of Planning, Design, and Construction, provided a summary of the item.

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

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

14. **FINALIZING OF ORDINANCES**

Ordinances not approved unanimously at first reading.

14.a **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 in-person testimony on the agenda item.

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Pete Schulte, Public Safety Client Manager, and Chief Acevedo provided a summary of the item.

CM Jurinsky noted that the primary focus was to bring Tactical SWAT Medics on board, which had been somewhat overlooked. She thanked CM Coombs for inviting her to speak at her Town Hall, providing an opportunity to interact with more community members. She hoped for a consensus among the Council members regarding the potential benefits of the ordinance. She pointed out the presence of strict requirements for any reserve officers who would come forward under this ordinance. She reaffirmed their satisfaction in proposing the ordinance and expressed a desire for support from her colleagues.

CM Bergan requested the Chief to address an earlier comment about all officers having the same standards or requirements. A. Acevedo confirmed all officers would go through the same hiring process, including vetting and testing, as regular police officers and lateral police officers who take modified classes.

CM Bergan asked whether all officers had met the mentioned standards, and A. Acevedo confirmed this.

CM Bergan mentioned there had been some uncertainty regarding whether all officers met those standards, to which P. Schulte responded affirmatively and further elaborated the process.

CM Coombs recalled Ms. DeYoung's point in her testimony that the existing standards and processes were not consistent with historical standards and processes. Some officers might have been hired under previous criteria. CM Coombs acknowledged the importance of maintaining high standards presently. It was indicated that a retrospective change in standards wouldn't be appropriate for those who were already hired. She suggested assessing these officers based on their current performance since they're already hired.

Mayor Pro Tem Gardner stated his overall support for the ordinance. His primary concern revolved around the necessity of involving the fire department whenever ordinances impacting their operations were introduced. He emphasized this point repeatedly and pledged to continue doing so. The central worry rested on ensuring the fire department's inclusion in matters affecting them. He shared Chief Oughton's decision to prohibit Aurora Firefighters from engaging in the program. He contended that individuals responsible for medical care within the community should not be burdened with carrying weapons. He underscored the distinct mindsets and personalities required for providing medical care versus law enforcement. Both roles were deemed dissimilar yet not inherently superior or inferior to one another. Mayor Pro Tem Gardner lauded Chief Oughton's commitment to establishing a policy against firefighters' participation. While expressing support for the program, he remained opposed to involving firefighters in it.

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Mayor Coffman questioned the capability of firefighters due to their lack of POST certification. A. Acevedo responded and provided clarification.

CM Lawson conveyed her support for the program. She addressed the Chief and presented a suggestion for consideration. She acknowledged the potential backlog of accident reports and witness statements, admitting a lack of data in that regard. She emphasized the multitude of concerns raised by constituents, including issues like stolen cars and disturbances, highlighting the city's ongoing challenges. She urged the Chief to contemplate involving program participants in addressing property crimes and similar matters, which they perceived as essential needs for the city. While acknowledging that these individuals were meant to accompany officers, she believed that integrating them into addressing common issues reported by citizens via ring cameras and other means could greatly benefit the city.

CM Sundberg expressed gratitude to the Chief and proceeded to inquire about the current status of the available candidates for the reserve program. He asked to determine the extent of interest and the number of potential candidates. A. Acevedo noted that interest was present, although the precise number was difficult to establish until the City Council officially approved the ordinance.

CM Murillo expressed gratitude and acknowledged the efforts of her colleagues in enhancing the ordinance. She highlighted her history of non-support for the initiative and confirmed her continued stance. She emphasized the existing profound lack of trust between the police department and the community, particularly in Ward I. She referred to incidents like Elijah McClain's case and maintained that despite their optimism about the potential positive impact of the consent decree and the resultant structural and cultural transformations within the department, a mere few years was insufficient time for significant changes. Due to this perspective, CM Murillo explained that she could not conscientiously endorse such an endeavor. However, she did appreciate some of the modifications made, including narrowing the scope and elevating the qualification criteria. Similar to CM Lawson's viewpoint, if the ordinance were to progress, she recommended directing attention to areas with pressing demands, such as the extensive backlog in processing police records. She preferred that individuals actively involved in training and departmental duties be reserved for more critical situations. She mentioned the distinction between part-time volunteers and full-time officers in terms of engagement, training, and learning. She concluded by expressing deep-seated reservations and concerns despite acknowledging the positive changes, ultimately reaffirming her inability to support the initiative.

Mayor Coffman asked about the department's plans regarding officers who are returning after leaving the department, even though they are still POST certified. He asked whether the department would create a remedial or refresher course and provide a syllabus to these officers before they are deployed. A. Acevedo affirmed this, and P. Schulte provided additional information.

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CM Marcano asked about the current training for officers on interacting with individuals with special needs. He requested information on how officers were prepared to handle such interactions. He inquired about the extent to which officers were trained to engage with individuals having special needs. A. Acevedo explained that the department was obligated by state law and POST requirements to provide both initial and ongoing training for a variety of scenarios.

CM Marcano expressed gratitude and sought clarification on whether all volunteers, including those in the reserve program, would be required to undergo the training. A. Acevedo affirmed this requirement.

CM Marcano proceeded to mention receiving concerns from residents that day. He clarified for the record that the impending discussion was an initial step toward formulating the policies for the program. He emphasized that community engagement and resident input would be an integral part of the process. He anticipated that a presentation or resolution would be presented in the upcoming year when the program was fully prepared to commence. He then asked about the necessity for Council approval at that stage. A. Acevedo confirmed that the policy for the program would be brought forward through the Public Safety Committee for review and discussion, acknowledging the subsequent stages of the approval process.

CM Marcano expressed satisfaction with the information shared. He then addressed another aspect, mentioning comments from CM Lawson and CM Murillo. He brought up a request from a community member earlier in the day. The request was for the program participants to be unarmed and assist with lower-priority calls that often experience delayed responses due to their lower prioritization. He asked whether this consideration could be integrated into the program's initial stages. A. Acevedo responded, stating that the consideration of unarmed participation could be explored and provided clarification and additional information.

Motion by Jurinsky, second by Zvonek to approve item 14.a.

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

Voting Nay: Coombs, Murillo

14.b **Prohibiting the Sale of Cats and Dogs in Pet Shops**

2023-39 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, PROHIBITING THE SELLING OR DISPOSING OF DOGS OR CATS OTHER THAN THOSE OBTAINED FROM AN ANIMAL SHELTER, NONPROFIT HUMANE SOCIETY, OR NONPROFIT ANIMAL RESCUE ORGANIZATION

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Sponsors: Danielle Jurinsky, Council Member / Juan Marcano, Council Member

Trevor Vaughn, Manager of Licensing, Finance / Angela Garcia, Senior Assistant City Attorney

Council heard public testimony on the agenda item.

Trevor Vaughn, Manager of Licensing, provided a summary of the item.

CM Bergan asked whether a pet store could collaborate with a shelter to organize a day where rescue animals were brought to the pet store for adoption, as opposed to keeping them in cages at the store. T. Vaughn affirmed that such a setup was feasible.

Mayor Pro Tem Gardner expressed gratitude and chose not to address all the points raised by public commenters who supported the ordinance. He acknowledged the existence of both good and bad pet store owners, as well as good and bad rescues. He emphasized his perspective on the matter at hand advocating against supporting a ban on businesses in Aurora merely due to the potential for negative outcomes. He shared an analogy involving cell phones made with materials obtained through unethical practices, questioning whether other products should be banned as well. He acknowledged the varying preferences for animals and people but underscored his stance of not advocating for business bans solely based on potential negative consequences. He stated that while there are problematic pet store owners, there are also responsible ones. He labeled the situation a slippery slope and asserted his refusal to participate in it.

CM Zvonek voiced agreement with MPT Gardner's perspective. He expressed concern about the message Aurora might send by potentially excluding businesses that pledge compliance with federal, state, and local regulations. He considered this a troublesome precedent to establish. He acknowledged the shared intent of addressing issues but cautioned that banning pet sales in stores wouldn't solve the problem entirely. He reiterated that puppy mills could still directly sell to individuals, making regulation more challenging. He proposed focusing on regulatory enhancements and suggested potentially creating a local ordinance. He acknowledged the lack of operating pet stores in Aurora, making enforcement feasible. He expressed a preference for addressing regulatory gaps and ensuring FDA standards rather than pursuing business bans, believing it to be the wrong direction for the Council.

CM Jurinsky expressed pride in sponsoring the ordinance alongside CM Marcano. She then brought up Pet Palace, a 30-year-old pet business in Aurora that does not sell cats or dogs, and the gray areas regarding pet sales that Pet Palace shared with

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her. She shared a perspective that puppy mills exist for a reason and clarified that no current businesses in Aurora were affected by the proposed ordinance. She reflected on the closure of a Pet City in 2020 due to unpaid taxes, contrasting it with the large number of animals found during the closure. She remarked on the limited opposition from individuals with vested interests in the industry, urging her colleagues to prioritize their constituents. She discussed the regulatory body PACFA's limited authority and suggested that its regulations were not stringently enforced. She emphasized that they were talking about living beings, not goods or services. She recounted how cage cards in pet stores are supposed to list breeders' information but mentioned that not all stores adhered to this requirement. She highlighted instances of pet stores not following regulations and listed specific breeders with violations. She pointed out that the information about these violations was publicly accessible, raising concerns about the lack of authority to shut down these places. She stressed the responsibility of the government to protect the voiceless and concluded her statement.

Motion by Jurinsky, second by Marcano to approve item 14.b.

Voting Aye: Bergan, Coombs, Jurinsky, Lawson, Marcano, Medina, Murillo

Voting Nay: Gardner, Sundberg, Zvonek

15. **ANNEXATIONS**

16. **RECONSIDERATION AND CALL UPS**

16.a **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

Sponsor to Remove from Table: Danielle Jurinsky, Council Member / Juan Marcano, Council Member

Rachel Allen, Client Group Manager, City Attorney

Council heard public testimony on the agenda item.

CM Jurinsky expressed the hope that there was an understanding that the Council had united and hoped for the item not to move forward. The matter had been raised

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in countless Council meetings, and it was observed that it had become unduly personal and was a personal vendetta against Wendy Mitchell.

Motion by Mayor Coffman, second by Bergan to take item 16.a. off the table.

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

Mayor Coffman expressed a deep concern for the issue at hand. The discussion revolved around the necessity of having an economic development plan and strategy for the city. He stated that during an annual planning meeting attended by various individuals including himself, Jeannine Rustad, Jim Twombly, and CM Bergan, Wendy Mitchell voiced her opinion against pursuing an economic development plan for the city of Aurora. Following this, Mayor Coffman stated he contacted Yuri to send him the ADC's economic development plan, only to find out that such a plan did not exist. The absence of a plan was described as a lack of vision and aspiration for the city's potential to attract businesses and industries that could offer decent-paying jobs. He pointed out a problematic situation in the northern part of Ward II, where extensive warehouse distribution had occurred without proper planning for accommodating semis and tractor-trailers. This has led to illegal parking due to federal regulations requiring drivers to stop after reaching their limits. He emphasized the need to question the city's capabilities and not avoid envisioning its future, especially considering the significant undeveloped landmass. The pressure on development was acknowledged, but Mayor Coffman believed it was the Council's responsibility to define the appropriate impact of future development. He acknowledged the risks commercial developers take and respected their role, but he underscored the Council's obligation to the city's residents. He argued that outsourcing the city's economic vision to profit-seeking individuals would be inappropriate. He stressed that economic development without a vision was likened to exploitation and highlighted the importance of striking a balance between profit and responsible city development. He urged the Council to fulfill its responsibility and not neglect the duty to create a visionary economic plan for the city.

Having served on the AEDC Board and its Executive Board for several years, CM Bergan noted attending the same retreat where the mayor was present. She mentioned she did not recall Wendy Mitchell's statement and shared an exercise during the retreat that involved setting objectives for the upcoming year and defining a vision. She emphasized the availability of the AEDC's strategic plan in materials distributed at their monthly meetings. She praised the collaborative effort during the retreat where participants shared their aspirations for the city, focusing on sectors like aerospace and bioscience. Understanding the Mayor's desire for a city plan, she acknowledged the challenges of being caught in the middle of the situation, as

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mentioned by CM Jurinsky earlier. She expressed the desire for the Council's unity, partnership with other stakeholders, and collaborative work ahead.

Mayor Pro Tem Gardner expressed disbelief at the lack of progress on the matter. Addressing the Mayor, MPT Gardner suggested that there might be insincerity or falsehood in claiming that there was no economic development plan in place. The document "Aurora Places" was held up and referred to as evidence of the city's economic development plan. The document was described as extensive, spanning many pages, and outlining various aspects of economic development, including targeted industries and areas of the city for development. He expressed skepticism about Mayor Coffman's involvement in economic development, particularly following perceived interference with the potential arrival of Elitch's amusement park in Aurora. He expressed reluctance to involve Mayor Coffman in economic development decisions, given recent events. He advocated avoiding limiting the city's involvement in economic development to what's outlined in the comprehensive plan. The role of the private sector in executing development plans was emphasized. He stated that Mayor Coffman's goal was to establish an Office of Economic Development in the city, similar to Denver's model, which was criticized as a disaster. MPT Gardner pledged opposition to such a scenario.

Mayor Coffman clarified that the mentioned goal was not his intention. He referred to the last quarterly workshop, which was available online. During that workshop, he mentioned that MPT Gardner was observed engaging in discussions with staff members responsible for economic development-related tasks, advocating against having an economic development plan, while the staff members were arguing in favor of such a plan. He highlighted that a comprehensive plan with specific details was crucial for establishing a clear vision.

MPT Gardner speculated that both staff and consultants were likely enthusiastic about creating an economic development plan in line with the mayor's preferences. This was attributed to the potential for job security and financial support for consultants. It was implied that such a plan would benefit these parties.

CM Marcano stated that the current proposal was not an economic development plan but rather an initial concept. He outlined the elements that a comprehensive plan should encompass, including a well-defined vision, tangible outcomes, clear expectations from partners, an implementation timeline, and a detailed fiscal assessment. Emphasis was placed on the necessity of obtaining consensus from the community, economic development partners, and the council itself. He highlighted the importance of dedicating time to ensure meaningful community engagement, expanding partnership involvement, and conducting thorough research to inform the city's economic vision. This extended to potential amendments to the comprehensive plan and unified development ordinance due to the interconnectedness of land use. He mentioned the opportunity that existed earlier in the year to initiate this process, but it was implied that this opportunity had been missed due to certain preferences

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not being fully accommodated. He expressed the belief that the city deserved a more constructive approach to these discussions. He recommended revisiting the topic during an upcoming workshop after engaging with council members and existing partners.

Mayor Coffman clarified that the current discussion marked the initial phase of a process rather than presenting a complete plan. An amendment was introduced, with CM Sundberg and CM Coombs reaching out to Mayor Coffman. CM Sundberg's proposed amendment aimed to inventory the ongoing efforts of existing economic development partners like AEDC, the Chamber, and Visit Aurora. Mayor Coffman acknowledged the rationale behind this concept, suggesting that even without the amendment, a study would naturally incorporate an understanding of current initiatives. He emphasized the significance of an independent study, as it would prevent potential bias in evaluating the city's economic landscape. The intention was to uncover industries and clusters that might not be currently under consideration by existing partners. It was underscored that the study itself did not constitute a comprehensive economic development plan but was merely the initial step in the process. He clarified that any eventual economic development plan resulting from the study would be subject to Council approval and not automatically implemented.

CM Coombs acknowledged the point made that the current proposal was neither a plan nor ready for implementation. The earlier concern about the timing being premature was reiterated. She pointed out that previous attempts to communicate certain actions and considerations had been ignored. She argued that before seeking external consultants for economic development planning, data should be gathered from city staff and partners. The data necessary for an independent study was already accessible through these sources, bypassing the need to hire a consultant. The notion of working collaboratively with partners to obtain this data was brought up, a process that could have been initiated earlier if there had been an agreement with the Council. She suggested evaluating the city's comprehensive plan, a proposal that had been put forward but had not been acted upon. CM Coombs stressed the importance of involving various stakeholders in economic development discussions, including those who hadn't been part of the conversation so far. This inclusivity was viewed as essential to breaking down barriers and ensuring a comprehensive perspective. CM Coombs argued for a course of action that would involve these stakeholders without relying on an external consultant. She concluded by indicating her opposition to the proposal, highlighting that the necessary preliminary steps had not been taken before considering the involvement of a consultant.

CM Sundberg expressed his perspective concerning the matter. He mentioned that wisdom and common sense had been attempting to address the issue, implying that the approach taken had been hasty and lacked consideration. Similar sentiments to CM Coombs and CM Bergan were echoed, emphasizing the repeated appeal to involve key stakeholders before progressing. He advocated for convening a three-

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hour summit involving major stakeholders to gather their input, honor their presence, and establish trust. The fact that such stakeholders had not convened in years was mentioned, suggesting that such an approach would be less questionable. He anticipated that gathering stakeholders would yield fresh and innovative ideas that could help bridge the disconnect. He proposed that this step be prioritized before considering external perspectives. The idea was that this would enable a stronger foundation for subsequent actions, including seeking fresh viewpoints on the city's development. He provided an example of a current issue in Ward II involving semi-trucks and how the Council, as a collective body, could contribute wisdom and advice to address such challenges. Drawing on historical examples, CM Sundberg mentioned Ulysses S. Grant's transition from being a successful general to a president who needed to seek advice and counsel. He also referenced Lyndon B. Johnson's ability to work on the phones and build consensus. He concluded by expressing that he would have supported the resolution if it had given precedence to convening the stakeholder meeting and summit as a primary step.

Mayor Coffman mentioned that there was an amendment aligning with the content shared with him by CM Sundberg. CM Sundberg affirmed the existence of the amendment mentioned but highlighted that it had not been distinctly emphasized.

In response, Mayor Coffman acknowledged understanding CM Sundberg's perspective, recognizing the presence of fear in the situation. He stated that at the end of the meeting, the decision was that Aurora would not proceed with developing its vision for economic development. Instead, the vision would be determined by those in the audience, who would have the authority to decide what, when, and where to build.

CM Coombs expressed a need for the mayor to cease the accusations of cowardice directed towards the Council. She emphasized that the Council was acting in the interests of their constituents and shared desires. She mentioned that the Council sought collaboration, which had not been observed thus far. She clarified that this approach was not an act of submission to external pressure, but rather a response to the mayor not fulfilling requests. She stated that the steps required for progress were straightforward and the reasons behind the current situation were clear. She refuted the claim that the Council's hesitation was rooted in fear of public opinion. She then expressed the desire for cooperative efforts among the Council.

CM Jurinsky expressed dissatisfaction with the fear factor comment made earlier. She highlighted the fact that they had repeatedly requested conversations and the inclusion of relevant stakeholders. She emphasized the Council's desire to contribute input to the city's vision. She stated that the mayor's main source of concern appeared to be Wendy Mitchell. She advised the mayor to directly engage with Wendy Mitchell, initiate a conversation, and then proceed to communicate with the Council members.

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CM Bergan shared a past conversation with the mayor regarding the possibility of a winter workshop. She recalled a similar workshop that took place around six or seven years ago, where the Council convened with a facilitator to discuss a vision board outlining the city's desired outcomes. She acknowledged that Council members possessed a wealth of expertise and suggested that pooling their ideas could lead to valuable insights. She outlined steps such as formulating goals and collaborating with partners to receive input and direction, noting that such an approach could be beneficial for everyone involved.

Motion by Mayor Coffman, second by Zvonek to adopt item number 16.a.

Voting Aye: Zvonek

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

17. **GENERAL BUSINESS**

18. **REPORTS**

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

Mayor Coffman mentioned attending or observing a wellness court proceeding presided over by Judge Peter Frigo, who also oversees the Armed Forces Treatment Court. He expressed admiration for the proceedings, highlighting the positive impact on individuals struggling with drug addiction and other challenges. The court offered deferred sentences in exchange for participants taking affirmative steps to regain control of their lives.

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

CM Lawson expressed her condolences and offered prayers to the families affected by a recent violent incident in Jacksonville, Florida. She expressed concern about the ongoing violence and its impact on people's lives, emphasizing that no one should fear for their safety due to their race, culture, beliefs, or identity. She then mentioned that Congress was considering a resolution to temporarily fund the government until a budget could be passed, with the federal fiscal year ending on September 30th. She noted that Governor Polis signed an executive order to promote affordable housing development near public transportation. She shared an educational trip organized by Aurora Water for community leaders to learn about the city's water infrastructure. She also discussed upcoming plans, mentioning meetings with state officials to discuss legislation and priorities for 2024. She mentioned that she, Interim Director and City Manager, Police Chief Acevedo, and CM Marcano attended the 60th Anniversary event

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on a march on Washington at Restoration Christian Fellowship, commemorating Dr. Martin Luther King's speech.

Mayor Pro Tem Gardner announced that last Saturday was National Dog Day.

CM Jurinsky shared that she and Mayor Pro Tem Gardner attended the Global Fest. She shared that the experience was enjoyable, and they offered support to the police and fire departments present during the event. She found it particularly noteworthy that new flags were added to the event this year, making it a great and memorable occasion.

CM Murillo mentioned the cancellation and rescheduling of her September Town Hall. Instead, she will collaborate with the Village Exchange Center to host a nonpartisan candidate forum for City Council candidates. This event will be open to everyone, and the youth from the Village Exchange Center, along with partners, will contribute to shaping the topics and questions. She anticipated that the forum would be a valuable and engaging event, encouraging all running for City Council to participate. She mentioned her intention to reach out to candidates once she has their contact information.

CM Sundberg mentioned attending the Armed Forces Treatment Court alongside Mayor Coffman, where they witnessed the success of an individual who had overcome addiction and secured stable employment and housing. He also highlighted his visit to the Southeast Area Maintenance Facility (SEAM) for the Water Department, a new complex costing \$140 million. During a Home Builders Association tour, he explored ideas like purchasing modular homes and creating additional dwelling units to address the housing shortage in Colorado. He reported on oil production in Ward II and his visit to an electrically operated drilling rig for safe and quiet drilling. He mentioned his visit to a fracking operation as well as fully developed oil and gas wells. He shared his support for a solar farm project between Dad's Landfill and the Prairie Recreation Center, noting that this would require a variance from the Council. He highlighted the ongoing research and development of various energy production methods in Ward II. He emphasized the importance of School Resource Officers (SROs) in schools, particularly their efforts to build trust and relationships with students. He shared how SROs provide snacks and meals to students to encourage interaction and support those in need. He thanked city management for their assistance in acquiring funds for providing snacks.

CM Medina informed the audience about his upcoming Town Hall, scheduled for Wednesday, September 6th, at AMC from 6:30 to 8:00 p.m.

CM Marcano mentioned attending the 60th Anniversary commemoration of Dr. King's "I Have a Dream" speech at Restoration Christian Ministries along with CM Lawson and other city officials. The event served as a poignant reminder of the progress made while acknowledging the ongoing work needed to achieve racial and economic justice.

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CM Marcano expressed gratitude to Chief Acevedo, Deputy Chief Morris, Interim City Manager Jason Batchelor, and CM Lawson for their presence. He announced his upcoming Ward IV meeting, scheduled for Thursday, September 14th, at 6:30 p.m. at Colorado Early Colleges. The meeting's focus would be on safer streets, including an overview of the Vision Zero Program and the concept of human-scale development for community safety. He also mentioned his final Ward IV meeting to be held in October would feature a candidate forum.

CM Coombs mentioned her attendance at the Armed Forces Treatment Court Graduation, where she found it impressive to witness the support and positive impact on the graduating individual as well as their peers in the treatment process. She expressed a commitment to continue attending these events in the future. She also participated in the Water Tour and Global Fest events. She hosted a Ward V Town Hall meeting last Tuesday, where she appreciated the participation of Chief Oughton, Chief Acevedo, Pete Schulte, CM Marcano, and CM Jurinsky in discussions about the Police Reserve Program. She acknowledged the collective effort put into improving the Police Reserve Program ordinance and commended the changes that had been made. However, she acknowledged ongoing concerns expressed by the community and decided not to support the ordinance despite the positive changes.

CM Bergan expressed gratitude to Commander Brown, Officer Judy Lipkin, and Sergeant Jay Van Camp for their presence at the Tollgate Crossing meeting, which had about 35 to 40 attendees. The meeting effectively informed residents about a public safety incident, and she was pleased with the execution of the event. She also mentioned the upcoming E-470 annual retreat, where they would be discussing the strategic plan and goals for the organization.

19. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



MIKE COFFMAN, MAYOR

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ATTEST:

Cecilia Zapata

KADEE RODRIGUEZ, CITY CLERK - Deputy
Cecilia Zapata

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