

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, March 22, 2021

1. **RECONVENE REGULAR MEETING OF MARCH 22, 2021 AND CALL TO ORDER**

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

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

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

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, 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, have suffered, or who are suffering in the hospital due to Covid-19.

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

5. **PROCLAMATIONS OR CEREMONIES**

5.a Sexual Assault Awareness Month

Mayor Coffman read the proclamation declaring April 2021 as Sexual Assault Awareness Month.

Mayor Pro Tem Bergan stated the 18<sup>th</sup> Judicial District had an Outreach Specialist in place to provide awareness and help victims of sexual assault. She stated she would email the contact information to Council to share on their social media platforms.

6. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

6.a. Public Invited to the Heard on the 2022 Budget

Greg Hays, Budget Officer

7. **ADOPTION OF THE AGENDA**

*AMENDMENT I*

Motion by Mayor Coffman, second by Coombs, to amend the agenda to hear Mayor and Council Reports after Public Invited to Be Heard.

Council Member Berzins stated doing so left out a large part of the population who listened to the meeting on TV or YouTube because they went to bed and did not stay up for reports.

Mayor Pro Tem Bergan concurred.

Council Member Hiltz stated her recollection was the intent behind the amendment was to allow Council to respond to things that came up during Public Invited to Be Heard. She asked if Council could have both report sections and Public Invited to Be Heard and then have an opportunity to respond if they chose. Mayor Coffman agreed it could be done but noted that was not his preference. He stated council members should have one time to provide their reports and not two.

Council Member Hiltz thanked Mayor Coffman for expressing his preference, noting she was asking if it was a possibility rather than for his preference.

Mayor Pro Tem Bergan stated her understanding that was not the Mayor's preference but noted she thought it was a very good suggestion to have Council provide their reports quickly and then have the opportunity to respond to Public Invited to Be Heard at the end.

*VOTE ON AMENDMENT I*

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

Voting Nay: Bergan, Berzins, Gardner, Gruber

*AMENDMENT II*

Motion by Hiltz, second by Bergan, amending the agenda to hear Council Reports prior to Public Invited to Be Heard with allowing additional time after for responding to Public Invited to Be Heard.

Mayor Coffman asked the City Attorney if this was a settled question.

Daniel Brotzman, City Attorney, answered no and agreed Council Member Hiltz could make the amendment.

Council Member Marciano stated he would support the amendment and suggested the Rules Committee be reconvened to review Council's schedule if they were planning to tweak it at every meeting.

***VOTE ON AMENDMENT II***

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

Voting Nay: Mayor Coffman, Gardner

7.a. RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules

Kadee Rodriguez, City Clerk / Dan Brotzman, City Attorney

Motion by Berzins, second by Gruber, to approve item 7a.

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

8. **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.*

8.a. Consideration to AWARD A SOLE SOURCE CONTRACT to Infor Public Sector Inc., Alpharetta, Georgia in the amount of \$247,925.37 for annual maintenance and support on the asset management software system for Public Works and Water through April 2022

Scott Newman, CIO, IT Dept. / Dave Lathers, Senior Assistant City Attorney

8.b Consideration to AWARD A SOLE SOURCE CONTRACT to Priority Dispatch, Salt Lake City, Utah in the amount of \$70,730.00 for annual maintenance on the Dispatch Control Software System for the City's 911 answering system in the main and backup communication.

Scott Newman, Director, IT / Dave Lathers, Sr. Asst. City Attorney

8.c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Innovative Interiors & Construction, Inc., Denver, CO in the amount of \$66,775.00 for the Acoustical Paneling for Central Recreation Center; Project No. 5540A.

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

Motion by Gruber, second by Marcano, to approve items 8a – 8c.

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

Mayor Coffman called for a five-minute recess to allow staff to set up for public comment.

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

## 9. **RESOLUTIONS**

9.a. First Amendment to Grant Agreement GOCO Contract No. 17884-3

R2021-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDMENT TO THE GREAT OUTDOORS COLORADO GRANT AGREEMENT TO FUND OUTDOOR ENVIRONMENTAL EDUCATION AND PASSIVE RECREATIONAL PROGRAMS

Patricia Schuler, Manager of Open Space / Angela Garcia, Interim Senior Assistant City Attorney

Motion by Gruber, second by Bergan, to approve item 9a.

Patricia Schuler, Manager of Open Space, provided a brief summary of the item.

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

9.b. Support of Military Open Enrollment Resolution

R2021-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S STRONG SUPPORT OF THE COLORADO GENERAL ASSEMBLY'S PROPOSED 2021 MILITARY FAMILY OPEN ENROLLMENT IN PUBLIC SCHOOLS HOUSE BILL 21-1217

Sponsor: Council Member Dave Gruber

Luke Palmisano, Intergovernmental Rltns Mgr / Rachel Allen, Client Group Manager

Motion by Gruber, second by Johnston, to approve item 9b.

Council Member Gruber stated he brought the item forward because it supported military families and also because it was a request from the Garrison Commander to City Council. He stated the item supported an initiative that would allow incoming military people to have the right to compete for schools in the same way people leaving have lost the right. He understood this type of request was unusual because it was usually addressed in FSIR.

Council Member Gardner stated his support for the spirit of the resolution but noted he did not feel this was the right process as Council had a process in place for supporting legislation through FSIR as stated by Council Member Gruber.

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

10. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

Mayor Coffman called for a five-minute recess to allow staff to set up for public comment.

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

12. **INTRODUCTION OF ORDINANCES Refer Items to the April 12th meeting under Finalizing of Ordinances**

12.a. Financing Ordinance Series 2021 First-Lien Water Revenue Bonds

2021-11 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, OF FIRST-LIEN WATER REVENUE REFUNDING AND IMPROVEMENT BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$539,000,000, FOR THE PURPOSE OF FINANCING AND REFINANCING, IN WHOLE OR IN PART, THE COST OF ADDITIONS AND IMPROVEMENTS TO THE WATER SYSTEM OPERATED BY THE UTILITY ENTERPRISE PLEDGING CERTAIN FUNDS AND REVENUES OF THE ENTERPRISE TO THE PAYMENT OF SUCH BONDS, PRESCRIBING THE FORM OF SUCH BONDS, AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

Teresa Sedmak, City Treasurer / Hanosky Hernandez, Assistant City Attorney

Dual listed item - Item 3.a at the March 22nd Study Session

Motion by Berzins, second by Gruber, to approve item 12a.

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

12.b. Financing Ordinance Series 2021 First-Lien Sewer Revenue Bonds

2021-12 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, OF FIRST-LIEN SEWER REVENUE BONDS (SEAM FACILITY IMPROVEMENT PROJECT), SERIES 2021, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$65,000,000, FOR THE PURPOSE OF FINANCING, IN WHOLE OR IN PART, THE COST OF ADDITIONS AND IMPROVEMENTS TO THE SEWER SYSTEM OPERATED BY THE UTILITY ENTERPRISE, PLEDGING CERTAIN FUN AND REVENUES OF THE ENTERPRISE TO THE PAYMENT OF SUCH BONDS, PRESCRIBING THE FORM OF SUCH BONDS, AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

Teresa Sedmak, City Treasurer / Hanosky Hernandez, Assistant City Attorney

Dual listed item - Item 3.b. at the March 22nd Study Session

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

Mayor Pro Tem Bergan stated her understanding the item related to financing and pointed out the Southeast Maintenance Facility was much needed because the City did not have enough facilities to maintain some of their equipment.

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

13. **FINALIZING OF ORDINANCES**

13.a. Lobbyist Registration Ordinance

2021-08 AN ORDINANCE OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, ADDING ARTICLE IX TO CHAPTER 2 OF THE CITY CODE PERTAINING TO THE REGULATION OF LOBBYISTS.

Sponsor: Council Member Angela Lawson

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

Motion by Lawson, second by Johnston, to approve item 11a.

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

Voting Nay: Berzins

13.b. Menstrual Care Products Sales Tax Exemption

2021-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING ARTICLE II OF SECTION 130 OF THE CITY CODE RELATING TO EXEMPTING MENSTRUAL CARE PRODUCTS FROM SALES AND USE TAX THE CITY CODE RELATING TO EXEMPTING MENSTRUAL CARE PRODUCTS FROM SALES AND USE TAX

Sponsor: Council Member Allison Hiltz and Council Member Curtis Gardner

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

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

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

**Refer to April 12th Regular Council Meeting under Finalizing of Ordinances**

13.c. Temporary Caps on Fees for Food Delivery

2021-10 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 ADDING ARTICLE III REFERRED TO AS "TEMPORARY CAPS ON FEES FOR FOOD DELIVERY," AND OTHER RELATED MATTERS

Sponsor: Council Member Curtis Gardner

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

Motion by Gardner, second by Gruber, to approve item 13c.

*AMENDMENT I*

Motion by Gardner, second by Gruber, to amend the item to state 'it shall expire on May 15, 2021 or when public health orders allowed 100 percent unrestricted capacity, whichever is sooner.'

Council Member Gardner explained his reasoning behind the amendment.

*VOTE ON AMENDMENT I*

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

*VOTE ON ORIGINAL ITEM AS AMENDED*

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

14. **PLANNING MATTERS**

None

15. **ANNEXATIONS**

None

16. **RECONSIDERATIONS AND CALL UPS**

16.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 Marcano, to approve item 16a.

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

17. **GENERAL BUSINESS**

None

18. **REPORTS**

18.a. Report by the Mayor

No report.

18.a.1. Planning and Zoning Commission Interview Process

Kadee Rodriguez, City Clerk, provided an updated version of Council's rankings of the Planning and Zoning Commission candidates. She asked Council to determine how many and which individuals they wanted to interview at the April 5<sup>th</sup> Study Session.

Mayor Pro Tem Bergan recommended Council interview the first four candidates.

Council Member Gardner pointed out the instructions were clear for Council to rank all seven candidates in order of their preference and only a few council members did so. He felt as a result Council should have the opportunity to resubmit their rankings if they were not required to rank all seven.

Mayor Pro Tem pointed out the instructions stated Council's preferred ranking and not to rank all seven.

Council Member Hiltz noted she too ranked all seven and felt Council should have a consistent number of people to rank so that the weighted totals were fair and correct.

Ms. Rodriguez clarified the instructions requested a list from one to seven similar to the Civil Service Commission. She stated this provided a general idea of who Council wanted to interview.

Council Member Hiltz stated the applicants deserved consistency in the process.

Motion by Hiltz, second by Johnston, to resubmit the rankings to rank all eligible candidates in the order of one to whatever the final count was.

Council Member Coombs stated as a point of order that there was one individual that was not eligible because they were not a resident or registered elector of the City for a full year. She recommended that person not be included in the rankings.

Mayor Coffman asked the City Clerk to speak to the residency requirements. Ms. Rodriguez stated the City Clerk's Office checked voting records to confirm an applicant's address and their voter registration with the Secretary of State. She confirmed each of the applicants met those requirements.

Council Member Coombs stated one of the applicants listed their time of residence in the City of Aurora as 10 months.

Mayor Coffman asked the City Clerk if that disqualified the applicant. Ms. Rodriguez answered affirmatively.

Mayor Pro Tem Bergan noted this process was taking a long time and wondered if residency was counted for the recent, current and next months.

Mayor Coffman asked Council if there were any objections to allowing the Clerk to decide that issue.

Mayor Pro Tem Bergan asked if, given the previous situation, the City Clerk's Office would do background checks on the applicants. Ms. Rodriguez answered no. She stated procedures were not in place to do so and noted they have been speaking with the City's Human Resources Department and City Attorney's Office to see what could be done in that regard.

Council Member Murillo stated her support of reevaluating the process because she was all for clarity. She stated her understanding was that Council has followed the council member prerogative process for a long time now.

Council Member Berzins concurred, noting Council was never forced to rank all of the candidates and doing so would start something that would remove the Council prerogative which she did not support. She discussed her concerns related to not having applicant background checks.

Council Member Marcano stated his interpretation of the instructions was Council was to rank their top choices. He noted there were inconsistencies between the forms and suggested that would be a good subject for the Rules Committee to address in the future.

Mayor Pro Tem Bergan concurred with Council Member Marcano. She agreed also that Council has never been forced to rank all of the applicant regardless of the instructions. She felt forcing someone to rank an applicant they were not considering removed their discretion and she did not agree with that process.

Council Member Johnston pointed out Council had different interpretations of the instructions. She noted she too ranked all seven and has done that every time. She stated the amendment was important because the results would be skewed if Council was not on the same page.

Council Member Gardner pointed out the request to rank the applicants in their order of preference was important because Council used a weighted ranking system and not having a consistent ranking system would throw that off.

Council Member Berzins wondered how people got the votes and how someone would rank applicants they did not believe were qualified because they were still being given a number to be interviewed. She asked the City Clerk to explain how interview numbers were assigned. Ms. Rodriguez did so. Council Member Berzins asked how Council conveyed those who they did not want to be interviewed. Ms. Rodriguez stated that was the current discussion.

Council Member Hiltz stated she wanted consistency so the rankings worked as they were intended to work.

Council Member Coombs stated there should be an established number of candidates to be ranked regardless of how many applicants there were. She stated she did not support reranking because she wanted to move forward to figure out who would be interviewed.

#### *VOTE ON AMENDMENT I*

Voting Aye: Mayor Coffman, Gardner, Hiltz, Johnston, Lawson, Murillo

Voting Nay: Bergan, Berzins, Coombs, Gruber, Marcano

#### 18.b. Reports by the Council

Council Member Lawson extended her thoughts and condolences to the cities of Boulder and Atlanta and to all of the families involved in those situations. She provided a FSIR and RTD Reimagined update. She announced the Civic Engagement Academy would begin on April 8, 2021 and noted those interested in attending should visit [www.auroragov.org/citizensacademy](http://www.auroragov.org/citizensacademy).

Council Member Gruber raised the topic of creating an inland port south of the Denver airport within Adams county, Aurora, and surrounding jurisdictions.

Council Member Hiltz expressed condolences to all involved in the situation in Boulder.

Council Member Murillo also sent condolences to Boulder and discussed the Third Culture Bakery's fundraising effort to provide safety and alarm kit initiatives to protect Asian American Pacific Islander (AAPI) elders. She announced the Ward I Town Hall was scheduled for Thursday, March 25, 2021 at 6:00 p.m. and discussed the recent community walk that strived to support community members and to make safe spaces for people to walk.

Mayor Coffman provided an update on the mass shooting in Boulder and asked for a moment of silence for the lives lost in this tragedy.

Council Member Johnston echoed Council Member Lawson's comments related to Atlanta and discussed the increase in crimes against Asians in major cities.

Council Member Berzins announced the Ward III meeting was scheduled for Wednesday, April 14, 2021 on Webex and discussed her attendance at the recent National League of Cities virtual meeting. She extended her condolences and prayers to Boulder and Atlanta.

Council Member Marcano extended condolences to the family, friends and loved ones affected in Boulder and Atlanta. He provided an update on the recent Arapahoe County Transportation Forum and announced the Ward IV meeting was scheduled for Wednesday, April 14, 2021 at 6:30 p.m. on Webex and Facebook Live.

Council Member Coombs announced the Ward V meeting was scheduled for Wednesday, April 7, 2021 at 6:30 pm. and discussed the success of the recent vaccine clinic for Heather Garden residents. She stated additional clinics were planned in the future and she expressed appreciation to all those involved in making that happen. She provided updates on the Miracles Fashion Show, Cherry Creek Water Basin Authority, Visit Aurora, and DRCOG. She acknowledged the senseless loss of life in Boulder and Atlanta.

Mayor Pro Tem Bergan extended her condolences and prayers to the cities of Boulder and Atlanta and the victims' families. She expressed appreciation to Madison Lingo, Outreach Specialist, Sexual Assault Response Team (SART) for her efforts in that regard and noted she sent Council Ms. Lingo's contact information to share with their constituents. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, March 24, 2021 where retail and site selection would be discussed.


19. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None

20. **ADJOURNMENT**

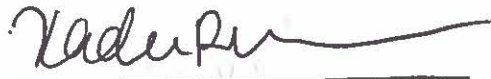
Mayor Coffman adjourned the regular meeting of City Council at 8:02 p.m.



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MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk