

**HOUSING, NEIGHBORHOOD SERVICES & REDEVELOPMENT POLICY
COMMITTEE
October 6, 2022**

Members Present: *Council Member, Chair Crystal Murillo
Council Member, Vice-Chair Ruben Medina
Council Member, Juan Marcano*

Others Present: Andrew Rael-Trujillo, Mattye Sisk, Andrea Amonick, Roberto Venegas, Alicia Montoya, Angela Garcia, Adrian Botham, Courtney Tassin, Crystal Murillo, Hector Reynoso, Jacquelyn Bayard, Jeannine Rustad, Jeff Hancock, Jennifer Orozco, Jessica Prosser, Johnathan Harris, Juan Marcano, Megan Platt, Melissa Rogers, Natasha Wade, Omar Lyle, Philip Nachbar, Rachel Allen, Rachel Whipple, Richard Goggins, Ruben Medina, Saadia Aurakzai-Foster, Sandra Youngman, Scott Campbell, Tim Joyce, Trevor Vaughn

WELCOME AND INTRODUCTIONS

Council Member Murillo welcomes everyone to the meeting.

MINUTES

September 1, 2022 minutes are approved.

ANNOUNCEMENTS

None.

NEW ITEMS

Ordinance Amending Sec. 94-107 of the City Code of the City of Aurora, Colorado, Pertaining to Unnecessary Noise; Disturbing the Peace

Summary of Issue and Discussion

CM Marcano, and Angela Garcia present this item. The proposed ordinance would amend the code to expand the existing determination of noise issues to Code Enforcement and allow two or more witnesses to submit a sworn statement, along with evidence, to get a complaint and summons underway. Witnesses that submit statements must be willing to testify at trial to ensure the process is not weaponized. This ordinance came about from Ward IV residents reporting repeated noise issues taking place after hours and Aurora Police Department (APD) officers was not available to make a prima facie determination.

Questions/Comments

CM Murillo says the ordinance would add more clarity and specificity to the process relating to unnecessary noise. CM Marcano explains that the ordinance would allow residents to take action without having to rely on Law or Code Enforcement to witness. He adds that they wanted to avoid frivolous complaints by requiring those that submitted sworn statements to testify. CM Murillo asks for data regarding current concerns or complaints. Jessica Prosser points out that Code Enforcement only works during the day from Monday through Friday, and are only dispatched on the weekend for life-safety complaints. She adds that they do not have data from APD available. She says they

will need to work out the implementation of the ordinance with regard to how the evidence is supplied, changes to operating hours, and fiscal analysis.

Sandra Youngman explains that Code Enforcement deals with land use issues such as construction sites starting work early or events with temporary use permits that have excessive noise. During these scenarios, two Code Officers respond and take readings using a noise meter. Readings are also taken before the occurrence to get a baseline as well as while the event is occurring. If a noise complaint is received, the business or contact person would be given a courtesy notice and information regarding the ordinance. Code Officers would then monitor the area to determine subsequent occurrences. Sandra mentions that most of the time, construction sites come into compliance. She adds that some information provided by residents may not be enough and they are unable to determine if the noise level exceeds the maximum from the videos sent. She emphasizes the importance of officer safety and says there are safety concerns with officers responding after hours when approaching homes, vehicles, or parties. She adds that staffing capacity could also be an issue with enforcing the ordinance.

Jessica explains that all code complaints come in through Access Aurora while sound violations come in through Dispatch. Code Enforcement does not take referrals from Dispatch, and they are not connected through radio. If an event was occurring in real-time, the concern would come through Dispatch and video evidence would be submitted through Access Aurora. Staff would then need to determine a process and procedure for identifying the noise level in the video evidence sent which can be difficult. Sandra asks if the Code Enforcement Officer, resident, or courts would make the violation determination.

CM Marcano explains that the goal of the ordinance is to create an alternative means to address noise complaints and take some concerns off APD's plate unless there are other associated activities like a discharge of firearms. He clarifies that constituent concerns are more about the lack of anyone being held accountable rather than not being able to stop the noise immediately. CM Marcano adds that Code Enforcement Officers have decibel meters while APD does not. A constituent mentioned that the state code requires a measured assessment while the city code simply requires a subjective determination by a responding Code or Police Officer. CM Marcano clarifies that the use of decibel meters would continue for an in-person response. He shares that a resident took a video of their shelves rattling due to excessive noise from their neighbor. Sandra says they have to take a pre-reading to establish the baseline noise levels and some recordings might not register as excessive on decibel readers. She asks if the residents would then wait for staff to conduct the investigation after submitting video or audio evidence. CM Marcano says yes and adds that this would provide recourse for residents to address egregious violations.

Sandra says she would personally want more immediate attention if someone was making excessive noise than waiting to submit evidence through Access Aurora. CM Marcano says it would be a low-priority case for law enforcement and they would not get to the area until after the activity has ceased. Currently, for APD to do anything, they have to be a witness and make a prima facie determination. He clarifies that the ordinance would add a way for residents to address the issue if Code or Law Enforcement Officers are not available. Sandra says it would be difficult to send Code Enforcement Officers to respond since they have no direct contact with Dispatch. CM Marcano acknowledges the logistics and staffing concerns as well as the fact that noise issues are more common on weekends when Code Enforcement Officers aren't working. CM Marcano requests data on the complaint volume and the cost of staffing for Code Enforcement to respond. He stresses that it would be important to gather evidence and have a witness available to issue a summons.

Roberto Venegas says the fiscal analysis must include logistics such as Dispatch and training of new Code Enforcement Officers. He asks whether Code Enforcement Officers would make the determination by gathering evidence through the decibel meter and collecting submitted recordings, without making contact with any party, and then issue a summons the following day. CM Marcano confirms this and says this may alleviate safety concerns. He mentions that residents are asking to hold repeat offenders accountable and encourage behavioral change as opposed to getting quicker responses. Roberto comments that an individual may come up with excuses if someone shows up a day later rather than when the incident is occurring. He says they must ensure that a proper determination is made, and the summons is delivered to the correct party to limit any legal issues. Angela reiterates that during the trial, two witnesses from separate households must identify the individual causing a disturbance.

Roberto says they can work on the fiscal note and get call data from APD. He notes that the M-F Code positions are already difficult to fill, train, and keep so there would need to be a discussion about rotating, retraining, or hiring new officers. He says it might be similar to when they structured the Aurora Mobile Response Team (AMRT) to coordinate with Dispatch. This required significant resources to train the FTEs, ensure their body-worn cameras are operationalized, etc. Jessica adds that Code does not have PD radios connected with Dispatch and APD has been resistant to Code accessing their channels. CM Marcano asks why. Jessica says there are concerns about other people in the community having that information. She mentions that they can get in touch with APD through the radio, but they do not have police channels. She adds that this may conduct self-dispatching such as how the AMRT is monitoring the incoming calls.

Jessica suggests having the two witnesses submit evidence and the Code Enforcement Officers will make a determination based on what was submitted. However, an officer will not be dispatched during the incident. She mentions that this could be similar to the enforcement of the barking dog complaints wherein two witnesses verify the incident. She also suggests providing a mediation option between parties. CM Marcano says each option would have different fiscal impacts.

Outcome – The Committee requests a fiscal analysis and further discussion of all options presented.

City-owned buildings in the Arts District – 1400 Dallas

Summary of Issue and Discussion

Andrea Amonick, the Development Services/AURA Manager, presented this item as an update to the presentation from the September meeting. City management has requested staff move forward expeditiously with a Request for Proposals (RFP) for 1400 Dallas. With this, staff is currently drafting a combined Request for Qualifications (RFQ) and RFP for the disposition of the building consistent with the Urban Renewal Plan. Historically, the building has had a goal of providing studio and exhibit space for artists. Staff is looking to see the development of artists to build self-sufficiency and allow them to move forward to privately held space and build economic vitality in the area and create community wealth. There will be a public process requesting information from organizations to manage the facility in two specific areas. Applicants will provide a statement of qualifications which includes their organizational structure, business plan, financial statement, statements of professional experience, programming experience, experience working with arts groups, and information on how they propose to develop artists. The second part of the proposal would be the types of education and collaborative programming, the structure, how the organization would create a pipeline of artists, and how they would create a learning environment for artists and the public.

Additionally, staff met with the Aurora Cultural Arts District (ACAD) organization and discussed how they can collaborate with arts district initiatives. They committed to continuing the conversation inclusive of discussions regarding the RFQ-RFP prior to bringing it forward to the full Council and a broader audience.

Questions/Comments

CM Murillo asks if staff connected with the Community Wealth Building Network (Network). Andrea says they have not since they are developing the RFQ-RFP as per direction from the management team, but they do have connections with the Network through small businesses. She adds that the goal will result in community wealth building and is consistent with the city's overall strategy. Staff is committed to working with ACAD and they can also work with the Network. She reiterates that they are looking to build wealth in the artist community. CM Murillo says she was under the impression that this was a larger conversation since it concerns city-owned buildings in ACAD and how the city can deepen partnerships and community economic impact as a result of owning the buildings. She says the Network has more expertise on this and requests staff meet with the organization.

Andrea states that they talked about the disposition on the Music City Building and 1400 Dallas, and the uses for buildings by the overall plan and their location. She adds that the two buildings would be different uses. She says this would impact the input to be received from the Network about how each of the buildings could be used to support community wealth building. She states that they would deal with the buildings individually for individual input. She says they can ask if the Network has other groups they are working with that would be appropriate anchors and if they can alert staff regarding areas where the vision can be expanded to achieve a more direct outcome.

CM Murillo says she does not yet have strong opinions about moving the buildings separately or as a collective. CM Marcano says they should prioritize incorporating community wealth building into city-owned buildings in the district. He asks if there is an intent to sell with regard to the disposition of the buildings. Andrea says they are not selling and the building will remain. Staff will look for a management organization for 1400 Dallas. She mentions that they are trying to create an affordable space to develop artists and disposing of the building may not achieve this since private entities may opt to make a profit by selling it and turning it into hotels or office buildings. Andrea says staff will meet with the Network and come back to HORNS with the outcome of the meeting.

Outcome – The Committee directs staff to meet with the Community Wealth Building Network regarding this item.

Neighborhood Engagement - Update

Outcome – Item moves to the next HORNS Committee meeting.

HB 22-1137 Update and possible impact on Code Enforcement

Outcome – Item moves to the next HORNS Committee meeting.

MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

Updates from Community Members

None.

Next meeting: Wednesday, November 2, 2022, at 10 a.m.

Meeting Adjourned: 10:57AM

APPROVED: *Crystal Murillo* 11/07/2022
Crystal Murillo (Nov 7, 2022 19:36 MST)

Committee Chair, Crystal Murillo