

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, August 23, 2021

1. **RECONVENE REGULAR MEETING OF AUGUST 23, 2021, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for August 23, 2021, at 6:30 p.m.

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

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

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those lost to COVID and those struggling to recover as well as the losses in Afghanistan and the tragedy unfolding there.

Call-in instructions were provided for the public in both Spanish and English.

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

5. **EXECUTIVE SESSION UPDATE**

• Mayor Coffman stated two litigation cases were discussed.

6. **APPROVAL OF MINUTES**

6.a. June 28, 2021, Minutes

Motion by Gruber, second by Berzins, to approve the minutes of the June 28, 2021, City Council meeting, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

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7.a. Dr. Zelda M. DeBoyes

Mayor Coffman read the proclamation recognizing Dr. Zelda M DeBoyes on her retirement.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

8.a. Public Invited to Be Heard on the 2022 Budget

Greg Hays, Budget Officer

None

9. **ADOPTION OF THE AGENDA**

Motion by Gruber, second by Coombs, to adopt the agenda as presented.

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

10. **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.*

10.a. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Enginuity Engineering Solutions LLC, Littleton, Colorado in the amount of \$153,590 for providing additional engineering services under the South Platte Bank Stabilization Project.

Sarah Young, Deputy Director Water Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

10.b. Sand Creek Water Reclamation Facility Improvements Amendment for Additional Services.

Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Carollo Engineers, Inc., Littleton, Colorado in the amount of \$213,500.00 for blower control design

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and additional engineering services during construction for project integration for the Sand Creek Water Reclamation Facility Improvements Project.

Elizabeth Carter, Principal Engineer, Aurora Water / Ian Best, Assistant City Manager

- 10.c. Award an OPENLY SOLICITED CONTRACT to Desman, Inc. in the amount of \$113,170.00 for Professional Design and Contract Document Services for the Aurora Municipal Center Parking Garage; R-2090.  
Kasi Province, Project Manager – Public Works / Ian Best, Assistant City Attorney
- 10.d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to TMT Solutions Inc., San Marcos, TX in the total amount of \$113,295.00 for equipment and services to upgrade the Public Safety Intercom System. (B-4616).  
Scott Newman, CIO, IT/Ian Best, Assistant City Attorney
- 10.e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ferguson Enterprises, Aurora, Colorado in the not-to-exceed amount of \$100,000.00 for the purchase of plumbing supplies as required by Facilities Management through July 31, 2022. (B-4608).  
Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney
- 10.f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to ARS Companies, Wheat Ridge, Colorado in the amount of \$652,404.00 for the 2021 Full Depth Reclamation Program, Project No. 5832A.  
Tom McMinimee – Streets Operation Manager / Brian Rulla, Assistant City Attorney
- 10.g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to EAP Glass, Littleton, Colorado in the not to exceed amount of \$60,000.00 for Glass Replacement and Repair Service as required by Facilities Management Operations through July 31, 2022.  
Lynne Center – Deputy Director PW / Ian Best, Assistant City Attorney
- 10h. Consideration to AWARD A SOLE SOURCE CONTRACT to Accela Inc., San Ramon, California in the total amount of \$347,512.73 to provide annual maintenance and licensing for the Workflow Process Software System through September 29, 2022.  
Scott Newman, CIO, IT Dept./Kim Skaggs, Assistant City Attorney

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Motion by Bergan, second by Berzins, to approve items 10a – 10h.

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

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

11. **RESOLUTIONS**

11.a. Resolution to Enter Lease-Purchase Agreement for Software Renewal

R2021-91 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE PURCHASE AND ACQUISITION THROUGH A LEASE-PURCHASE AGREEMENT OF VMWARE SOFTWARE LICENSING

Scott Newman, Chief Information Officer / Kim Skaggs, Assistant City Attorney

Scott Newman, Chief Information Officer, provided a summary of the item.

Motion by Gruber, second by Marcano, to approve item 11a.

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

11.b. (CDOT) Havana Street Transit Improvements

R2021-94 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR HAVANA STREET TRANSIT IMPROVEMENTS

Carlie Campuzano, Traffic Manager / Michelle Gardner, Senior Assistant City Attorney

Carlie Campuzano, Traffic Manager, provided a summary of the item.

Motion by Berzins, second by Marcano, to approve item 11b.

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

11.c. A Resolution to Approve the Aesthetic Enhancements for the Nine Mile Pedestrian Bridge.

R2021-95 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,

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COLORADO, TO APPROVE THE DESIGN, FABRICATION, AND INSTALLATION OF THE AESTHETIC ENHANCEMENTS FOR THE NINE MILE PEDESTRIAN AND BICYCLE BRIDGE PROJECT.

Roberta Bloom, Public Art Supervisor / Tim Joyce, Assistant City Attorney

Roberta Bloom, Public Art Supervisor, provided a summary of the Item.

Motion by Marcano, second by Coombs, to approve item 11c.

Council Member Marcano expressed appreciation to staff and the art panel volunteers for their efforts in this regard. He stated this would be a stunning entry point and he was excited to see it completed.

Council Member Coombs noted this was an exciting safety improvement for those living on the east side of Parker Road. She expressed appreciation to staff for their efforts on both the bridge and the artwork.

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

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

12.a. **AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES**

2021-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY.

Robin J Peterson, Manager Marijuana Enforcement / Dan Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Robin J Peterson, Manager Marijuana Enforcement, provided a brief presentation on the item.

Brandon Cammarata, Manager, Planning & Development Services, continued the presentation on the item.

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Mayor Pro Tem Bergan asked if it was typical for a UDO amendment to be approved prior to the license being approved. Ms. Peterson stated this was how the City Clerk stated it needed to appear on the agenda.

Council Member Lawson recalled there were previous discussions on the fixed and the mobile which now appeared to be included. She stated she supported the item but not the mobile aspect. She asked why they were included together. Ms. Peterson stated the mobile portion could be struck from the license introduction. She stated the mobile was included because it did not have anywhere else to go as the licensed business would not have a fixed address.

Council Member Marcano asked Ms. Peterson to speak to the frequency of similar alcohol use in the City. Ms. Peterson was uncertain of that information and agreed to provide the information to Council.

Mayor Coffman closed the public hearing on the item.

Council Member Gruber asked if there were any studies that showed smoking marijuana did not cause cancer. Ms. Peterson was not aware of any. Council Member Gruber stated cigarettes were determined to be more dangerous than initially thought and he felt marijuana has not been studied enough therefore it could be surmised that smoking in public places could be dangerous.

Motion by Coombs, second by Marcano, to approve item 12a.

Council Member Coombs asked Ms. Peterson to speak to the air filtration and circulation requirements for the purchase and consumption buildings. Ms. Peterson did so. Council Member Coombs stated the concern with any type of respiratory or lung cancer issues related to indoor air quality.

Ms. Peterson confirmed all building guidelines in that regard would be followed.

Mayor Pro Tem Bergan asked if it was illegal to smoke cigarettes even with air filtration systems in a building. Ms. Peterson answered affirmatively. Mayor Pro Tem Bergan noted the two issues appeared to be similar.

Ms. Peterson concurred.

Mayor Pro Tem Bergan asked the distinction between smoking marijuana and cigarettes. Ms. Peterson stated the state statute allowed an exemption for marijuana to be consumed inside. Mayor Pro Tem Bergan stated it appeared to be in contradiction.

Council Member Hiltz stated her support for the item. She referenced previous Council conversations about sugary drinks and kids' menus and how Council could not tell people what they could put into their bodies and in this instance, these were consenting adults who

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could also drink alcohol. She pointed out the discussion around what consenting adults were allowed to do changed based on the topic.

Council Member Gruber stated this discussion was very different because the discussion was not about making marijuana illegal. He stated the topic was whether the City would change its building codes to allow smoking rooms inside facilities where multiple people could smoke together. He pointed out those were outlawed in every building in Colorado. He reiterated marijuana has not been legal long enough to determine the health risks of smoking it.

Council Member Gardner recognized the work of the Amendment 64 Committee and City staff in this regard. He stated his support for the item. He pointed out the City did a lot of things with the marijuana sales tax revenue, but things changed when they wanted to do something that treated marijuana like alcohol. He stated this was a responsible way to do this and the item and its subsequent licensing ordinance did a very different job of protecting the City while at the very same time allowing adults to be adults. He pointed out for the record he was okay with adults smoking cigarettes as well.

Voting Aye: Berzins, Coombs, Gardner, Hiltz, Marcano, Murillo

Voting Nay: Bergan, Gruber, Lawson

### 13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

13.a. A Resolution to Approve the Harvest Crossing Metropolitan District No. 1 and Execution of an IGA

R2021-92 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR THE HARVEST CROSSING METROPOLITAN DISTRICT NO. 1 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO AND THE DISTRICT

Cesarina Dancy, Development Project Manager, Office of Development Assistance /  
Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Cesarina Dancy, Development Project Manager, Office of Development Assistance, provided a summary of items 13a and 13b.

Paula Williams, McGeady Becher, P.C., representing the applicant, stated she was present to answer questions. She noted the service plans were compliant with the model and no objections to the formation have been received.

Mayor Coffman closed the public hearing on the item.

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

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

- 13.b. A Resolution to Approve the Harvest Crossing Metropolitan District No. 2 and Authorizing the Execution of an IGA

R2021-93 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR THE HARVEST CROSSING METROPOLITAN DISTRICT NO. 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO AND THE DISTRICT

Cesarina Dancy, Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Gruber, second by Bergan, to approve item 13b.

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

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

#### 14. **INTRODUCTION OF ORDINANCES**

- 14.a. Amending Chapter 6 of the City Code - Marijuana Hospitality Businesses

2021-31 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS AND LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY.

Robin Peterson, Manager Marijuana Enforcement / Dan Money, Senior Assistant City Attorney

Robin Peterson, Manager Marijuana Enforcement, gave a summary of the item.

Motion by Gardner, second by Coombs, to introduce item 14a.

Council Member Lawson asked how the mobile piece fit into the cap. Ms. Peterson stated there was not a cap on the mobile.

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Voting Aye: Berzins, Coombs, Gardner, Hiltz, Marcano, Murillo

Voting Nay: Bergan, Gruber, Lawson

14.b. Ordinance Pertaining to Unauthorized Camping

2021-28 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO BE NUMBERED 94-122 TO THE CITY CODE PERTAINING TO PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY AND ADDING ARTICLE IV, SECTIONS 114-106 THROUGH 114-112 TO CHAPTER 114 PERTAINING TO ABATING UNAUTHORIZED CAMPS ON PUBLIC PROPERTY.

Sponsor Mayor Michael Coffman / Tim Joyce, Assistant City Attorney

Mayor Coffman recognized Mayor Pro Tem Bergan as chair of this section of the meeting.

Council heard public call-in testimony on the item.

Motion by Gruber, second by Bergan, to approve item 14b.

Mayor Coffman listed the main points of the policy; noting it did not criminalize homelessness; it required the City to provide an alternate location prior to abatement of any encampment; and it required a three-day notice prior to abatement. He pointed out the City would receive federal dollars to provide alternative locations and noted some already existed. He noted a block community grant was just given to Restoration Christian Church in Aurora to provide safe parking and the Salvation Army started its Safe Campus Space program. He felt it was fair to the homeowners and business owners to state people could only camp in designated areas in the City. He urged his colleagues to vote affirmatively.

Council Member Gruber stated his support for the item noting it was a way forward. He pointed out the City did not need to have housing for every homeless person in Aurora but rather only for those living in a camp at one time. He stated this was a fair way to deal with the growing homeless problem in the City. He believed this was an issue of property rights because homeowners and business owners paid property taxes and they expected support from City Council in protecting their property rights.

Council Member Marcano expressed appreciation to all those who called in. He empathized with those who were concerned about the trash and waste and agreed no one wanted to see people living on the street. He noted where they disagreed was that a ban would address these issues. He suggested those who did not agree with that statement should visit Denver to see how ineffective their ban was. He stated the bans were so ineffective, Aurora's Mayor went to Denver and pretended to be homeless and did not get swept. He discussed the effectiveness of Housing First and Work First programming and noted camping bans were not complementary to that. He stated as elected officials, Council

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should be good stewards of City resources and not support bad public policy and as human beings, they should understand that people were not trash.

Council Member Coombs referenced Mayor Coffman's comments related to the specific places within the City that unhoused people could be and asked staff to speak to where those spaces were outlined in the ordinance.

Jessica Prosser, Director of Housing and Community Services, did so, noting the Mayor was referring to alternative shelter options which the ordinance called out.

Council Member Coombs asked Ms. Prosser to speak to the timeline to have more than the existing outdoor space available. Ms. Prosser did so, noting there was currently a pilot space that housed approximately 30 people as well as one safe parking set up. She stated staff was working with other community partners on additional options, noting those generally took 6 – 8 weeks to set up. She noted staff was also looking into pallet homes which were more permanent or semipermanent structures. She stated staff also required direction from Council on spending funds to set up those spaces. Council Member Coombs noted that was planned for the September Budget Workshop. She asked Ms. Prosser to speak to the way the City currently connected people to existing safe outdoor spaces and programs. Ms. Prosser did so. Council Member Coombs noted her questions were meant to highlight many of the things the City was already doing, noting the issue was the lack of places for people to be, which required time to establish. She continued to urge her colleagues to attend the policy committee meetings where staff provided updates and Council provided direction on these items, noting the direction was already in place to implement the solutions so the need was for the remainder of Council to approve the funding.

Motion by Hiltz, second by Gardner, to end discussion and call for the vote on the item.

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

Voting Nay: Mayor Coffman

***VOTE ON ORIGINAL MOTION***

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Mayor Coffman continued as chair of the meeting.

14.c. Windler No.1 BID; Election of Directors and Approving the 2021 Operating Plan and Budget

2021-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ORGANIZING WINDLER BUSINESS IMPROVEMENT DISTRICT NO. 1;

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PROVIDING FOR AN ELECTION OF THE BOARD OF DIRECTORS OF THE DISTRICT;  
AND APPROVING THE 2019 OPERATING PLAN AND BUDGET FOR THE DISTRICT.

Cesarina Dancy, Development Project Manager, Office of Development Assistance /  
Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing on items 14c and 14d.

Cesarina Dancy, Development Project Manager, Office of Development Assistance, provided an overview of the items.

Clint Waldron, White, Bear, Ankele, Tanaka and Waldron, representing the applicant, was available to answer questions.

Mayor Coffman closed the public hearing on the item.

Motion by Gruber, second by Gardner, to approve item 14c.

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

14.d. Windler No.2 BID; election of Directors and approving the 2021 Operating Plan and Budget

2021-33 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ORGANIZING WINDLER BUSINESS IMPROVEMENT DISTRICT NO. 2; PROVIDING FOR AN ELECTION OF THE BOARD OF DIRECTORS OF THE DISTRICT; AND APPROVING THE 2019 OPERATING PLAN AND BUDGET FOR THE DISTRICT

Cesarina Dancy, Development Project Manager, Office of Development Assistance /  
Brian Rulla, Assistant City Attorney

Motion by Gruber, second by Bergan, to approve Item 14d.

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

14.e. Amending The Campaign Finance Ordinance

2021-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-2 AND SECTIONS 54-101, 54-103, 54-104.5 AND 54-110 OF THE CITY CODE RELATED TO THE FINANCING OF ELECTORAL CAMPAIGNS.

Sponsor: Council Member Marcano

Staff: Dan Brotzman, City Attorney / Rachel Allen, Client Group Manager, City Attorney's Office

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Outside Speaker: Mark Grueskin, Recht Kornfeld PC

*ORIGINAL MOTION*

Motion by Marcano second by Coombs, to approve Item 14e.

Council Member Marcano stated his support for the item and expressed appreciation to Rachel Allen, Client Group Manager, City Attorney's Office and Mark Grueskin, Recht Kornfeld PC., outside counsel, for their efforts in this regard. He believed this more than satisfied the court's objection with the original ordinance and urged an affirmative vote.

Council Member Gruber asked staff to speak to the status of the ordinance and injunction. Mr. Grueskin did so. Council Member Gruber stated the fact that those elements were enjoined showed the judge felt there was a probability these sections were unconstitutional.

Mr. Grueskin believed so.

Council Member Gruber stated the trial was scheduled for April.

Mr. Grueskin concurred.

Council Member Gruber noted ballots would go out in a few weeks and the candidates learned that parts of the new campaign law were unconstitutional and had to be changed. He felt making the change at this time was counterproductive because the campaigns were in full gear under the existing ordinance. He suggested the best course of action was to let the election go through with the existing ordinance and readdress it following the election because it would not have any impact on the current candidates, and it would allow the whole system to be better managed under the next Council.

Mayor Coffman asked Mr. Grueskin to explain the issue that was raised in the complaint but not in the motion for preliminary injunction. Mr. Grueskin did so. Mayor Coffman stated his support for the item, noting it was an important issue to discuss. He addressed Council Member Marcano and asked if he was willing to defer the item until the next regular meeting to allow council members a better chance to review the item.

Dan Brotzman, City Attorney, agreed a motion to continue was an option Council Member Marcano could choose.

Mayor Coffman addressed Council Member Marcano and stated that was his suggestion because he was not sure Council Member Marcano had the votes at this time.

Council Member Marcano stated in the interest of good faith negotiations, he was fine with continuing the item but wanted to take a formal vote. He asked those with questions to please send them to him prior to the vote as he would like to see the item completed either way.

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Mayor Coffman asked Council Member Marcano if he wanted to defer the vote to the next regular meeting or did he want a vote. Council Member Marcano clarified he was fine with deferring the item if that was the ask of his colleagues and he strongly encouraged those with questions to reach out for those answers.

***SUBSTITUTE MOTON***

Motion by Marcano second by Coombs, to defer item 14e to the next regular Council meeting.

Mayor Pro Tem Bergan asked if the candidates were currently operating with everything being the same except for two parts. Mr. Grueskin stated two provisions related to expenditures were enjoined and certain aspects of the ordinance with coordinated expenditures and certain acts that a candidate and associates and candidates and staff could or could not make were not in place.

Council Member Marcano asked if the amendment required a publishing period. Mr. Brotzman answered affirmatively.

***VOTE ON SUBSTITUTE MOTION***

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

Voting Nay: Gardner

**14.f. Repealing The Campaign Finance Ordinance**

**2021-36 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING ORDINANCE 2020-58 AND REENACTING ORDINANCES 2015-65, 2016-35, AND 2019-31 OF THE CITY CODE RELATED TO ELECTIONS AND CAMPAIGN FINANCE**

Sponsor: Council Member Gruber

Staff: Dan Brotzman, City Attorney / Rachel Allen, Client Group Manager, City Attorney's Office

Outside Speaker: Mark Grueskin, Recht Kornfeld PC

Motion by Gruber, second by Bergan, to continue item 14f to the next regular Council meeting.

Mayor Pro Tem Bergan stated it was disingenuous to continue the previous item and not this one.

Council Member Hiltz stated she had not planned to vote on the item.

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Motion by Gruber to approve item 14f.

Mayor Coffman noted the motion died for lack of a second.

15. **FINALIZING OF ORDINANCES**

- 15.a. An Ordinance to Approve the Second Amended and Restated Service Plan for WH 2021-27 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE SECOND AMENDED AND RESTATED SERVICE PLAN FOR WH METROPOLITAN DISTRICT NOS. 2-10 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ARORA, COLORADO, AND THE DISTRICTS.

Cesarina Dancy, Development Project Manager, Office of Development Assistance /  
Brian Rulla, Assistant City Attorney

Cesarina Dancy, Development Project Manager, Office of Development Assistance, provided a summary of the item.

Motion by Gruber, second by Gardner, to approve item 15a.

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

- 15.b. Amending Section 54-31 of the City Code - Electors Eligible to hold Municipal Office  
2021-30 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-31 OF THE CITY CODE PERTAINING TO ELECTORS ELIGIBLE TO HOLD MUNICIPAL OFFICE.

Rachel Allen, Client Group Manager / Dave Lathers, Senior Assistant City Attorney  
Outside speaker: Gerald Dahl

Rachel Allen, Client Group Manager, provided a summary of the item.

Mayor Coffman asked if a person not running and therefore not a candidate for Aurora City Council in this election had standing to go forward with the lawsuit. Ms. Allen stated her understanding petitions were due tomorrow.

Gerald Dahl, outside counsel, stated Council had to wait and see if the individual was affirmed as a candidate after the nomination and petition closing period. He pointed out any registered elector could bring that type of claim.

**ORIGINAL MOTION**

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Motion by Coombs, second by Marcano, to approve item 15b.

Council Member Marcano stated his understanding the City was unsure if the current plaintiff had standing but noted that did not change the fact that someone else might have standing to bring a suit and additionally, it was very likely this ordinance was out of harmony from the State of Colorado and US Constitutions.

Mr. Dahl concurred.

Mayor Coffman clarified his understanding the current policy was not inconsistent with the US Constitution but was with the State Constitution.

Mr. Dahl concurred.

Council Member Gardner stated the US Constitution did not limit a federal officeholder at all and noted there were occasions where congressman who were felons served in Congress.

Mr. Dahl was uncertain of that history.

Council Member Gardner stated the US Constitution did not address a felony conviction at all.

Mr. Dahl concurred.

Council Member Gruber noted Council made a good faith effort to modify the Charter and this item related to modification of the Code which was based on the Charter. He stated with no one currently in standing; a delay allowed the City time to put the question on the ballot to ask the voters to change the Charter to comply.

Council Member Coombs confirmed the standing question remained unanswered.

Mr. Dahl concurred.

#### ***SUBSTITUTE MOTION***

Motion by Bergan, second to Gruber, to continue item 15b to the next regular Council meeting.

Council Member Marcano asked Mr. Dahl if repealing a section of City Code that was duplicated in City Charter constituted a Charter violation or was it simply modifying code. Mr. Dahl stated the code change brought the Code into compliance with the State Constitution and confirmed the code change was not in violation of the Charter.

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Council Member Gruber asked if the code change would conflict with the City Charter. Mr. Dahl agreed they were stated differently however one was stated in conformance with the Colorado Constitution and the other was not. Council Member Gruber stated his understanding that the answer was yes.

Mr. Dahl agreed they were inconsistent, and he had no problem stating the items were stated differently but he would not support stating it would make the Code violate the Charter.

Council Member Coombs pointed out Council violated the Charter daily without penalty by leaving a vacancy and asked if similarly, they would be subject to another set of violations by passing this law. She asked if so, would they be penalized any more than they were for those violations they were currently committing. Mr. Dahl stated amending the Code to conform to the Colorado Constitution was not a violation of law.

***VOTE ON SUBSTITUTE MOTION***

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

Voting Nay: Coombs, Gardner, Hiltz, Lawson, Marcano, Murillo

Council Member Berzins stated the item needed to go to the voters.

Mayor Pro Tem Bergan stated she too wanted it to go to the voters but since it could not, she would support it because Council was in violation of the State Constitution and not the Charter.

***VOTE ON ORIGINAL MOTION***

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

Voting Nay: Berzins, Gruber

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

17.a. TransPort Colorado Annexation 1 - Substantial Compliance

R2021-96 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FINDING A PETITION FOR ANNEXATION OF A CERTAIN PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF

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ADAMS, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S., AND GIVING NOTICE OF A PUBLIC HEARING ON THE PROPOSED ANNEXATION (TransPort Colorado 1) 157.847 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Jacob Cox, Manager of Development, provided a summary of items 17a – 17c.

Motion by Hiltz, second by Bergan, to approve item 17a.

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

17.b. TransPort Colorado Annexation 2 - Substantial Compliance

R2021-97 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FINDING A PETITION FOR ANNEXATION OF A CERTAIN PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 20, AND THE EAST HALF OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12- 07(1), C.R.S., AND GIVING NOTICE OF A PUBLIC HEARING ON THE PROPOSED ANNEXATION (TransPort Colorado 2) 642.914 ACRES

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Marcano, second by Coombs, to approve item 17b.

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

17.c. TransPort Colorado Annexation 3 - Substantial Compliance

R2021-98 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FINDING A PETITION FOR ANNEXATION OF A CERTAIN PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 21, AND A PART OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S., AND GIVING NOTICE OF A PUBLIC HEARING ON THE PROPOSED ANNEXATION (TransPort Colorado 3) 636.174 ACRES.

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

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Motion by Gardner, second by Berzins, to approve Item 17c.

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

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. Consideration to appoint (3) three members to the Parks & Recreation Advisory Board

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

Motion by Coombs, second by Bergan, to appoint Andre Hickman, Bryon Taylor, and Sydney Futrell, to the Parks & Recreation Advisory Board.

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

19.b. Consideration to appoint one (1) member to the Immigrant and Refugee Commission.

Ricardo Gambetta, Manager, Office of International & Immigrants Affairs/Dave Lathers, Senior Assistant Attorney

Motion by Marcano, second by Coombs, to appoint Salvador Cazun to the Immigrant and Refugee Commission.

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

20. **REPORTS**

20.a. Report by the Mayor

No report.

20.b. Reports by the Council

Council Member Lawson provided FSIR and Reimagine RTD updates.

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Council Member Gruber spoke to veterans and government civilians who have worked in Afghanistan and asked them to reach out to friends and loved ones during this difficult time.

Council Member Murillo reminded everyone the Ward I Town Hall meeting would be in person and roads and housing updates would be provided.

Council Member Berzins reminded everyone the Ward III Town Hall meeting would be in person on Wednesday, September 8, 2021, at the City library at 6:30 p.m. where a candidate forum would be provided. She expressed appreciation to the military and veterans working to get people out of Afghanistan. She discussed her attendance at the recent Armed Forces Recognition Luncheon.

Council Member Marcano announced the next Ward IV Town Hall meeting was scheduled for Thursday, October 14, 2021, at the Stampede from 6:30 p.m. to 8:00 p.m. in person, noting the September meeting was cancelled due to a conflict with City business. He referenced a letter he would like Council to sign that would be sent to President Biden on behalf of the City that acknowledged the City stood ready to welcome and help refugees integrate into the City, particularly those who served alongside US Armed Forces and their coalition partners. He asked staff to speak to the letter signing and sending process.

Dan Brotzman, City Attorney, did so.

Motion by Marcano, second by Coombs, to sign the above referenced letter.

Mayor Coffman stated his support for helping and integrating the refugees and requested the letter reflect the City's expectation that appropriate federal funding would be provided to do so.

Council Member Marcano stated that was how the process worked currently but agreed to make the request explicit.

Mayor Pro Tem Bergan concurred and asked if the City received Refugee Settlement Funding and if so, wondered where the refugees would be put because there was a housing shortage in Aurora.

Ricardo Gambetta, Manager of International and Immigrant Affairs, discussed the refugee aid process.

Mayor Pro Tem Bergan pointed out these people were displaced in horrific situations and Aurora stating they would take them without having housing for them would be equally bad. She asked if those agencies took that into consideration. Mr. Gambetta stated there were federal agencies all over the country that worked with local agencies in that regard.

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Council Member Gruber stated his support of bringing in Afghans who served with US Forces into the City. He noted the importance of recognizing there were hundreds of unknowns that have crossed the border illegally that were already residing in Aurora who would be competing for housing. He noted Council has had many meetings about housing and the scarcity of it in Aurora and he was very concerned this would exacerbate the housing problem if Council signed the letter. He agreed the letter needed to state the federal government must pay to house these people and noted he would not support it otherwise.

Mr. Gambetta mentioned the government provided funding to the agencies to take care of refugees and that included housing.

Council Member Gruber pointed out Aurora did not have housing.

Council Member Berzins pointed out Council just had the discussion of where to put the homeless in the City and now they were asked to pile on top of it. She agreed Aurora needed to help if there was money coming in and people to do it. She pointed out Governor Polis already sent a letter to President Biden telling him to bring the refugees to Colorado and she did not think Aurora should step on the Governor's toes. She suggested Aurora could send a letter to Governor Polis to let him know they would be a partner if funding was there.

Council Member Coombs stated Council could not ignore the City's issues with housing and homeless services were a matter of political perspective as they were not immutable things that could not be changed. She expressed frustration at those on Council who stated their support with an exception when the exception was something they could choose to solve. She expressed her hope that those who supported helping those who served the US alongside the Armed Forces would use this as motivation to muster the political will to solve these problems.

Council Member Gruber pointed out staff just told Council there would not be housing anytime soon regardless of what they did and that was one of the reasons why the Mayor's camping ban failed and yet this issue was such an emergency to go out right now that it could not wait until Council's next study session. He agreed it was important to support those who helped US Forces but bringing them in without having a place for them was theater and would not mean anything. He stated making the statement of what they wanted to do when they knew there was no way to achieve it was not dissimilar to what happened in Afghanistan when they made the withdrawal without a plan. He did not think that was the way the people of Aurora wanted Council to act.

Council Member Marcano clarified the topics were different when speaking about the City's homelessness and housing of their domestic population which were interconnected, and these people who would have support from the federal government. He stated this should be a lesson to those at the federal level that they could solve the homelessness crisis for about \$25 billion if they had the political will to do so. He clarified the United States had an

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affordability problem not a housing shortage. He stated comparing the unhoused population with helping immigrants who sacrificed a tremendous amount did not make sense.

Council Member Gruber stated Council Member Marcano would prefer to take property rights away from people to give them to the government for redistribution but that was not the world right now. He stated Aurora currently did not have affordable housing for the immigrants coming in from Afghanistan.

Council Member Marcano clarified he wanted to build social housing because it was a model that worked very well. He stated Aurora's community was worthy of emulating these successful ideas.

Council Member Murillo clarified Aurora did have a plan around housing and it was just a matter of Council investing in it. She discussed the large amount of federal dollars Aurora received that could be used towards creating different housing options at different price points.

Council Member Gardner reminded everyone there were those who supported the war effort in Afghanistan who were going to desperate lengths to escape the country that was now ruled by people who would likely kill them. He did not understand why it was now being used as an argument to score political points when the fact has been established that Aurora would welcome these refugees if the resources were there.

Council Member Hiltz stated her support of the item and expressed appreciation to Council Member Gardner for his explanation. She stated this was simply about basic decency and humanity.

Mayor Pro Tem Bergan asked if Council Member Marcano agreed to include the federal funding. Council Member Marcano answered affirmatively.

Mayor Coffman stated he and Council Member Marcano would work out the language accordingly.

Council Member Marcano concurred.

Council Member Gruber stated he would support it with the language change.

Mayor Coffman agreed to sign off on the language before it moved forward. He recognized no objections from Council.

Council Member Marcano expressed appreciation to Council for their support.

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Council Member Coombs announced the Ward V Town Hall meeting was scheduled for Wednesday, September 1, 2021, at Heather Gardens at 6:00 p.m., where an At-Large candidate forum would take place. She provided Cherry Creek Basin Water Quality and DRCOG updates and acknowledged the life of Kelsey Fritz who passed away recently from a lack of healthcare. She stated Ms. Fritz showed up for the community in great and small ways. She expressed her hope that people would continue to honor Ms. Fritz's life and legacy by making sure no one else had to die the way she did.

Mayor Pro Tem Bergan expressed gratitude to the military who were being heroes in Afghanistan considering the recent catastrophe taking place there, noting she was praying for the Afghan people and the military. She discussed her attendance at the recent Armed Forces Luncheon and provided E-470 and Mile High Flood District updates.

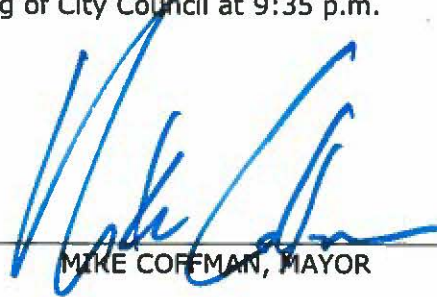
21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:35 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK

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