

## MINUTES

### Regular Meeting of the Aurora City Council Monday, May 10, 2021

1. **RECONVENE REGULAR MEETING OF MAY 10, 2021 AND CALL TO ORDER**

Mayor Pro Tem Bergan reconvened the regular meeting of City Council at 6:30 p.m.

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

COUNCIL MEMBERS PRESENT: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

COUNCIL MEMBERS ABSENT: Mayor Coffman

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Pro Tem Bergan called for a moment of silence for those who have been affected by COVID and who have had disaster in their lives.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Pro Tem Bergan stated litigation on the opioid settlement and negotiations on Xcel streetlights were discussed at Executive Session.

6. **PROCLAMATIONS OR CEREMONIES**

6.a. The Salvation Army - Aurora Week

Mayor Pro Tem Bergan read the proclamation declaring May 10 – 15, 2021 as The Salvation Army – Aurora Week.

6.b. World Neurofibromatosis (NF) Awareness Day

Mayor Pro Tem Bergan read the proclamation declaring May 17, 2021 as World Neurofibromatosis (NF) Awareness Day.

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7. **PUBLIC INVITED TO BE HEARD**

Mayor Coffman arrived at the meeting.

(non-agenda related issues only)

Council heard public testimony from the call-in line.

Council Member Johnston expressed appreciation to Council Member Marcano for helping the speaker with cell tower location issues. She discussed her efforts in this regard and asked staff to put together a zoning presentation on the item.

Mayor Coffman stated precedent related to a back-and-forth discussion during Public Invited to be Heard has not been made in his tenure therefore he would not recognize any further Council comments at this time.

Council heard additional public testimony from the call-in line.

8. **ADOPTION OF THE AGENDA**

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 Coombs, to approve item 8a.

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

Motion by Coombs, second by Lawson, to adopt the agenda as amended.

Mayor Coffman requested item 11a be removed and that Reports be moved to after Public Invited to be Heard.

Council Member Coombs was in favor of removing item 11a but not of moving Reports to the end. She suggested Council Member Lawson speak to that issue as it was discussed in Rules Committee recently. She noted it was determined that it was better to give council member reports so the public could receive information and council members could provide responses at that time if needed.

Mayor Coffman stated he would not recognize anyone after Public Invited to be Heard.

Mayor Pro Tem Bergan pointed out the issue was decided at Rules Committee.

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Mayor Coffman asked if the issue had been formally adopted. Mayor Pro Tem Bergan answered no, noting it went through the Rules Committee and then to Council. Mayor Coffman stated it could be voted down and proceeded to sever the two items.

Mayor Coffman requested Item 11a be removed from the agenda and heard no objection. He then requested moving item 19a and 19b after Public Invited to be Heard, noting the majority rose and the amendment failed.

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

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 AND OPENLY SOLICITED CONTRACT with Jacobs, Englewood, Colorado in the amount of \$16,479.00 providing Cured In Place (CIPP) design services and added submittal reviews with the two phases of construction for the 2021 Water System Imp
- Dean Bedford, Principal Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney
- 9.b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Nicoletti-Flater Associates, Lakewood, CO in the total amount of \$80,500.00 to provide psychological counseling services (secondary vendor) for the Aurora Police Dept. through April 2022. (R2081)
- Chief Vanessa Wilson, Aurora Police Dept. / Ian Best, Assistant City Attorney
- 9.c. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$269,500.00 to provide psychological counseling services (primary vendor) for the Aurora Police Dept. through April 2022. (R2081)
- Chief Vanessa Wilson, Aurora Police Dept /Ian Best, Assistant City Attorney
- 9.d. Consideration to AWARD A SOLE SOURCE CONTRACT to GE Digital LLC,

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San Ramon, CA in the total amount of \$76,756.55 for the annual renewal of software maintenance on the Water Supervisory Control and Data Acquisition (SCADA) Information Management System thr

Marena Lertch, Manager of Water Service Operations / Ian Best, Assistant City Attorney

- 9.e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to A-1 Chipseal Co., Denver, Colorado in the amount of \$1,950,995.28 for the 2021 Surface Treatment Program, Project No. 5818A

Tom McMinimee – Streets Operations Manager / Brian Rulla – Assistant City Attorney

- 9.f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Albert Frei and Sons, Inc., Henderson, Colorado in the not-to-exceed amount of \$233,000.00 for the purchase of aggregate materials as required through March 31, 2022, Bid No. B-4580.

Tom McMinimee – Streets Operations Manager / Ian Best – Assistant City Attorney

- 9.g. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Ground Engineering Consultants, Inc., Denver, Colorado in the amount not-to-exceed \$850,000.00 for Construction Management/Construction Inspection Services and Materials Testing for the period through

Tom McMinimee, Street Operations Manager / Ian Best, Assistant City Attorney

- 9.h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Albert Frei and Sons, Inc., Henderson, Colorado in the not-to-exceed amount of \$233,000.00 for the purchase of aggregate materials as required through March 31, 2022, Bid No. B-4580.

Tom McMinimee – Streets Operations Manager / Ian Best – Assistant City Attorney

- 9.i. Consideration to AWARD CHANGE ORDER No. 1 to a competitively bid contract with TCC Corporation, Windsor, Colorado in the amount of \$157,172.73 for the Parklane Pool and Bathhouse Improvements Project, Project Number 5791A.

John Perkins – Senior Project Manager / Dave Lathers – Senior Assistant City Attorney

Motion by Marcano, second by Bergan, to approve items 9a – 9g and 9i.

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

Council Member Berzins was unable to vote due to connectivity issues.

10. **RESOLUTIONS**

10.a. An Intergovernmental Agreement for Exchange (Trade) of Water

R2021-30 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR EXCHANGE OF WATER BETWEEN THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT, ACTING BY AND THROUGH ITS SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT ACTIVITY ENTERPRISE.

Alexandra Davis, Deputy Director Water Resources / Stephanie Neitzel, Assistant City Attorney

Motion by Gruber, second by Coombs, to approve item 10a.

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

Marshall Brown, General Manager, Aurora Water, did so.

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

Council Member Berzins was unable to vote due to connectivity issues.

Council Member Marcano asked staff if a majority of Council agreed to suspend Council Rules to have someone else run a meeting if they disagreed with how the meeting was being run was allowed.

Daniel Brotzman, City Attorney, answered no, noting the Mayor was the presiding officer so he ran the meetings. He stated it could be handled piece by piece, however.

10.b. Council's Support to Work with the Metro Denver Homeless

R2021-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S PLEDGE TO WORK WITH THE METRO DENVER HOMELESS INITIATIVE ON BUILT FOR ZERO FOR REGIONAL COORDINATION TO REDUCE HOMELESSNESS.

Lana Dalton, Homelessness Program Manager / Tim Joyce, Assistant City Attorney

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

Council Member Coombs requested a brief staff presentation for the benefit of the public. She clarified moving forward, she would ask for a resolution presentation whenever one was not planned so that those who did not watch the City Council study sessions would know what Council was voting on.

Lana Dalton, Homelessness Program Manager, did so.

Council Member Gruber stated he did not mind Council stating their support for the item but he would not support the resolution because he was concerned that signing the pledge was tantamount to writing a blank check.

Council Member Johnston reminded everyone that this was a public health issue that was becoming political when the reality was top-notch staff was utilizing data-driven, evidence-based policies to realize opportunities. She confirmed the pledge did not commit Council to dollars but rather to their support. She expressed disappointment that the Mayor criticized council members and the majority of staff in this regard.

Council Member Coombs clarified resolutions did not commit Council to any particular funding unless otherwise stated explicitly in the resolution that Council committed to particular programs. She noted the resolution simply invited Council to join the regional collaborative. She pointed out every dollar Council spent had to go through staff and Council.

Mayor Pro Tem Bergan stated she felt this was probably a good collaboration to have regionally but she would not support it because it contained the word 'pledge.' She noted, while this particular resolution did not direct staff to do anything, there have been several occasions where money was requested once a resolution was passed.

Voting Aye: Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Bergan, Berzins, Gruber

#### 10.c. Proposed Revisions to the City Council Rules

R2021-32 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 / Dan Brotzman City Attorney

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

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

Susan Barkman, Council/Mayor Management Analyst, did so.

Council Member Berzins referenced #6, Executive Session, p. 3, and asked why a 2/3 quorum was required prior to entering into Executive Session.

Daniel Brotzman, City Attorney, stated that was a Colorado Statute requirement.

Council Member Berzins expressed concerns regarding the executive back-up material because while most everyone felt it was fine, she thought there might be an exception at some point for highly sensitive information to get to Council 24 hours prior.

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

10.d. Employee Handbook 2021 Resolution

R2021-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO ADOPT A NEW EMPLOYEE MANUAL FOR THE AURORA, COLORADO, CITY COUNCIL

Dianna M. Giordana, Director of Human Resources / Rachel Allen Client Group Manager, City Attorney's Office

Mayor Coffman asked if the final version removed City Council.

Kadee Rodriguez, City Clerk, answered no.

Motion by Gruber, second by Lawson, to approve item 10d.

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

Dianna M. Giordana, Director of Human Resources, did so.

Motion by Gruber, second by Bergan, to approve item 10d with the amendment to strike the language after the word 'employee manual' from the title.

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

10.e. First Creek Detention Pond Project

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

R2021-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE LAND EXCHANGE OF CERTAIN REAL PROPERTY  
LOCATED IN ARAPAHOE COUNTY FOR THE FIRST CREEK DETENTION POND PROJECT

Sarah Young, Deputy Director of Planning & Engineering, Aurora Water / Michelle  
Gardner, Senior Assistant City Attorney

Motion by Coombs, second by Bergan, to approve item 10e.

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

Sarah Young, Deputy Director of Planning & Engineering, Aurora Water, did so.

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

10.f. Comprehensive Emergency Management Plan-City of Aurora

R2021-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, ADOPTING A COMPREHENSIVE DISASTER PLAN

Battalion Chief Matt Chapman / Isabelle Evans Assistant City Attorney

Motion by Berzins, second by Gruber, to approve item 10f.

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

Battalion Chief Matt Chapman, Emergency Management/Aurora Fire Rescue, did so.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

11.a. Buckley Yard Rezone

2021-16 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, REZONING TWO SEPARATE PARCELS OF LAND MEASURING 44.343  
ACRES MORE OR LESS AT THE NORTHEAST CORNER OF SOUTH AIRPORT  
BOULEVARD AND EAST ALAMEDA PARKWAY FROM BUSINESS TECH DISTRICT (I-1)  
TO MIXED-USE CORRIDOR DISTRICT (MU-C) AND MEDIUM DENSITY RESIDENTIAL  
DISTRICT (R-2) AND AMENDING THE ZONING MAP ACCORDINGLY (BUCKLEY YARD  
REZONE)

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Todd Hager, Planner II / Dan Money, Assistant City Attorney

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

Mayor Coffman called for a brief recess to allow for the call-in instructions to be provided for the benefit of the public.

13. **INTRODUCTION OF ORDINANCES**

13.a. 2021 SPRING SUPPLEMENTAL

2021-17 AN ORDINANCE OF THE CITY OF AURORA, COLORADO APPROPRIATING SUMS OF MONEY IN ADDITION TO THOSE APPROPRIATED IN ORDINANCE NOS. 2019-82, 2020-44, AND 2020-68 FOR THE 2020 FISCAL YEAR AND ORDINANCE NO. 2020-53 FOR THE 2021 FISCAL YEAR

Kerstin Claspell, Lead Financial Analyst / Hanosky Hernandez Perez, Assistant City Attorney

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

Council Member Gardner asked staff why there were two different versions included in the backup.

Kadee Rodriguez, City Clerk, stated it was added in the backup for reference.

Mayor Pro Tem Bergan referenced 13a in the supplemental amendment request and asked if that was meant to be phased in.

Jessica Prosser, Community Development Manager, stated staff was actively recruiting for two outreach specialists and the others would come later in the year.

Mayor Pro Tem Bergan stated Council would approve the positions currently but they would not be actively filled at this time.

Ms. Prosser concurred.

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

13.b. Aurora Commission for Seniors Name Change Request

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

2021-18 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 2-765, 2-811, 2-812, AND 2-815 OF THE CITY CODE PERTAINING TO CHANGING THE NAME OF THE COMMISSION FOR SENIORS TO THE COMMISSION FOR OLDER ADULTS.

Brooke Bell, Director of Pks, Rec & Open Space / Angela Garcia, Senior Assistant City Attorney

Motion by Coombs, second by Johnston, to approve item 13b.

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

Joe Sack, Recreation Services Manager, did so.

Council Member Coombs stated her appreciation to the Public Relations staff for their efforts in this regard.

Council Member Berzins stated her support of the item.

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

13.c. 2021 ACLC Heavy Fleet Program Financing Ordinance

2021-19 AN ORDINANCE AUTHORIZING THE USE OF LEASE PURCHASE FINANCING TO ACQUIRE CERTAIN EQUIPMENT DURING THE 2021 FISCAL YEAR PURSUANT TO THE TERMS OF AN EQUIPMENT LEASE PURCHASE AGREEMENT BY AND BETWEEN THE AURORA CAPITAL LEASING CORPORATION, AS LESSOR, AND THE CITY OF AURORA, COLORADO, AS LESSEE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY; AND OTHER RELATED MATTERS

Andrew Jamison, Senior Debt Analyst / Hanosky Hernandez Perez, Assistant City Attorney

14. **FINALIZING OF ORDINANCES**

None

15. **PLANNING MATTERS**

None

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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 / Isabelle Evans, Assistant City Attorney

Motion by Gruber, second by Berzins, to approve Item 17a.

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

18. **GENERAL BUSINESS**

18.a. Consideration to appoint three members and reappoint one member to the Golf Course Advisory Committee

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

Motion by Coombs, second by Marcano, to appoint and reappoint members to the Golf Course Advisory Committee.

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

19. **REPORTS**

19.a. Report by the Mayor

Mayor Coffman stated the passing of Pastor Felix Gilbert was a terrible loss and also noted his heart went out to the Colorado Springs community.

19.b. Reports by the Council

Council Member Lawson extended her condolences to the Colorado Springs community for the heartbreaking tragedy that happened there. She provided FSIR updates and announced

the At-Large Town Hall scheduled for Thursday, May 13, 2021 at Dekalb Park at 6:30 p.m. where budget, fire and police updates would be provided.

Council Member Hiltz expressed her condolences to the Colorado Springs community and reminded everyone of the upcoming At-Large Town Hall scheduled for Thursday, May 13, 2021.

Council Member Murillo announced the Ward I Town Hall was scheduled for the first Thursday of each month and they were currently virtual. She shared her condolences to the Colorado Springs community as well to the Restoration Christian Fellowship Church for the passing of Pastor Felix.

Council Member Johnston expressed condolences to the Gilbert family and RCFC congregation on the passing of Pastor Felix as well as to the Colorado Springs community. She discussed her recent conversation with a constituent who was a victim of crime who related her positive experience with Officer Krieger and the Aurora Police Department (APD). She expressed appreciation to Officer Krieger and APD for their efforts in that regard.

Council Member Berzins expressed appreciation to the police for their efforts in the recent Colorado Springs tragedy. She announced the virtual Ward III meeting was scheduled for Wednesday, May 12, 2021 as well as the annual Ward III picnic at Bicentennial Park on Saturday, July 24, 2021. She extended kudos to the Aurora businesses who were recognized with excellence awards from Aurora's Business Advisory Council. She congratulated her daughter, Victoria, on her recent graduation from the Leeds School of Business, CU Boulder, with her Masters degree.

Council Member Marcano echoed everyone's condolences to the Colorado Springs and Restoration communities and announced the Ward IV meeting was scheduled for Wednesday, May 12, 2021 where the Nine-Mile pedestrian bridge, safe camping sites and the 2021 budget would be discussed.

Council Member Coombs discussed the success of the recent Ward V meeting and congratulated the two Ward V businesses that were recently recognized by Aurora's Business Advisory Council. She provided updates on Aurora Pride and DRCOG.

Mayor Pro Tem Bergan expressed condolences to the Restoration Church community for the passing of Pastor Felix as well as for the families affected in Colorado Springs. She stated domestic violence was a very serious issue that always needed attention. She announced the Ward VI meeting was scheduled for May 26, 2021 from 6:00 p.m. to 8:00 p.m., where the budget and trails system would be discussed. She stated her hope it would be the final virtual meeting as the July meeting should be in person. She congratulated Eldon Larson, owner, Wine Experience Café, as a recipient for the Aurora Business Advisory awards.

20. **PUBLIC INVITED TO BE HEARD**

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(non-agenda related issues only)

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 7:50 p.m.



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MIKE COFFMAN, MAYOR

ATTEST:



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Kadee Rodriguez, city clerk

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