

## MINUTES

### Regular Meeting of the Aurora City Council Monday, February 14, 2022

1. **RECONVENE REGULAR MEETING OF FEBRUARY 14, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for February 14, 2022, at 6:30 p.m.

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

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

*Public call-in instructions were provided in both English and Spanish.*

3. **INVOCATION/MOMENT OF SILENCE**– Mike Coffman, Mayor

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

5. **EXECUTIVE SESSION UPDATE**

6. **APPROVAL OF MINUTES**

6.a. January 31, 2022, Meeting Minutes

Motion by Sundberg, second by Zvonek, to approve the minutes of the January 31, 2022, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

7. **PROCLAMATIONS OR CEREMONIES**

7.a. Black History Month

Mayor Coffman proclaimed February as Black History Month.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

**9. ADOPTION OF THE AGENDA**

**9.a. East Bank Shopping Center Residential Site Plan with Adjustment (Item 16.a.)**

- Appellant presentation (if approved by Council)
- Applicant presentation (permitted under Council Rules)

Motion by Marcano, second by Bergan, to adopt the agenda with the appellant presentation.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

Mayor Coffman asked to approve items 11c to 11ac with one motion.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**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 HDR Engineering, Denver, Colorado in the amount of \$1,165,232.00 for Engineering and Easement Acquisition Services for the Utility Extension Project, Project NO. 203**

Dean Bedford, Principal Engineer, Aurora Water / Ian Best, Assistant City Attorney

**10.b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Concrete Express, Inc., Denver, Colorado in the amount of \$3,537,930.15 for the 2022 Concrete Infrastructure Rehabilitation South Program**

Waiver of reconsideration is requested to expediate approval so that the Street Division can accomplish its concrete work, necessary to stay ahead of successor work scheduled under the 2022 Overlay and 2022 Surface Treatment Program

Lynne Center, Deputy Director of Operations – Public Works/ Dave Lathers, Sr. Assistant City Attorney

**10.c. Consideration to AWARD A SOLE SOURCE CONTRACT to Scott Safety, Monroe North Carolina, in the not-to-exceed amount of \$65,000.00 for fit testing as required for Scott Self Contained Breathing Apparatus (SCBA) through December 31, 2022**

Renee Pettinato Mosley, Sr. Risk Manager / Dave Lathers, Sr. Assistant City

**10.d. H&E Equipment**

Consideration to AWARD A SINGLE SOURCE CONTRACT to H&E Equipment Services, Henderson, Colorado, in the not-to-exceed amount of \$4,238,463.00 for the purchase of two (2) Emergency One (E-One) Cyclone fire trucks/pumpers, one (1) E-One Aerial Ladder Truck, one (1) E-One Hazmat Rescue Truck and one (1) Air and Light Truck

Ron Forrest, Fleet Manager – Public Works / Dave Lathers, Senior Assistant City Attorney

**10.e. IT Contract Technical Services**

Increase in funding to an OPENLY SOLICITED CONTRACT with Computer Enterprises, Denver, Colorado in the amount of \$250,000.00 for contract technical services as required by the IT Department. (R-1948)

Scott Newman, CIO – IT / Dave Lathers, Sr. Assistant Attorney

**10.f. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to IntegrAssure LLC, Palm Beach, Florida in the total amount of \$4,695,000.00 to provide Consent Decree monitoring services for the City of Aurora through February 1, 2027. (R2134)**

Staff requests a waiver of reconsideration: Due to implementation requirements of the Consent Decree, staff requests a waiver of reconsideration.

Jason Batchelor, Deputy City Manager / David Lathers, Sr. Asst. Attorney

**10.g. Consideration to AWARD A SINGLE SOURCE CONTRACT to Quantum Water & Environment, Lakewood, Colorado in the not-to-exceed amount of \$230,286.00 for continued Highway 30 Landfill investigation, monitoring and reporting services.**

Karen Hancock, Sr. Planner II, Planning & Development Service / Dave Lathers, Senior Assistant City Attorney

**10.h. NERPSC Public Safety Training, Resources and Wellness Platform**

Consideration to AWARD A SINGLE SOURCE CONTRACT to J Brower Psychological Services, Greenwood Village, Colorado, in the not-to-exceed amount of \$89,950 for access to the National Emergency Responder and Public Safety Center (NERPSC, LLC)

online training, resources, and clinical tools for sworn police, fire, Aurora911 and detention employees.

Staff requests a waiver of reconsideration in order to meet the cost/rate guarantee deadline by J. Brower Psychological Services.

Jason Batchelor, Deputy City Manager / Ryan Lantz, Director of Human Resources / Rachel Allen, Client Group Manager

**10.i. Waste Management Water Supply Agreement**

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

**10.j. Aurora Housing Authority Amendment to 1977 Annexation Agreement**

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

Outside Speaker: Aurora Housing Authority Representatives

Motion by Coombs, second by Lawson, to approve items 10a – 10j with a waiver of reconsideration on items 10b, 10e, 10f, and 10g.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

**11. RESOLUTIONS**

**11.a. Drainage and Flood Control Improvements for Sand Creek - Baranmor Ditch at Zion and Billings Street 2nd Amendment**

R2022-08 Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the second amendment to an Intergovernmental Agreement between the City of Aurora, Colorado and the Urban Drainage and Flood Control District, d/b/a Mile High Flood District, regarding design and construction of drainage and flood control improvements for Sand Creek Baranmor Ditch at Zion and Billings Streets

Swirvine Nyirenda, Manager of Planning Services, Aurora Water / Ian Best, Assistant City Attorney

Staff provided a summary of the item.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**11.b. Endorsement of 1400 Dallas Arts Facility Phase II Renovation**

R2022-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE 1400 DALLAS ARTS FACILITY PHASE II RENOVATION AND THE CITY'S DESIRE TO PARTICPATE IN THE COLORADO COMMUNITY REVITALIZATION PROGRAM

Waiver of Reconsideration Requested. This resolution is needed by February 14th in order to submit a timely grant application to the State of Colorado on February 15th for consideration.

Philip Nachbar, Development Project Manager/Andrea Amonick, Development Services Manager/Brian Rulla, Assistant City Attorney

Staff provided a summary of the item.

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

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**11.c. 2022 Emergency Solutions Grant 124,218 Detox**

R2022-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL FOR AN EMERGENCY SOLUTIONS GRANT TO AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC., DBA AURORA MENTAL HEALTH CARE, FOR THEIR EAST METRO DAY RESOURCE CENTER DETOX AND RECOVERY NIGHT SHELTER

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

**11.d. 2022 Public Safety 75,000 Crisis Response**

R2022-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR FUNDING THE AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC., DBA AURORA MENTAL HEALTH, BEHAVIORAL HEALTH CARE, CRISIS RESPONSE PROGRAM WITH PUBLIC SAFETY ASSISTANCE FUNDS

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

**11.e. 2022 HOME TBRA 200,000 A@H Rental Assistance**

R2022-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR FUNDING

THE HOUSING AUTHORITY OF THE CITY OF AURORA, DBA AURORA HOUSING AUTHORITY, FOR THEIR AURORA@HOME - RENTAL ASSISTANCE PROGRAM WITH EMERGENCY SOLUTIONS GRANT FUNDS

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

**11.f. 2022 MHBHC MJ 200,000 Street Outreach**

R2022-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, DBA MILE HIGH BEHAVIORAL HEALTH CARE WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE COMITIS STREET OUTREACH PROGRAM FOR THE YEAR 2022

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

**11.g. 2022 MHBHC MJ 275,000 CCN**

R2022-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, DBA MILE HIGH BEHAVIORAL HEALTH CARE WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE COLFAX COMMUNITY NETWORK FOR THE YEAR 2022

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

**11.h. 2022 MJ 600,000 Mile High Behavioral Health Care Comititis**

R2022-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, DBA MILE HIGH BEHAVIORAL HEALTH CARE, WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE COMITIS CRISIS CENTER FOR THE YEAR 2022

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

**11.i. MHBHC - 2022 MJ - ADRC - 750,000**

R2022-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, DBA MILE HIGH BEHAVIORAL HEALTH CARE WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE AURORA DAY RESOURCE CENTER FOR THE YEAR 2022

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

**11.j. MHBHC - 2022 - Public Safety - 137,300 - Comititis**

R2022-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR FUNDING THE MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, DBA MILE HIGH BEHAVIORAL HEALTH CARE, TO OPERATE THE COMITIS CRISIS CENTER WITH PUBLIC SAFETY ASSISTANCE FUNDS

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

**11.k. 2022 Emergency Solutions Grant 26,186 Salvation Army SOS Warehouse**

R2022-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL FOR AN EMERGENCY SOLUTIONS GRANT TO THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION FOR THEIR SAFE OUTDOOR SPACE WAREHOUSE

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

**11.l. 2022 ESG 81,470 Salvation Army Housing Now RRH HP**

R2022-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL FOR AN EMERGENCY SOLUTIONS GRANT TO THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION FOR THEIR RAPID RE-HOUSING AND HOMELESS PREVENTION PROGRAMS

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

**11.m. Sungate Kids-2022-Public Safety**

R2022-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR FUNDING THE CHILDREN'S ADVOCACY AND FAMILY RESOURCES, INC., DBA SUNGATEKIDS, TO OPERATE THEIR INVESTIGATIVE INTERVIEW PROGRAM WITH PUBLIC SAFETY ASSISTANCE FUNDS

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

**11.n. Housing Now Rapid Rehousing and Homeless Prevention Programs**

R2022-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR SAFE OUTDOOR SPACE HOUSING ASSISTANCE FOR THE YEAR 2022

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

**11.o. Pathways to Home – Homeless Prevention Program for the year 2022**

R2022-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR PATHWAYS TO HOME - HOMELESS PREVENTION PROGRAM FOR THE YEAR 2022

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

**11.p. Pathways to Home - Street Outreach Program**

◆ *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.*

R2022-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR PATHWAYS TO HOME-STREET OUTREACH PROGRAM FOR THE YEAR 2022

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

**11.q. Safe Outdoor Space Warehouse for the Year 2022**

R2022-24 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR SAFE OUTDOOR SPACE WAREHOUSE FOR THE YEAR 2022

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

**11.r. 2022 Colorado Safe Parking Initiative with Marijuana Sales Tax Funds**

R2022-25 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE COLORADO SAFE PARKING INITIATIVE WITH MARIJUANA SALES TAX FUNDS TO OPERATE AURORA SAFE PARKING FOR THE YEAR 2022

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

**11.s. Second Chance Housing Navigation 2022 Marijuana Fund**

R2022-26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND SECOND CHANCE CENTER, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR HOUSING NAVIGATION PROGRAM FOR THE YEAR 2022

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

**11.t. Second Chance Center Homelessness 2022 Marijuana Fund**

R2022-27 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND SECOND CHANCE CENTER, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR HOMELESSNESS PREVENTION PROGRAM FOR THE YEAR 2022

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

**11.u. 2022 Restoration Christian Ministries - MJ-Safe Outdoor Space- 200,000**

R2022-28 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND RESTORATION CHRISTIAN MINISTRIES WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR SAFE SPACE FOR THE YEAR 2022

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

**11.v. 2022 Restoration Christian Ministries - MJ-Safe Outdoor Space 201,468**

◆ *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.*

R2022-29 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR SAFE OUTDOOR SPACE AT RESTORATION CHRISTIAN MINISTRIES FOR THE YEAR 2022

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

**11.w. 2022 Family Tree GOALS - MJ**

R2022-30 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE FAMILY TREE, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE GENERATIONAL OPPORTUNITY TO ACHIEVE LONG TERM SUCCESS (GOALS) FOR THE YEAR 2022

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

**11.x. Ready to Work Aurora with MJ Sales Tax Fund for the Year 2022**

R2022-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND READY TO WORK AURORA WITH MARIJUANA SALES TAX FUNDS FOR THE YEAR 2022

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

**11.y. Salvation Army- 2022- MJ- Housing Now**

R2022-32 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY, AURORA CORPS, INTERMOUNTAIN DIVISION WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR HOUSING NOW RAPID REHOUSING AND HOMELESS PREVENTION PROGRAMS FOR THE YEAR 2022

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

**11.z. 2022 Aurora@Home Housing Navigation Program - MJ 200,000**

R2022-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE HOUSING AUTHORITY OF THE CITY OF AURORA, DBA AURORA HOUSING AUTHORITY WITH MARIJUANA SALES TAX FUNDS TO OPERATE THEIR AURORA@HOME HOUSING NAVIGATION PROGRAM FOR THE YEAR 2022

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

**11.aa. Gateway Domestic Violence Services North Emergency Domestic Violence Shelter for the year 2022**

R2022-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND GATEWAY DOMESTIC VIOLENCE SERVICES, DBA AURORA/ARAPAHOE BATTERED WOMEN'S SHELTER, INC. WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE NORTH EMERGENCY DOMESTIC VIOLENCE SHELTER FOR THE YEAR 2022

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

**11.ab. Renaissance Veteran Apartments - Fitzsimons for the year 2022**

R2022-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE COLORADO COALITION FOR THE HOMELESS WITH MARIJUANA SALES TAX FUNDS TO OPERATE THE RENAISSANCE VETERAN APARTMENTS – FITZSIMONS FOR THE YEAR 2022

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

**11.ac. 2022 Public Safety 75,000 Crisis Response**

R2022-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR FUNDING THE AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC., DBA AURORA MENTAL HEALTH, BEHAVIORAL HEALTH CARE, CRISIS RESPONSE PROGRAM WITH PUBLIC SAFETY ASSISTANCE FUNDS

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

Lana Dalton, Homelessness Programs Manager, provided a summary of items 11c through 11ac. Currently, the Comitis Shelter, the only shelter available, holds 130 to 150 individuals a night. There are 75 overflow mats in the resource center for cold weather nights. Two safe outdoor spaces that provide tents for 30 to 60 individuals are also available. There are pallet shelters for 30 to 60 individuals and safe parking for 25 to 50 individuals as well. These proposed resolutions will maintain the current ability to provide the homeless programs.

Mayor Pro Tem Bergan asked for clarification whether marijuana money will be used for operational costs for the safe outdoor space warehouse on Item 11q. L. Dalton clarified. Mayor Pro Tem asked for the location of the safe parking stated in Item 11r and what the funds will be used for. L. Dalton clarified. Mayor Pro Tem asked where the funds for Items 11s, 11t, 11u, and 11x be used. L. Dalton said that funds for Item 11s will be for staff; funds for Item 11t will be used for rental assistance; funds for Item 11U will be used for infrastructure costs such as security; funds for Item 11x will be used for case management services and navigation services.

Mayor Pro Tem stated that she hopes that these organizations will be able to sustain themselves with grants and donations in the future. She further states that she would like to see an analysis of their programs to further understand how the money is utilized. L. Dalton stated that it is a requirement to put information into the Homeless Management Information System (HMIS) and that at the end of the year, a homelessness report will be provided. CM Zvonek asked for an estimated date of the presentation of the reports. L. Dalton answered that the annual report will be available on January 15, 2023, and the report will be done during the first quarter of 2023. CM Zvonek asked if quarterly reports could also be made. L. Dalton confirmed this.

Motion by Lawson, second by Zvonek, to approve items 11c through 11ac.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**11.ad. Intergovernmental Agreement Veterans Service Officer Position**

R2022-37 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE COUNTIES OF ADAMS AND ARAPAHOE, COLORADO, FOR THE PROVISION OF A VETERAN'S SERVICE OFFICE POSITION

Roberto Venegas, Deputy City Manager / Hans Hernandez, Assistant City Attorney

Roberto Venegas, Deputy City Manager, provided a summary of the item.

Motion by Lawson, second by Medina, to approve item 11ad.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**11.ae. Poudre Tech Lease Agreement**

R2022-38 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE POUDE TECH METROPOLITAN DISTRICT TO USE WATER FROM THE WHITNEY IRRIGATING DITCH COMPANY SHARES

Dawn Jewell, Water Resources Supervisor, Aurora Water / Ian Best, Assistant Attorney

Marshall Brown, General Manager of Aurora Water, provided a summary of the item.

Motion by Coombs, second by Sundberg, to approve item 11ae.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

**12. PUBLIC HEARING WITH RELATED ORDINANCE**

**12.a. Painted Prairie Business Improvement District Nos. 1 and 2 Petitions for Inclusion and Exclusion of Property**

R2022-39 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Assistant City Attorney II

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Bergan, second by Lawson, to approve item 12a.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**12.b. ATEC Metropolitan Districts Nos. 1 and 2 Amended and Restated Service Plan (Ordinance)**

2022-05 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR ATEC METROPOLITAN DISTRICT NO. 1 AND 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICTS

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs commented that the addition of this metro district brings the total money being authorized for metro districts to \$40 billion. These taxes will then be paid by future taxpayers that were not able to vote on the matter. This also incentivizes sprawl beyond the infrastructure that the city is going to construct. In addition, it allows developers to pass on the risks to future residents and allows them to make a big profit. Mayor Coffman asked if the intent of metro districts is to not share the burden on existing taxpayers but on new homeowners. C. Dancy confirmed this. Mayor Pro Tem Bergan asked if there is a way to avoid a single person voting on the matter since there are no residents yet and if there is a disclosure to future homeowners that they are buying into a metro district. C. Dancy stated that districts are developer-controlled when there are no residents. There will be disclosures on the title when purchasing a home. Mayor Pro Tem asked if the city might build roads in the areas if not for metro districts building infrastructure. C. Dancy answered that Public Works would better answer the question. Mayor Pro Tem stated that the city would have never built roads in that area due to the infrastructure capital debt to be incurred and to be paid by taxpayers throughout the whole city rather than those only living in that district. C. Dancy confirmed this.

CM Marcano asked staff if the infrastructure will be maintained by the city after the initial construction is paid by the developers. C. Dancy confirmed that this will then be public infrastructure. CM Marcano highlighted that while the initial cost is borne by the developer,

the resulting debts and maintenance do fall on the city. Mayor Coffman asked how many communities have adopted the type of uniform standards of Metro Districts that Aurora has adopted. C. Dancy will defer to the city's legal counsel for this. Mayor Coffman further asked for confirmation if the developers would then be paying taxes to the city in terms of property and sales tax after the infrastructure has been paid for and developed. C. Dancy agreed that this will be an additional mill levy. CM Zvonek added that residents going into Metro Districts will provide additional revenue to the city. He further stated that the deficit in road maintenance is not one of a lack of resources, but it's a lack of prioritization. CM Coombs stated that there has been an exposé on the specific Metropolitan Districts being voted on. She added that she does not think Aurora has enough resources and that this will contribute to the problem of maintaining residential roads. CM Marcano stated that growing through metro districts will be detrimental to the city's financial solvency in the long term. He further states that he advocates for infill and building up rather than building out. He stated the Heather Ridge Metropolitan District as an example where neighbors got together and agreed to make a metro district and preserve open space instead of having someone outside the neighborhood dictate what the development should look like.

Mayor Coffman closed the public hearing on the item.

Motion by Sundberg, second by Jurinsky, to approve item 12b.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Medina, Murillo, Sundberg, Zvonek

Voting Nay: Coombs, Marcano

**12.c. The Aurora Highlands Metropolitan Districts Nos. 1-5 and First Creek Ranch Metropolitan District**

2022-06 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO ACCEPTING DESIGNATION AS THE APPROVING AUTHORITY FOR THE FIRST CREEK RANCH METROPOLITAN DISTRICT, APPROVING THE CONSOLIDATED SECOND AMENDED AND RESTATED SERVICE PLAN FOR THE AURORA HIGHLANDS METROPOLITAN DISTRICT NOS. 1-5 AND FIRST CREEK RANCH METROPOLITAN DISTRICT (TO BE KNOWN AS THAT AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6), AND AUTHORIZING THE EXECUTION OF INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICTS

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Jurinsky, second by Sundberg, to approve item 12c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Medina, Murillo, Sundberg, Zvonek

- ◆ *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.*

Voting Nay: Marcano

**12.d. Aerotropolis Area Coordinating Metropolitan District Amended and Restated Service Plan**

2022-07 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE SECOND AMENDED AND RESTATED SERVICE PLAN FOR AEROTROPOLIS AREA COORDINATING METROPOLITAN DISTRICT AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Jurinsky, second by Zvonek, to approve item 12d.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Medina, Murillo, Sundberg, Zvonek

Voting Nay: Marcano, Coombs

**13. PUBLIC HEARING WITHOUT RELATED ORDINANCE**

**13.a. Sagebrush Farm Metropolitan District 1**

R2022-39 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Jurinsky, second by Sundberg, to approve item 13a.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

◆ *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.*

Voting Nay: Medina, Marcano, Coombs, Murillo

**13.b. Sagebrush Farm Metropolitan District 2**

R2022-40 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 1 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs commented that the \$170 million for this is part of the total debt limit of \$4 billion that these districts carry.

Mayor Coffman closed the public hearing on the item.

Motion by Zvonek, second by Jurinsky, to approve item 13b.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Medina, Marcano, Coombs, Murillo

**13.c. Sagebrush Farm Metropolitan District 3**

R2022-41 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 3 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Zvonek, second by Jurinsky, to approve item 13c.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Medina, Marcano, Coombs, Murillo

◆ *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.*

**13.d. Sagebrush Farm Metropolitan District 4**

R2022-42 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 4 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs stated that the initial \$170 million in addition to \$680 million will contribute to the \$4 billion in taxes that will be imposed on future residents without their vote. Mayor Coffman stated that they do vote by becoming residents of the Metro District as these taxes will be disclosed to them.

Mayor Coffman closed the public hearing on the item.

*Motion by Sundberg, second by Zvonek, to approve item 13d.*

*Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek*

*Voting Nay: Medina, Marciano, Coombs, Murillo*

**13.e. Sagebrush Farm Metropolitan District 5**

R2022-43 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 5 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs commented that the \$170 million in initial improvements but \$680 million in total debt contributes to the \$4 billion in taxes for people in the metro districts. Mayor Coffman gave a reminder on the procedure as he asked for questions and not a discussion. He asked staff if the taxes are disclosed to potential home buyers. C. Dancy confirmed this. CM Coombs stated that people do not typically know how high taxes will be despite signing their contracts to be residents in metro districts. In addition to this, she states that through conversations with people living in metro districts, it was pointed out that some did not

know about the rate of their taxes at all. She highlights the lack of transparency and lack of voice of the residents on this matter. CM Jurinsky stated the real estate agent is the extra layer of protection that informs the buyers of the taxes. Mayor Pro Tem Bergan highlighted the need for housing and the issue of them not being built without metro districts paying for infrastructure and building the homes. She further states that they could do an educational campaign regarding this issue. CM Marcano said that real estate agents should be more transparent with buyers. He further explains that developers in the country can build without special districts and metro districts. He adds that metropolitan districts are historically used as a tool to avert risk during an economic downturn and not as a default way to build commercial and residential spaces. Mayor Coffman states that he will be reviewing the further discussion and will put forward a proposal to change them should they be found inefficient.

Mayor Coffman closed the public hearing on the item.

*Motion by Zvonek, second by Jurinsky, to approve item 13e.*

*Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek*

*Voting Nay: Medina, Marcano, Coombs, Murillo*

### **13.f. Sagebrush Farm Metropolitan District 5**

R2022-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR SAGEBRUSH FARM METROPOLITAN DISTRICT NO. 6 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs asked the city attorney whether the discussion from council members will be included in the record of the public hearing. City Attorney confirmed this.

Mayor Coffman closed the public hearing on the item.

*Motion by Bergan, second by Sundberg, to approve item 13f.*

*Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek*

*Voting Nay: Medina, Marcano, Coombs, Murillo*

### **13.g. Grand Avenue Metropolitan District**

R2022-45 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR THE GRAND AVENUE METROPOLITAN DISTRICT AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICT

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Coffman closed the public hearing on the item.

Motion by Zvonek, second by Jurinsky, to approve item 13g.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Medina, Marcano, Coombs, Murillo

**13.h. BOWIP Metropolitan Districts Nos. 1 and 2**

R2022-46 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDMENT TO THE SERVICE PLAN FOR BOWIP METROPOLITAN DISTRICT NOS. 1 AND 2

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

Mayor Coffman opened the public hearing on the item.

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

CM Coombs asked if the inclusion to the boundary area was related to a service metropolitan district, a controlling district, or if it is a standalone district. C. Dancy clarified. CM Coombs further asked if it is not changing the service area of a district but just adding a new property. Miriam McGeady, outside council, stated that the purpose of the service plan amendment is to add the inclusion area to the additional property that was acquired by the developer. CM Coombs asked if this impacts the ability of the residents of the district to be on the board as the district becomes potentially resident-controlled. M. McGeady denied this.

Mayor Coffman closed the public hearing on the item.

Motion by Zvonek, second by Jurinsky, to approve item 13h.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Murillo, Sundberg, Zvonek

Voting Nay: Medina

**13.i. Aspen Business Park Metropolitan District**

R2022-47 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR THE ASPEN BUSINESS PARK METROPOLITAN DISTRICT AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICTS

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Pro Tem Bergan asked a question regarding its zoning. R. Venegas stated that it is zoned as Airport District. CM Sundberg asked about the number and size of the buildings within the business park. James Cochran stated that the project would either be two or three buildings and would range from 735,000 to 765,000 square feet. These buildings will support largely warehouse operations and would be 32 to 36 feet clear once inside the building. Mayor Pro Tem asked for clarifications regarding the site plan. C. Dancy confirmed that it is yet to come and will go through the normal planning process and any adjustments would go to the planning commission. CM Jurinsky asked whether discussions with businesses that have expressed interest in the area have been done. J. Cochran stated that these have not yet been done and that the market suggests demand for the size and type of space that is being proposed.

Mayor Coffman closed the public hearing on the item.

Motion by Jurinsky, second by Zvonek, to approve item 13i.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**13.j. Yale Metropolitan Districts Nos. 1-3**

R2022-48 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR YALE METROPOLITAN DISTRICT NOS. 1-3 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND THE DISTRICTS

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

Mayor Coffman opened the public hearing on the item.

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

Mayor Pro Tem Bergan asked for clarification regarding the number of residential units and the responsibility of the developer to improvements on Gun Club Road. C. Dancy stated that it would be 1,830 residents and that improvements to Gun Club Road are included in the public improvements plans for Murphy Creek.

Mayor Coffman closed the public hearing on the item.

Motion by Zvonek, second by Bergan, to approve item 13j.

Voting Aye: Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Marcano, Medina, Murillo

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

##### **14.a. Proposal to Designate June 19th as Juneteenth and a Legal Holiday Agreement**

2022-08 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-2 OF THE CITY CODE PERTAINING TO LEGAL DIVISION

Ryan Lantz, Director of Human Resources / Rachel Allen, Client Group Manager

Ryan Lantz, Director of Human Resources, provided a summary of the item.

Mayor Coffman asked what the average number of paid holidays are in the private sector. R. Lantz answered that six is the minimum threshold. Mayor Coffman asked if government employees are there to serve the people or if the people are there to serve the employees given the proposed 11 paid holidays. Ryan Lantz stated that the government serves the people and that the 11 paid holidays are one less than the federal. Mayor Coffman highlighted the importance of public employees and deems another day off work is inappropriate. CM Lawson asked what day the holiday would be celebrated if it falls on a weekend. R. Lantz answered that if the holiday falls on a Sunday, it would be celebrated on a Monday. This would then mean that the Council would discuss amending the calendar since the holiday will cause a cancellation of a council meeting. CM Marcano stressed that Americans are already overworked, and public servants are underpaid. He added that the people now seem to serve the economy rather than the other way around. CM Coombs reiterated the importance and dedication of city employees. She further stated that 11 paid holidays are not too much and that employees already work hard and beyond typical working hours. CM Jurinsky mentioned that the state has 10 paid holidays, and that Aurora should follow this. Mayor Pro Tem Bergan expressed support for the holiday but supports substituting it with another holiday like the day after Thanksgiving or with PTO. She further states that this would be fiscally responsible and does not take away another day for residents to accomplish business within the city. CM Marcano reiterated that the city must set an example for what dignity and work look like in the public sector and encourage the private sector to follow suit. In terms of efficiency, staffing levels and technological improvements may be looked at to ensure that the work is being done.

Motion by Marcano, second by Coombs, to recognize Juneteenth as an additional paid holiday.

***SUBSTITUTE MOTION***

Motion by Jurinsky, second by Zvonek, to recognize Juneteenth as a paid holiday but remove the day after Thanksgiving as a paid holiday.

***VOTE ON SUBSTITUTE MOTION***

Voting Aye: Mayor Coffman, Bergan, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Gardner, Marcano, Medina, Murillo

**14.b. Chapter 114 Code Enforcement Ordinance Amendment**

2022-09 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 114-27 OF THE CITY CODE RELATED TO STORAGE OF TRASH CONTAINERS

Sandra Youngman, Manager, Code Enforcement Division / Angela Garcia, Senior Assistant City Attorney

Sandra Youngman, Manager, Code Enforcement Division, provided a summary of the item.

Motion by Jurinsky, second by Medina, to approve item 14b.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

**14.c. Chapter 14 Animals – Ordinance Amendments**

2022-10 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 14 OF THE CITY CODE RELATED TO ANIMALS AND THE AURORA ANIMAL SERVICES DIVISION

Anthony Youngblood, Manager, Animal Services / Angela Garcia, Senior Assistant City Attorney

Anthony Youngblood, Manager, Animal Services, provided a summary of the item.

Motion by Jurinsky, second by Marcano, to approve item 14c.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

**15. FINALIZING OF ORDINANCES**

*Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.*

**16. PLANNING MATTERS**

**16.a. Public Hearing and Appeal of the January 12, 2022, Planning Commission's Approval of the East Bank Shopping Center Residential Site Plan with Adjustments**

Ariana Muca, Planner I – Case Manager / Daniel L. Money, Senior Assistant City Attorney

Outside Speaker: Marcus Pachner, The Pachner Company and Carolynne White, Brownstein Hyatt Farber Schrek.

Mayor Coffman opened the public hearing on the item.

Ariana Muca, Planner I – Case Manager, provided a summary of the item.

Marcus Pachner and Carolynne White, the applicants, presented the East Bank Shopping Center Residential Site Plan with Adjustments. They addressed the concerns of the community regarding the increase in traffic, limited access to the traffic light on Quincy Avenue, density, and the adjustment request regarding the building length. They further discuss the parking garage which complies to the city parking requirements, the primary materials for the building's façade, the proposal to provide a sidewalk connection, a redesign to include a vehicular connection from Atchison Way and providing an extension to Pet-Palace. They stated that the project will not create negative impacts on the surrounding adjacent properties or if any such impacts exist, that those impacts are mitigated.

Bill VanSickle and Kyle Casinelli, the appellants, gave a presentation. They stated that they want to see East Bank redeveloped. They expressed concerns regarding the size of the proposed building, additional traffic within the center, and the lack of an affordable housing component.

Council heard public testimony on the item.

Mayor Pro Tem Bergan asked for further explanation regarding staff's and the Planning Commission's decisions and for details on the other developments that were approved that are greater than 200 feet in length. Staff referenced Section 5.4.4 in the Unified Development Ordinance (UDO) relating to Flexibility and Relief Procedures. Staff stated that there are certain criteria that need to be met to allow for an adjustment and that the application process is stringent. Staff deemed this proposal to meet the criteria and

recommended it to the Planning and Zoning Commission for approval. Mayor Pro Tem asked if this would be the articulation. Staff answered that after the adjustment was brought forward, discussions on the articulation and streetscapes were held. Mayor Pro Tem further asked if there was a different plan for multi-family presented given that the building currently appears monolithic. Carolynne White states that monolithic is defined as large and has limited architectural differentiation. She further states that there was a different plan to what is being proposed. The site plan was originally presented to the neighbors and was adjusted to add different features to avoid being monolithic.

Diana Rael, from Norris Design, stated that in the UDO, the allowable building block length in Subarea B is 700 feet with a perimeter block length of 2,800 feet and that the proposed project is below those dimensions. She talked about three-story walk-up buildings with the urban format that allows amenity spaces to be put interior to the buildings. Mayor Pro Tem asked for clarification regarding the buffering green space and the letter of intent, which is not a signed lease. The applicant stated that the building is 137 feet set back from adjacent buildings and that they have considered requests of the public to be more pedestrian-friendly. In the Center, they have added picnic tables, benches, and bikes for the neighbors. He explained that the letter of intent is an agreement for a 10-year extension for Pet Palace. CM Zvonek asked if there are requirements in the UDO that don't allow for variance. Brandon Cammarata, planning manager, stated that most design standards which are applicable are variable. What is not variable is land use. CM Zvonek asked for the reasons to deny a variance. B. Cammarata stated that each adjustment request is looked at based on criteria. CM Zvonek stated that if the UDO allows for a variance to be requested, then the 200-foot length is not determinative. He stated that the project would still be compliant with the UDO, given that the UDO allows for the variance. B. Cammarata added that if a variance causes harm or creates damage to adjacent properties, then it would be denied. CM Zvonek asked if the council would create a legal liability if they did not uphold this. B. Cammarata clarified that the Rule 106 Hearing would be held if the council decided in an arbitrary capricious manner without criteria. He further stated that staff believes that this project fits the variance criteria.

CM Lawson asked if the applicant talked to businesses and offered them compromises. M. Pachner stated that they have talked to the businesses regarding the proposed project. Mayor Pro Tem asked if a compromise can be made. The applicants stated they are compromising and that there is no easement on the site. He further adds that they would allow the neighborhood to cut through the site for safe passage and wrap the parking garage in order for the space to be a horizontal mixed-use center. He further states that they want to support the businesses by bringing in residents through this project. Mayor Pro Tem asked if these were at market rate. M. Pachner states that they targeted to be a more affordable workforce housing. The comprehensive plan calls for a variety of housing price points. CM Jurinsky asked for the status of the traffic study. M. Pachner stated that the completed study was submitted with the proposal including the issue of adding a stoplight at Atchinson and Quincy. Carlie Campuzano, Traffic Manager, stated that the developer has completed a traffic impact study. The Public Works Department also conducted their study with an independent consultant because of residents' concerns regarding the existing traffic flow in the area and with not having signalized access to Quincy through Atchinson. This study found that a signal at that location really would not be functional just with the existing queueing on Quincy due to it not meeting the signal spacing minimum of 600 feet. CM Jurinsky asked what the most dangerous intersections are in Aurora. C. Campuzano stated

that that would be hard to quantify but they are looking at crashes and considering correctable ones with specific engineering measures. CM Jurinsky asked where Parker and Quincy rank in that. C. Campuzano answered that Parker and Quincy have high crash experiences. CM Jurinsky asked if Council can approve a variance on the minimum of 600 feet between traffic lights. C. Campuzano stated that the intersection at Parker and Quincy is already signalized and that a large number of crashes happen due to a high volume of traffic going through it. Signalized intersections also create conflict points and people will illegally queue if traffic signals are spaced closer together. She further added that access to the East Bank signal was determined to be maintained during the pre-application meeting. CM Jurinsky asked for information regarding the process to overrule the signal spacing minimum. C. Campuzano stated that if they do not comply with federal standards, the city will be open to liability. CM Jurinsky asked about the Parker Road entrance. C. Campuzano stated that this is owned by the Colorado Department of Transportation (CDOT). Both intersections at Parker and Quincy and Quincy and Atchinson did not warrant signals according to the traffic impact study. Public Works reached out to CDOT for a possible variance to this and CDOT mentioned federal criteria as to why they would not consider a signal at that location since the CDOT criterion is over double the city's 600 feet criteria. Carlie added that Parker Road conveys heavy volumes of traffic and CDOT wants to preserve the throughput on the state highway system. She further states that this did not meet the volume warrant criteria since there is not enough traffic from Atchinson onto Parker. Mayor Coffman asked if the CDOT's criteria can be waived. C. Campuzano stated that CDOT does not have a waiver process for their signal criteria.

CM Jurinsky asked for information regarding noise levels and if security will be placed to ensure that noise levels do not exceed the standards. C. White stated that their team estimated that it will not exceed the standard. If it does, an inspection may take place that may result in a cease and desist. M. Pachner stated that security and onsite management will be present. CM Jurinsky asked for further information regarding the 243 parking spaces for the 311 proposed apartments. M. Pachner clarified that the 243 will be in the internal garage and 190 will be on the surface. He further adds that another half level can be added to make space for 30 more slots. CM Jurinsky asked about Kimco's plans for the rest of the shopping center. M. Pachner stated that there would be façade improvements and that they are looking to invest in keeping the cafes, restaurants, and businesses in the shopping center. CM Coombs highlighted that there are small retailers being eliminated. She states the bike shop as an example. She asked if there is a way to ensure that there would be adequate small retail space to not displace the businesses that are currently there. Marcus stated that they support second chances and are working to try and strengthen all businesses in the center by bringing in the horizontal mixed-use space. Chris Ciminiello from Kimco Realty stated that there is a license agreement, which is a short-term agreement, in place instead of a lease.

CM Jurinsky asked for further information regarding the opposition on the prior approved buildings with length adjustments. B. Cammarata stated that most of the projects were proposed to utilize existing vacant space and build something new there. In terms of community response, previous projects received substantially less compared to East Bank. He added that for Nine Mile, there was also a loss of existing retail that entailed significant public input in support of redeveloping the site. CM Jurinsky stated that for Nine Mile, the apartments were built furthest from the residential and that the entire shipping center was torn down. Mayor Pro Tem asked for information regarding the incentive package for Nine

Mile. Staff stated that the city spend \$25 million in excess to acquire the site and that incentive packages were given for the development of affordable housing multifamily and market-rate. Mayor Pro Tem asked if Kimco is asking for an incentive. It was clarified that the developer has not requested any type of incentive from the city.

CM Marciano asked for clarification of this being called mixed-use when the backup shows that is purely residential. M. Pachner stated that the North and South retail will continue to exist, and that people will not be displaced. The only missing part is the residential making this a horizontal mixed-use project. He further added that they will bring in people to support the small businesses. CM Marciano further asked regarding the price point of the workforce housing. M. Pachner stated that it would be around \$1,500 to \$1,800. He highlights that this area has seen a 15% increase in rents because there is no supply of rentals. CM Marciano asked what they can do for the other small retailers in the area. C. White stated that the details of agreements between businesses and private parties are not an appropriate discussion topic in a public hearing. M. Pachner clarified that they do not want to displace businesses and that they are working to find a site for them. CM Jurinsky asked regarding the discussion between small businesses. M. Pachner explained that there have been 8 public meetings and 45 individual meetings but stated that a meeting with the businesses should have been done prior to an announcement. CM Jurinsky clarified that an LOI, that Pet Palace currently has, is not legally binding as compared to a signed lease. Mayor Pro Tem asked for further information regarding the LOI. C. White stated that the letter of intent is a precursor to signing the lease and includes processes of negotiation. She further states that his LOI with Pet Palace, that has been signed by both parties, is extremely detailed and is an amendment to their existing lease. CM Jurinsky asked if the cost of buildout is still being worked out. M. Pachner states that a turnkey lease is proposed meaning that the developers will be building out the space and will then be turned over. CM Jurinsky stressed that a lot can change between an LOI and a lease and that Pet Palace found out about the project from the neighborhood but not from their own landlord. Mayor Pro Tem asked if Council would be allowed to see the lease between two parties. City Attorney stated that the lease is not part of the site plan and that the council must investigate mitigation and compatibility as criteria for its decision-making. It adds that the application mitigates adverse impacts to the surrounding area and is compatible with the surroundings in terms of size, scale, and building façade materials.

CM Jurinsky further stated that leases should already be in place instead of LOIs between the businesses and the applicant. CM Marciano asked city attorneys if it would be possible to discuss the lease in an executive session. City Attorney stated that the applicant is mitigating any adverse impacts. CM Marciano asked what steps are being taken regarding the displacement of businesses. M. Pachner stated that they are pursuing measures by getting signed LOIs. CM Marciano is asking for more assurance regarding these steps. CM Jurinsky expressed her agreement to the UDO being possibly changed. She further states that she agrees with the need for this project but does not agree with the displacement of businesses. She mentions that splitting up the buildings to comply with the 200-foot length requirement does not make a difference to the adverse impacts. A lease would ensure the longevity of businesses in the shopping center. M. Pachner stated that they could have done better to converse with the tenants at the beginning of the process. He is asking for an extension to get into more talks of lease terms. He further clarified that they want Pet Palace to continue providing its services. CM Lawson stated that the applicants did not do much outreach and that she is the only council member that did not have conversations

with the applicants. M. Pachner clarified that some businesses did not want to talk about the project in detail and that he sent three emails to CM Lawson. CM Lawson said that there should be more conversations with the community and arrive at a compromise. Mayor Coffman highlights that there are two-big box retailers that are currently empty. CM Marciano reiterates to the city attorney the request to discuss the delicate matters of this issue in an executive session. City Attorney said that they will work with the applicant on this.

Mayor Coffman closed the public hearing on the item.

CM Jurinsky made a motion for a continuance after 45 days which will be on March 31, 2022. CM Marciano requested to amend the continuance to be at the next public hearing on March 14, 2022. C. White asked for more time and suggested continuing with the public hearing on this matter at the next regular council meeting on March 28, 2022.

Motion by Murillo, second by Sundberg, to continue the public hearing to the March 28<sup>th</sup> Council Meeting.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

17. **ANNEXATIONS**

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. **Consideration to Appoint Members to the Civil Service Commission**

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

Motion by Murillo, second by Medina, to appoint Mr. Mayes to the Civil Service Commission.

*SUBSTITUTE MOTION*

Motion by Jurinsky, second by Zvonek, to appoint Matt Snider and Barbara Cleland to the Civil Service Commission.

*VOTE ON SUBSTITUTE MOTION*

Voting Aye: Mayor Coffman, Bergan, Jurinsky, Lawson, Sundberg, Zvonek

Voting Nay: Coombs, Gardner, Marciano, Medina, Murillo

20. **REPORTS**

20.a. **Report by the Mayor**

None

20.b. **Reports by the Council**

Council Member Jurinsky announced that the At-Large Town hall was held for the community last week at the Central Recreation Center together with Council Members Zvonek, Lawson, and Gardner. This town hall had an overwhelming turnout and has been decided to be done bi-monthly and will be moved to different parts of the city as much as possible.

Council Members Lawson, Gardner, Zvonek, Murillo, Sundberg, Medina, Marciano, Coombs, and Mayor Pro Tem Bergan did not have any reports.

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council.

  
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MIKE COFFMAN, MAYOR

  
ATTEST:  
  
\_\_\_\_\_  
KADEE RODRIGUEZ, CITY CLERK

◆ *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.*