

MINUTES

Regular Meeting of the Aurora City Council

Monday, February 22, 2021

1. **RECONVENE REGULAR MEETING OF FEBRUARY 22, 2020 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 6:30 p.m.

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

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

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who have been lost through the pandemic and all that were struggling to recover from COVID-19.

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

5. **APPROVAL OF MINUTES**

5.a. December 21, 2020 Minutes

Mayor Coffman delayed item 5a to the next Council meeting due to concerns raised by Council Member Berzins related to item 10h.

5.b. January 11, 2021 Minutes

Motion by Coombs, second by Bergan, to approve the minutes of the meeting of January 11, 2021, as presented.

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

Call-in instructions were provided for the benefit of the public.

5.c. January 25, 2021 Minutes

No minutes were available for review.

5.d. February 8, 2021 Minutes

No minutes were available for review.

Items 5c and 5d were postponed to the next Council meeting.

6. **PROCLAMATIONS OR CEREMONIES**

6.a. Black History Month

Kadee Rodriguez, City Clerk, read the proclamation declaring February 2021 as Black History Month.

7. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

8. **ADOPTION**

Motion by Gruber, second by Berzins, to approve the agenda as amended with the removal of item 15a.

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

Council Member Gardner was unavailable to vote due to technical issues. He voted affirmatively after the vote.

8.a. RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules
Kadee Rodriguez, City Clerk / Dan Brotzman, City Attorney

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

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

Council Member Gardner was unavailable to vote due to technical issues. He voted affirmatively after the vote.

Council Member Berzins referenced the online voting tab and asked if online voting was available at this time.

Kadee Rodriguez, City Clerk, stated that was in place as a future task.

Council Member Berzins asked if Council could vote online in addition to the verbal vote. Ms. Rodriguez answered affirmatively, noting it would be a helpful test of the online voting system.

9. **CONSENT CALENDAR**

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

- 9.a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Black and Veatch Corp., Denver, Colorado in the amount of \$530,893.00 to provide final design phase services and services during construction for the Murphy Creek Interconnection and Delivery Vault

Dean Bedford, Principal Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.b. Consideration to APPROVE AN AGREEMENT between the city of Aurora, Colorado and the International Association of Firefighters Local 1290 for the years 2021-2022

Jacob Bergeron, Labor Relations Officer / Jason Batchelor, Deputy City Manager

- 9.c. Consideration to AWARD OPENLY SOLICITED CONTRACTS for Master Engineering Services Agreements (MESA VII) to fifty-six (56) firms in various amount as noted in this Commentary, for providing task order engineering services over a three-year period, RFP 2064

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Dave Lathers, Senior Assistant City Attorney

Motion by Berzins, second by Coombs, to approve items 9a – 9c.

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

- 9.d. Consideration to AMEND AN OPENLY SOLICITED CONTRACT to Tetra Tech, Inc., Denver, Colorado in the amount of \$5,739,763.00 for providing professional Engineering Services for the Feasibility Design, and Permitting Support for Wild Horse Dam and Reservoir, R

John P. Clark, Principal Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 9d.

Council Member Coombs requested a brief presentation by staff for the benefit of the public.

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Sarah Young, Deputy Director, Aurora Water, did so.

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

- 9.e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Landmark Builders, Inc., Evans, Colorado in the amount of \$348,189.00 for the Arkansas Valley Range Project Shop Building at Rocky Ford, Colorado, Project NO. 5599A

John P. Clark, Principal Engineer, Aurora Water / Dave Lathers Senior Assistant City Attorney

- 9.f. Consideration to award a competitively bid contract to Mid-America Pipe Fabricating & Supply, LLC., Scammon, Kansas in the amount of \$74,880.00 for the purchase of three (3) 54-inch Diameter Steel Pipe Repair Kits, Project No. B-4578

Dean Bedford, Principal Engineer, Aurora Water / David Lathers Senior Assistant City Attorney

- 9.g. Consideration to award a competitively bid contract for professional engineering services for the 2021 – 2024 Rampart 54" Prestressed Concrete Cylinder Pipeline (PCCP) Sliplining Rehabilitation Program

Dean Bedford, Principal Engineer, Aurora Water/David Lathers, Senior Assistant City Attorney

- 9.h. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC, Lake Mary, Florida in the amount of \$114,590.41 for annual software support on the Water billing system through January 31, 2022

Jo Ann Giddings, Deputy Director Financial Administration, Aurora Water/Dave Lathers, Senior Assistant City Attorney

- 9.i. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to SpryPoint Services Inc., Prince Edward Island, Canada in the amount of \$1,748,000.00 to provide a Utility Billing Software System for the Water Department. (R2048)

Jo Ann Giddings, Deputy Director Financial Administration, Water Dept. / Dave Lathers, Senior Assistant City Attorney

- 9.j. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to BerryDunn, Phoenix, Arizona in the amount of \$582,444.00 for professional consulting services to support final implementation tasks for the new Water Utility Billing software system through January 2

Jo Ann Giddings, Deputy Director Financial Administration, Water Dept. / Dave Lathers, Senior Assistant City Attorney

Motion by Berzins, second by Coombs, to approve items 9e – 9g.

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

Call-in instructions were provided for the benefit of the public.

Mayor Coffman called for a five-minute break to allow for those wishing to speak on an agenda item to call in.

10. **RESOLUTIONS**

10.a. MODIFY THE RULES OF ORDER AND PROCEDURE (FSIR Change)

R2021-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO MODIFY THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL

Luke Palmisano, Intergovernmental Relations Manager / Rachel Allen, City Attorney Client Group Manager

Motion by Lawson, second by Bergan, to approve item 10a.

Council Member Berzins asked if Council could attend the online meetings. Council Member Lawson answered affirmatively.

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

10.b. MODIFY THE RULES OF ORDER AND PROCEDURE (Administrative Changes)

R2021-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO MODIFY THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL

Susan Barkman, Council /Mayor Management Analyst/ Rachel Allen, City Attorney Client Group Manager

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

Council Member Berzins referenced p. 4 item #5, related to attendance of guests and supposed a scenario where the Mayor took his wife and asked if he would have to pay for half of the room and transportation expenses for her.

Dan Brotzman, City Attorney, stated they would pay for the additional amount for the additional person.

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

10.c. JOINT WET WEATHER MONITORING IGA

R2021-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF AN INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF AURORA, COLORADO, BY AND THROUGH ITS UTILITY ENTERPRISE, THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, THE CITY AND COUNTY OF DENVER, AND THE CITY OF LAKEWOOD REGARDING FUNDING OF JOINT WET WEATHER MONITORING AND OTHER COLORADO DISCHARGE PERMIT ACTIVITIES

Sean Lieske, Environmental Permitting Manager, Aurora Water / Christine McKenney, Client Group Manager

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

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

13. **INTRODUCTION OF ORDINANCES**

13.a. MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

2021- 07 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE IV OF SECTION 130 RELATING TO THE MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

Trevor Vaughn, Manager of Tax and Licensing/Hans Hernandez, Assistant City Attorney

Call-in instructions were provided for the benefit of the public.

Mayor Coffman called for a five-minute break to allow for those wishing to speak on an agenda item to call in.

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Motion by Coombs, second by Berzins, to introduce item 13a.

Mayor Pro Tem Bergan asked staff to provide a brief summary related to why the code was being changed.

Trevor Vaughn, Manager of Tax and Licensing, did so.

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

14. **FINALIZING OF ORDINANCES**

14.a. High Point-Hyde Zoning Map Amendment (Rezone)

2021-05 CONSIDERATION OF FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING 185 ACRES MORE OR LESS SOUTH OF 64TH AVENUE BETWEEN E-470 AND DENALI STREET FROM MIXED-USE AIRPORT DISTRICT (MU-A) TO AIRPORT DISTRICT (AD) AND AMENDING THE ZONING MAP ACCORDINGLY (HIGH POINT HYDE INDUSTRIAL REZONE)

Deborah Bickmire, Senior Planner/Daniel Money, Sr. Assistant City Attorney

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

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

14.b. I-70 and Picadilly Road Interchange Project

2021-06 AN ORDINANCE AUTHORIZING THE CITY OF AURORA, COLORADO, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR ACQUISITION OF CERTAIN PROPERTIES FOR THE I-70/PICADILLY ROAD INTERCHANGE PROJECT

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

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

Council Member Coombs requested a brief presentation by staff.

Hector Reynoso, Real Property Services Manager, did so.

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

14.c. Healthy Kids Meal Ordinance

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2020-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 BY CREATING A "NON-SUGARY DEFAULT BEVERAGE OPTION ON CHILDREN'S MENUS" UNDER ARTICLE IX OF THE CITY CODE

Council Member Lawson requested a postponement of the second reading of the ordinance with a request to continue the matter with a tentative date set for June 14, 2021.

Trever Vaughn, Manager of Tax and Licensing / Hanosky Hernandez, Assistant City Attorney

15. **PLANNING MATTERS**

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

Jeffrey Moore Manager Oil & Gas Division / Best, Ian, Assistant City Attorney

ITEM REMOVED FROM THE AGENDA

16. **ANNEXATIONS**

None

17. **RECONSIDERATIONS AND CALL UPS**

17.a. RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22.

Jim Twombly, City Manager / Evans, Isabelle, Assistant City Attorney

Motion by Berzins, second by Coombs, to approve item 17a.

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

Mayor Coffman called for a five-minute recess.

18. **GENERAL BUSINESS**

18.a. Consideration to appoint two (2) members to the Civil Service Commission.

City Council interviewed the following five candidates and will vote to appoint two commissioners, effective March 15, 2021.

Candidates: Leandra Steed, Brooke Gabrielli, Harold Johnson, Jeanette Early, and Eric Mulder

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant Attorney

Kadee Rodriguez, City Clerk, read the rules of order for the item.

Mayor Coffman nominated Brooke Gabrielli and Harold Johnson.
Mayor Pro Tem Bergan nominated Brooke Gabrielli and Harold Johnson.
Council Member Berzins nominated Brooke Gabrielli and Harold Johnson.
Council Member Coombs nominated Harold Johnson and Eric Mulder.
Council Member Gardner nominated Brooke Gabrielli and Harold Johnson.
Council Member Gruber nominated Brooke Gabrielli and Harold Johnson.
Council Member Hiltz nominated Brooke Gabrielli and Harold Johnson.
Council Member Johnston nominated Brooke Gabrielli and Harold Johnson.
Council Member Lawson nominated Brooke Gabrielli and Harold Johnson.
Council Member Marcano nominated Harold Johnson and Eric Mulder.
Council Member Murillo nominated Harold Johnson and Eric Mulder.

Motion by Bergan, second by Gruber, to appoint Brooke Gabrielli and Harold Johnson to the Civil Service Commission.

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

18.b. Consideration to appoint five (5) members to the Aurora Immigrant and Refugee Commission

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Bergan, to appoint five members to the Aurora Immigrant and Refugee Commission.

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

19. **REPORTS**

19.a. Report by the Mayor

No report.

19.b. Reports by the Council

Council Member Lawson provided FSIR and State updates. She recognized Black History Month and acknowledged the efforts of Edna Mosley, who was one of Aurora's first African American council members.

Mayor Coffman recognized Dr. Barbara Shannon-Bannister who sat on the Civil Service Commission, founded the Aurora branch of the National Association for the Advancement of Colored People (NAACP), worked for the City of Aurora for 36 years and who, as an African American, did so much for the City.

Council Member Hiltz raised the topic of the Elijah McClain investigation, noting she had refrained from speaking on it while it was ongoing as she was the chair of the committee who commissioned it. She stated she knew the results would come back that the officers involved acted inappropriately but she was livid, frustrated and upset to see a major crimes investigation be conducted so shoddily. She noted she did not require answers at this time but asked staff for the record if those involved in the major crimes investigation remained in that role and if so, when they would be removed and whether the City Manager planned to hire a third-party to evaluate their other investigations.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, February 25, 2021 on Webex, noting this was a follow-up on short-term and long-term recommendations to support the area. She offered her thoughts on the Elijah McClain investigation and noted many more conversations needed to be had in that regard. She stated she had a lengthy list of questions that were yet to be answered. She noted this was only one of many reports and suggested those in the community who did not feel their questions were answered should communicate that to Council. She stated Elijah McClain was killed at the age of 23, three minutes from where she lived. She noted she was the same age when she was elected. She recognized the parallels and different lived experiences of someone who was from Aurora whose life trajectory was so different through no fault of their own. She stated her heart was heavy and ached for Elijah's family and loved ones as nothing could ever be said that would constitute the magnitude of this loss and what the community felt. She recognized the privilege she had in not having to worry about walking around in the dark with a face mask as well as the magnitude of the conversation, noting the hundreds of emails Council has received in this regard. She noted some on Council took issue with form emails but she felt it was a way of expressing solidarity and holding people accountable. She noted it was Black History Month which allowed everyone to acknowledge the history of the great accomplishments of the black and African American community but also the way it was disparately impacted.

Council Member Johnston stated those who wanted more information on the independent investigation report could find it at auroragov.org and auroratv.org. She stated the importance of listening to the presentation and also reading the report. She stated there were a lot of different pieces to the many reforms that the City has taken and needed to take and the Independent Oversight Committee would provide that presentation to City Council in March. She noted in addition, there was the 21CP Solutions comprehensive review of Aurora Police Department's (APD) practices, policies and procedures which would be presented to the public

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and City Council in the spring. She stated Council would continue to ask questions and they wanted to hear from the public in that regard.

Council Member Berzins expressed appreciation to Council Member Lawson for mentioning Edna Mosely and Mayor Coffman for mentioning Barbara Shannon-Bannister. She stated she did not know Ms. Mosley but was acquainted with her daughter who was a nice person. She discussed her experience working with Ms. Shannon-Bannister, noting she was a hard worker who believed in people. She reminded everyone that the Ward III meeting was scheduled virtually for Wednesday, March 10, 2021 from 6:30 p.m. to 8:00 p.m., where a traffic study presentation would be presented. She noted her intent to request a date change to Council's calendar related to the Accelerate Colorado Trip at the next study session.

Mayor Coffman noted Edna Mosley and her husband, John Mosely, had an extraordinary history in the City of Aurora as she was elected to City Council and he was a Tuskegee Airman.

Council Member Marcano announced the Ward IV Town Hall was scheduled for Wednesday, March 10, 2021 at 6:30 p.m., where the City Manager and Veterans Affairs Commission Chair would be present. He acknowledged the difficulty in reading the full summary of the independent investigation, noting it was very heavy and hard to read. He agreed the City had a lot of work to do and noted there were those who wanted this to move quickly and he shared their anger and frustration with how this has played out. He noted the importance of reaffirming the separation between APD and Aurora Fire Rescue (AFR) as outlined in the reports. He stated the committee did a great job detailing how that communication broke down and how certain people might feel it was expected of them to administer medications based on how a scene was described to them rather than taking a firsthand look. He stated his intention to relook at the ordinance that addressed the use of sedatives within the scope and course of law enforcement activity that was put on hold pending the investigation. He noted that was a huge concern for the community and he expressed his hope that Council could have a robust discussion at policy committee and a study session on that subject. He stated his preference that the 21CP Solutions meeting be held in a public forum rather than at a study session. He expressed appreciation to all those who called in to speak in this regard.

Council Member Coombs announced the Ward V meeting was scheduled for Wednesday, March 3, 2021 at 6:30 p.m., where a conservation measures and drought conditions presentation would be provided. She stated she was recently appointed to the Finance and Budget Committee for Denver Regional Council of Governments (DRCOG) and discussed the recent Cherry Creek Basin Water Quality Authority meeting where the fire at Cherry Creek State Park was discussed. She stated she was also appointed to the Visit Aurora Performance and Engagement Committee and provided an update on Visit Aurora. She raised the topic of the earlier study session and noted she too had hoped Council would have been afforded the opportunity to ask more questions as she had many. She agreed reading the report was very difficult and disturbing. She stated the idea that physical contact was made within ten seconds and that carotid holds were administered in less than two minutes was consistent with the policies and training of APD was unacceptable. She stated de-escalation was not possible in that timeframe. She stated the indication by the Major Crimes Unit investigation that this was

otherwise was nothing short of gaslighting the public. She reiterated she looked forward to asking more questions so these deep issues in the City could be addressed.

Mayor Pro Tem Bergan announced the recent groundbreaking for the Southeast Recreation Center, which was very exciting and noted the upcoming Neighborhood Watch meeting was scheduled for Thursday, February 25, 2021 from 6:00 p.m. to 8:00 p.m. She stated the independent investigation report was 157 pages, which was a lot to absorb and a lot to consider in terms of recommendations.

20. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Mayor Coffman pointed out there were 60 screened callers on the call-in line and stated his hope that, without objection, the callers' time limit could be reduced from three minutes to two minutes.

Council Member Coombs stated her objection.

Mayor Coffman stated each call would proceed with three minutes.

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

Council Member Coombs asked as a point of order if a caller was cut off mid comment and if so, was that an agreed upon process. Mayor Coffman stated there was a three-minute time limit. Council Member Coombs referenced the previous caller where their comment ended after saying a swear word and asked if that was intentional and if so, was that an agreed upon process.

Kadee Rodriguez, City Clerk, stated she spoke with staff in charge of the call-in line and was told the call dropped and was not muted or taken off.

Council Member Marcano asked as a point of order if it was agreed upon that at least six council members were required to be on camera for there to be a quorum.

Daniel Brotzman, City Attorney, stated that was a Council decision.

Mayor Coffman stated his belief was that decision was not made.

Council Member Johnston clarified she had internet video issues that did not impact the audio.

Council Member Hiltz stated she too was listening but was off camera as she was holding an infant. She stated based on the vicious comments she has received about her having a child and having him on the internet, she was not comfortable having him on camera.

Council Member Berzins stated she too was present listening off camera.

Council continued to hear call-in testimony on non-agenda related items.

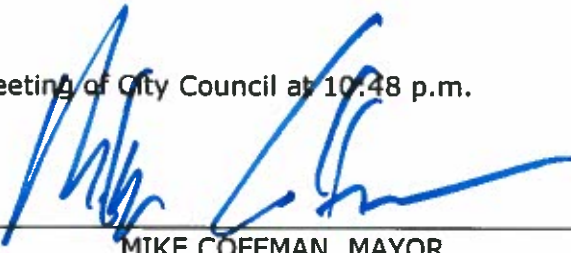
Mayor Coffman stated Council would not respond to speaker comments.

All council members announced their presence.

Mayor Coffman stated there would be no further back and forth between City Council and the speakers. He expressed appreciation to everyone who called in and stated he would announce the date and time of the next meeting with the panelists at a later date.

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:48 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk