

MINUTES

Regular Meeting of the Aurora City Council

Monday, July 11, 2022

1. **RECONVENE REGULAR MEETING OF JULY 11, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for July 11, 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

Mayor Coffman asked for a moment of silence for the tragedy in Highland Park, Illinois.

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

5. **APPROVAL OF MINUTES**

5.a. **June 27, 2022, Meeting Minutes**

Mayor Pro Tem Bergan said that some of her comments during the report were very condensed. She asked if that would be how it would reflect in the minutes moving forward. K. Rodriguez said that they can elaborate more on the reports. She mentioned that they usually just give a condensed synopsis of what was said during council reports. Mayor Pro Tem Bergan added that the report simply mentioned that she went to Accelerate Colorado but did not state the details she expounded on.

Mayor Coffman asked if Mayor Pro Tem Bergan needs to offer a specific amendment to change the language or if she could just provide instructions. D. Brotzman said that they can just provide instructions.

Mayor Pro Tem Bergan requested to change the minutes. K. Rodriguez said that they can change the minutes to make it more elaborate for the June 27 minutes and those moving forward. CM Lawson said that she also wants the full context of her

report to be stated. CM Coombs stated that it would go for all council members to include the details that they provided in their reports. K. Rodriguez said that they will make sure to include detailed reports for all council members.

Motion by Sundberg, second by Lawson, to approve the minutes of the June 27, 2022, City Council meeting, as presented.

SUBSTITUTE MOTION

Motion by Bergan, second by Murillo, to table the minutes of the June 27, 2022 meeting, until the next Regular Meeting of the Aurora City Council.

VOTE ON SUBSTITUTE MOTION

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

6. **PROCLAMATIONS OR CEREMONIES**

6.a. **Amazing Auroran Award**

Mayor Pro Tem Bergan presented the Amazing Auroran Award to Daniel 'Danny' Goodwin.

7. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

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

8. **ADOPTION OF THE AGENDA**

8.a. **Consideration to Remove Item 12.a. from the Agenda**

Motion by Gardner, second by Zvonek to adopt the agenda and remove item 12a.

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

9. **CONSENT CALENDAR**

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

9.a. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Jacobs Engineering Group, Inc., Englewood, Colorado in the amount of \$248,743.00**

for engineering services associated with Phase 2 of the Binney Water Purification Facility (WPF) Ultraviolet Advanced

Elizabeth Carter, Principal Engineer, Aurora Water / David Lathers, Senior Assistant City Attorney

- 9.b. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to T&M Construction, LLC, Sedalia, Colorado in the amount of \$1,056,106.00 for the Smoky Hill and Buckley Intersection Improvement; Project 5878A.**

Matt Kozakowski, Transportation Project Delivery Manager / Dave Lathers, Senior Assistant City Attorney

- 9.c. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Galls LLC, Denver, Colorado in the not-to-exceed amount of \$236,510.50 for uniforms for the Aurora Fire Department through October 31, 2023.**

Mathew Wasserburger, Assistant Director of Fire Management Services, Fire / Dave Lathers, Senior Assistant City Attorney

- 9.d. **Nicoletti Psychological Counseling**

Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Nicoletti-Flater Associates, Lakewood, Colorado in the not to exceed amount of \$80,500.00 to provide psychological counseling services (secondary contractor) for the Aurora Police Dept. through July 31, 2023.

John Schneebeck, Manager Of Business Services, Police / Dave Lathers, Senior Assistant City Attorney

- 9.e. **Consideration to AWARD A SINGLE SOURCE CONTRACT to SWS VidmarLista, Pittsburgh, PA, in the not-to-exceed amount of \$135,440.00 for purchase and installation of a tire carousel for Fleet Services.**

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

- 9.f. **2022-2023 GE Switchgear and Motor Control Centers Maintenance**

Consideration to AWARD A SINGLE SOURCE CONTRACT to Integrated Power Services, Denver, Colorado in the not-to-exceed amount of \$100,000.00 for GE switchgear and Motor Control Centers maintenance and repair at various Water facilities as required through July 31, 2023

Marena Lertch, Manager of Water Service, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.g. **Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland, Colorado in the not-to-exceed amount of \$312,540.00 for the**

purchase of water quality monitoring equipment and supplies for the Water Department as required through June 30, 2023

Bobby Oligo, Manager of Water Treatment, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 9.h. **Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$269,500.00 to provide psychological counseling services (primary vendor) for the Aurora Police Dept. through June 30, 2023.**

John Schneebeck, Manager of Business Services, Police / Dave Lathers, Senior Assistant City Attorney

- 9.i. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Colorado Audio Video, Centennial, Colorado in the amount of \$71,142.04 for Emergency Operations Center audio and video upgrades.**

Scott Newman, Chief Information Officer, IT / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Jurinsky to approve the consent calendar items 9a through 9i.

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

10. **RESOLUTIONS**

10.a. **Photo Speed Enforcement Pilot Program**

R2022-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF IMPLEMENTING A PHOTO SPEED ENFORCEMENT ONE-YEAR PILOT PROGRAM

Carrigan Bennett, Police Lieutenant / Megan Platt, Assistant City Attorney

Outside Presenter: Scott Stewart, Senior Sales Executive of Conduent

Carrigan Bennett, Police Lieutenant, provided a summary of the item.

Mayor Pro Tem Bergan mentioned she previously asked about doing a 60 or 90-day warning period. She said she gets a lot of complaints from her constituents about speeding. She said she is more concerned about letting the public know about the program. She asked if they would have time to do the educational campaign to the public if they opt for the 30-day warning period. She also asked if the fine would be \$40.00. C. Bennet confirmed the fine amount.

Mayor Pro Tem Bergan asked if they are talking about cars that are going more than 10 miles per hour. C. Bennet said that is not determined yet and it would be a policy

decision. Mayor Pro Tem Bergan said that this would not apply to highways since they are not under the city's jurisdiction. C. Bennet confirmed this.

CM Zvonek asked if there are other vendors that provide the same service. C. Bennet said yes. CM Zvonek asked why they did not do an RFP for the pilot. C. Bennet said they would put in the RFP after the pilot and added that the vendor they are using is the same one that provided services for the photo red light program. CM Zvonek asked what measures will be used to determine the success of the program. C. Bennet explained the measurements.

CM Jurinsky asked for clarification on whether the vans will stay in the same place for 12 months or if they will move according to where traffic complaints are received. C. Bennet said the vans will be moved but will be repeatedly put in the same places. CM Jurinsky asked if they would do a 30-day warning every time those are moved. C. Bennet said no because they will do a citywide 30-day warning before the 12 months of enforcement. CM Jurinsky said that she is not agreeable to anything more than 30 days of warning given that speeding is already against the law. She mentioned that the tickets during the photo red light were \$75. She asked why speeding tickets in residential areas are only \$40. C. Bennet said that the fine is the maximum set by the Colorado Revised Statutes.

CM Lawson asked if they are doing outreach and gathering data for certain schools. She mentioned that there have been complaints about speeding in school zones. She asked how they will address this issue. C. Bennet answered that it would be a similar process where complaints are forwarded from City Council, Access Aurora, etc. and they will collect data to look at target spots.

Mayor Pro Tem Bergan said she is okay with the 30-day warning period as long as educational campaigns leading up to it will be done. C. Bennet agreed.

CM Coombs asked if there will be considerations for traffic calming measures when analyzing the data. C. Bennet confirmed this.

CM Gardner expressed his opposition to the program. He mentioned that previously, 70% of voters in Aurora voted against the photo red light program. He expressed concern that they are using the revenue generated from the proposed program to fund other needs in the city just as they did with the photo red light program. When voters got rid of the photo red light, the funding for the programs also went away. He stressed law enforcement and public safety should not be used as revenue generators. He also expressed concerns about the civil liberties aspect of introducing more cameras to the public. He urged other council members to vote no.

Mayor Pro Tem Bergan explained that the excess funds for the Nexus program were from the surcharges on top of the photo red light tickets. However, there will be no tickets for this program. C. Bennet confirmed this. Mayor Coffman highlighted that the resolution is for the pilot program, and it will come back to Council for authorization before being made into a permanent program.

CM Jurinsky said it was the will of the voters to get rid of the photo red light as well as to ban pit bulls in the city. She mentioned that the council also took that away

from voters to overrule it. She stated there were more fees with the photo radar, which is how they got funding for extra programs, compared to this proposed program. She mentioned there are not a lot of fees associated with this and is hopeful that costs will be covered. She stressed that the APD is not manned enough to enforce all the traffic laws and violations. She expressed support for the program but added that she will not sign off on it permanently at this point as she still wants to see the data from the pilot program.

CM Gardner stated there is a long history of government that takes on a program and raises fees to fund other programs. He mentioned they raised marijuana sales tax revenue several times to fund other projects. He stressed that to say the same will not happen with this proposed program is disingenuous. He added this will be a reason to not hire more police officers because they are putting robots out on the street. He highlighted that his preference would be to see more police officers and not cameras.

CM Sundberg stressed there have been numerous pleas for help and council requests. He mentioned Aurora has a 54% increase in fatalities, with a 16% increase in Colorado, and a 7% increase nationally. He stressed there is a backlog of equipment the city needs such as speed cushions and speed bumps that cost \$5,000 each. He also stressed there are issues with staffing. He said the proposed program comes with a warning sign in advance and is simply a pilot program and they are not committing to it yet. He asked for proposals to specifically answer the residents' calls for help if not through this program. He urged other council members to vote yes.

CM Gardner mentioned that based on data from staff presentation to the Transportation Committee, the average cost of traffic calming measures was \$17,000. Factoring in inflation, it would be \$34,000 per item. With 55 backlogs, it would total \$1.8 million. He mentioned that with half a billion dollars, they can fully fund the traffic calming elements. Mayor Coffman said it is not a traffic problem, but a recruiting problem. He mentioned they currently have 34 vacancies. He added that CM Zvonek and the Public Safety Committee are working hard in terms of recruiting qualified officers and filling the vacancies.

CM Marcano agreed that motor vehicles contribute to a tremendous number of fatalities in the United States. However, the pilot program is not a solution but will hopefully have a deterring effect in the short term. He mentioned there is evidence that when people are fined, there is a short-term change in their behavior. The ultimate solution would still be to change the built environment by introducing traffic calming measures such as speed cushions, reworking surface lanes and streetscapes, and making streets safer. He mentioned there was a vehicle going 60 miles per hour in a 25-mile-per-hour area. He expressed support for the pilot. He said they will see if it has a short-term effect while they get the strategies and resources necessary for reworking the built environment. CM Zvonek said he is heartened to hear colleagues agree that increased penalty results in deterrence. He said voters did not want red lights and that there are other alternatives that can better address this issue. He said it is their responsibility to find the best solution. He expressed his opposition to the proposal.

Mayor Pro Tem Bergan mentioned there was a constituent that talked to her about his regrets about voting against the red lights that came about due to the escalation in traffic fatalities and concern for his daughter who is a driver. She expressed interest in seeing the data from the pilot program. She added that she receives requests to enforce measures against speeding. She said she tells them that the city does not have enough police officers to take care of a city of 400,000 people. CM Jurinsky mentioned she is one of the voters that voted to remove the photo red light because of the blinding lights caused by it at night. She stressed it was extremely unsafe. She highlighted that for the vans in the proposal, there will be a warning and a quick flash. She stressed it will not light up the entire intersection like the photo red light.

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

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

Voting Nay: Gardner, Zvonek

10.b. **Grant Application for a Bureau of Reclamation for the North Campus Radial Collector Well.**

R2022-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF A BUREAU OF RECLAMATION GRANT FOR THE NORTH CAMPUS RADIAL COLLECTOR WELL DROUGHT RESILIENCY INITIATIVE

Sponsor: Angela Lawson, Council Member

Jo Ann Giddings, Deputy Director of Business Services, Aurora Water / Rachel Allen, Manager of Client Services, City Attorney

Staff provided a summary of the item.

Motion by Lawson, second by Sundberg to approve item 10b.

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

10.c. **The Salvation Army Safe Outdoor Space Operational General Funds Agreement**

R2022-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY WITH GENERAL FUNDS FOR THEM TO OPERATE PALLET SHELTERS AT THE RESTORATION CHRISTIAN MINISTRIES SAFE OUTDOOR SPACE TO PROVIDE A SHELTER OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance City Attorney

Staff provided a summary of the item.

CM Jurinsky asked if the pallet homes at the Salvation Army house one or two people. Staff explained that the shelters can fit up to two people. Staff added they do not put two people from separate camps into one shelter to avoid issues. CM Jurinsky asked how it would cause an issue. Staff stressed that putting two strangers together in tight spaces typically does not go well. CM Jurinsky said she is not okay with having no guarantee of two people together per shelter. She said that beggars can't be choosers and they must get a lot of people off the street. She highlighted that it would be better to help more people. She said they are not allocating funds for each of them to have their own pallet home. She asked if they will still have the motivation to move out if they have their own pallet homes.

CM Jurinsky asked what the state limit is. Staff answered that it is seven days with the ability to stay longer if they are actively working with case management. Mayor Coffman asked where the 25 pallet shelters are and when they'll be in. Staff answered that all 30 shelters with 20 on one side and 10 on the other will be getting in by the week of August 15.

Motion by Sundberg, second by Jurinsky to approve item 10c.

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

10.d. **The Salvation Army Safe Outdoor Space Construction General Funds Agreement**

R2022-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE SALVATION ARMY WITH GENERAL FUNDS TO PREPARE THEIR SAFE OUTDOOR SPACE FOR PALLET SHELTERS TO PROVIDE A SHELTER OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance City Attorney

Motion by Jurinsky, second by Bergan to approve item 10d.

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

10.e. **Restoration Christian Ministries Safe Outdoor Space Construction General Funds Agreement**

R2022-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND RESTORATION CHRISTIAN MINISTRIES WITH GENERAL FUNDS TO PREPARE THEIR SAFE OUTDOOR SPACE FOR PALLET SHELTERS TO PROVIDE A SHELTER OPTIONS FOR THE HOMELESS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistance City Attorney

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

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

10.f. **Colorado Science + Technology Park Urban Renewal Area Intergovernmental Agreements**

R2022-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF AGREEMENTS BY AND BETWEEN THE AURORA URBAN RENEWAL AUTHORITY, THE CITY OF AURORA, AND THE TAXING JURISDICTIONS OF RECORD WITHIN THE COLORADO SCIENCE + TECHNOLOGY PARK ("CSTP") URBAN RENEWAL AREA, REGARDING TAX INCREMENT REVENUES GENERATED IN A SECOND TAX INCREMENT FINANCING AREA

Andrea Amonick, Development Services, AURA Manager / Chad Argentar, Senior Development Project Manager / Rachel Allen, Client Services Manager

Chad Argentar, Senior Development Project Manager, provided a summary of the item.

Motion by Bergan, second by Zvonek to approve item 10f.

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

10.g. **Special Assistant to the United States Attorney Intergovernmental Agreement**

R2022-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF COLORADO AND THE CITY OF AURORA REGARDING THE APPOINTMENT OF A SPECIAL UNITED STATES ATTORNEY

Jason Batchelor, Deputy City Manager / Peter Schulte, Public Safety Client Group Manager

Peter Schulte, Public Safety Client Group Manager, provided a summary of the item.

Motion by Zvonek, second by Jurinsky to approve item 10g.

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.

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

11.a. **E 38th Ave and Helena St - Zoning Map Amendment**

- ◆ *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.*

2022-40 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 5 ACRES MORE OR LESS AT THE SOUTHEAST CORNER OF EAST 38TH AVENUE AND HELENA STREET FROM RESIDENTIAL – RURAL DISTRICT (R-R) TO BUSINESS/TECH DISTRICT (I-I) AND AMENDING THE ZONING MAP ACCORDINGLY (EAST 38TH AVENUE & HELENA STREET ZONING MAP AMENDMENT)

Erik Gates, Planner 1 / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Erik Gates, Planner 1, provided a summary of the item.

Peter Wall, the applicant, thanked Erik and their staff for their professionalism.

Mayor Coffman closed the public hearing.

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

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

11.b. **Windler Zoning Map Amendment 2**

2022-41 A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR A ZONING MAP AMENDMENT TO REZONE THREE PARCELS OF LAND TO AIRPORT DISTRICT (AD) AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) FOR APPROXIMATELY 242 ACRES OF LAND, LOCATED WEST OF E-470 AND ALONG THE 48TH AVENUE ALIGNMENT (WINDLER ZONING MAP AMENDMENT)

Aja Tibbs, Senior Planner / Daniel L. Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Brandon Cammarata provided a summary of the item.

CM Marcano pointed out that the change leapfrogs different uses that will be sandwiched between the airport district. He asked why the areas were chosen and what the vision is for the area. He said he thought that it was supposed to be a front door to the city. B. Cammarata said the existing MUA zone district permits industrial uses as conditional approvals. CM Marcano said that they would be moving to primarily industrial use as opposed to allowing the light industry to get conditional use permits. He asked if they are sacrificing other mixed-use as a result of this. B. Cammarata explained that the existing zoning was MUA for the entire area is mixed-use zoning that permits conditional industrial and residential zoning.

Mayor Coffman closed the public hearing.

Motion by Sundberg, second by Jurinsky to approve item 11b.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

12.a. **Station 60 Infrastructure Site Plan**

A PUBLIC HEARING WITHOUT RELATED ORDINANCE TO CONSIDER AN APPEAL BY AN ABUTTING PROPERTY OWNER OF THE PLANNING AND ZONING COMMISSION APPROVAL OF THE STATION 60 INFRASTRUCTURE SITE PLAN

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant City Attorney

Item 12a was removed from the agenda.

12.b. **Colorado Science + Technology Park Urban Renewal Plan Amendment**

R2022-139 A PUBLIC HEARING FOR A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE COLORADO SCIENCE + TECHNOLOGY PARK URBAN RENEWAL PLAN BY CREATING A SECOND TAX INCREMENT FINANCING AREA

Andrea Amonick, Development Services, AURA Manager / Chad Argentar, Senior Development Project Manager / Rachel Allen, Client Services Manager

Mayor Coffman opened the public hearing.

Chad Argentar, Senior Development Project Manager, provided a summary of the item.

Council heard public in-person testimony.

Mayor Pro Tem Bergan asked if the Bioscience V Building is anticipating 9,000 jobs to be created with the new areas. C. Argentar confirmed this.

CM Gardner asked for more information on the community benefit fund. C. Argentar said that the community benefit fund will be funded through incremental revenues in the future.

CM Gardner said he is not in favor of the AURA Board managing the money and would prefer seeing something community driven with some involvement of the Council. He asked how they decided to have AURA manage the money instead of a third-party foundation. A. Ammonick said there is no money until the increment collects. CM Gardner asked if they would engage with Adams County and APS. He asked if the board could decide to allocate money to a third-party foundation. A. Ammonick said there are certain statutory regulations and staff needs to ensure that money is being spent appropriately per the statute.

CM Gardner proposed the amendment that 100% of the property tax increment derived from the Colorado Science and Technology Park Metropolitan District shall be allocated to the authority for the purposes and activities outlined in the stated plan.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Lawson to approve the amendment proposed by CM Gardner that 100% of the property tax increment derived from the Colorado Science and Technology Park Metropolitan District be allocated to the authority for the purposes and activities outlined in the stated plan

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

Motion by Gardner, second by Lawson to approve item 12b as amended.

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

13. **INTRODUCTION OF ORDINANCES**

14. **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.

14.a. **Amendment to the Unified Development Ordinance - Multifamily Building Length**

2022-32 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 146-3.3.2.H AND 146-4.8.5.D OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ADDRESS BUILDING LENGTH STANDARDS OF MULTIFAMILY BUILDINGS

Brandon Cammarata, Planning Manager / Daniel Money, Senior Assistant City Attorney

14.b. **Qualification of Elective Officers of the City**

2022-33 FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE STATEWIDE GENERAL ELECTION COORDINATED WITH A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022, A PROPOSAL TO AMEND ARTICLE 3-3 OF THE AURORA CHARTER TO CONFORM THE QUALIFICATIONS OF ELECTIVE OFFICERS OF THE CITY WITH THE PROVISIONS OF THE COLORADO CONSTITUTION

Sponsor: Angela Lawson, Council Member

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

14.c. **Amusement Device License Repeal**

2022-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING CHAPTER 10 OF THE AURORA CITY CODE AND, REPEALING THE REQUIREMENT FOR AMUSEMENT ENTERPRISE LICENSES, AMUSEMENT DEVICE DISTRIBUTOR'S LICENSES, AMUSEMENT DEVICE VENDOR'S LICENSES, AND AMENDING CHAPTER 26 RELATING TO SELF-SERVICE DEVICES

Sponsor: Curtis Gardner, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Senior Assistant City Attorney

14.d. **Reducing Distance Restriction between Liquor Stores and Drugstores**

2022-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.3.5.R OF THE CITY CODE PERTAINING TO DISTANCE RESTRICTIONS BETWEEN RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUGSTORES

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Tim Joyce, Assistant City Attorney

14.e. **2022 Certificates of Participation (COPs) – Roadway Improvement Projects**

2022-36 FOR AN ORDINANCE AUTHORIZING THE USE OF LEASE-PURCHASE FINANCING FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS PURSUANT TO THE TERMS OF A LEASE-PURCHASE AGREEMENT BY AND BETWEEN AURORA CAPITAL LEASING CORPORATION, AS LESSOR, AND THE CITY OF AURORA, COLORADO, AS LESSEE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY, AND RELATED MATTERS

Sponsor: Dustin Zvonek, Council Member

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

14.f. **Photo Speed Enforcement**

2022-38 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 134-451 OF THE CITY CODE PERTAINING TO AUTOMATIC VEHICLE IDENTIFICATION CITATIONS

Megan Platt, Assistant City Attorney

14.g. **Ordinance Permitting Mobile Ice Cream Vehicles Within the City**

2022-39 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 26-346 AND 26-347 AND REPEALING SECTION 26-348 TO ALLOW MOBILE ICE CREAM VEHICLES WITHIN THE CITY

Sponsor: Dustin Zvonek, Council Member

Trevor Vaughn, Manager of Licensing / Hanosky Hernandez, Sr. Assistant City Attorney

Motion by Gardner, second by Bergan to approve items 14a through 14g.

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

14.h. **Motor Vehicle Theft and Vehicle Parts Code Changes**

2022-37 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF THE CITY CODE PERTAINING TO MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES IN THE AURORA MUNICIPAL CODE AND OTHER AMENDMENTS TO THE CITY CODE TO COMBAT THE INCREASE IN MOTOR VEHICLE THEFT AND RELATED OFFENSES

Sponsor: Dustin Zvonek, Council Member

Matthew Novak, Sergeant / Pete Schulte, Public Safety Client Group Manager

CM Zvonek and Pete Schulte provided a summary of the item.

CM Marcano asked what other jurisdictions have similar failure-to-appear penalties with associated jail time. P. Schulte responded. CM Marcano restated that P. Schulte said they have not done research into other jurisdictions that have mandatory minimum jail time for FTA charges. P. Schulte confirmed. CM Marcano asked for the language used in other cities' FTA ordinances. He mentioned that in Colorado, they have statements such as "knowingly or intentionally" that they use to qualify whether they can charge an individual. He asked why these are not present in the proposed ordinance. P. Schulte clarified.

CM Marcano asked why there was no adequate research or due diligence done. CM Zvonek stated they were trying to address the increasing number of motor vehicle theft when they drafted the ordinance. He explained they experience challenges when the defendant does not show up. When the victim or witnesses don't show up, there is no penalty. He stressed motor vehicle theft is a serious crime as it affects people's livelihood. He stated there should be a strict penalty for defendants who do not appear for their court dates. He explained the mandatory minimum was placed to further meet the goal of becoming harsher on motor vehicle theft in Aurora. CM Marcano said that CM Zvonek did not answer his question. He asked again why due diligence was not done. CM Zvonek said they are doing something unique and

leading the action to drive down motor vehicle theft and ensure people show up for their court dates.

Mayor Pro Tem Bergan said that if they don't have a good reason for not appearing in court, then they should be jailed. She stressed that the number of motor vehicle theft in the city is increasing, and they need to let people know they do not tolerate it in Aurora. CM Marcano mentioned the ordinance applies to more than motor vehicle theft FTA charges with the way it was written.

CM Marcano offered an amendment to add a mens rea clause to the FTA provision. He said the ordinance applies outside of motor vehicle thefts which is above and beyond what is reasonable. He said they might get sued over the provision since it is not well defined. He mentioned the Public Defender's Office already expressed concerns about the ordinance. Mayor Coffman said they must first finish all questions and have a motion on the floor before they can entertain amendments.

CM Coombs asked what the percentage is of FTA charges on motor vehicle thefts versus FTA charges on other crimes. P. Schulte responded. CM Coombs asked if there is prosecutorial discretion given the mandatory minimum. P. Schulte said that the Criminal Division of the City Attorney's Office will set those parameters.

CM Sundberg asked if a jury is already in place when the defendants can be charged for FTA due to skipping their court appearances. P. Schulte explained that there is a pre-trial setting wherein defendants, plaintiffs, and witnesses say that they are ready. CM Sundberg said it would then be a waste of people's time and throws a wrench in the process. Mayor Pro Tem Bergan said if defendants don't show up, then the victims' time is wasted. She said she does not have sympathy for offenders, and they must make the effort to get to court.

CM Medina asked what happens if the victim or witnesses do not appear. P. Schulte said FTAs could be filed against witnesses to force them to come to court so that cases do not get dismissed.

CM Coombs asked if there is any way to guarantee the legislative intent that only those who do not appear in their trials for motor vehicle theft are charged. P. Schulte said that this does not include traffic violations but will include most offenses under municipal code that are subject to the general violation penalty.

CM Zvonek asked if suspects are given notice that failure to appear could lead to a criminal penalty. P. Schulte said that when they are issued a summons, they are then required to be in court. CM Zvonek asked if the need for the mens rea clause is negated since they are given notice through the summons and their defense attorneys. P. Schulte said CM Zvonek is correct.

CM Coombs asked D. Wilson to comment on the mens rea, legislative intent, and application of FTA charges. D. Wilson did so.

Mayor Pro Tem Bergan asked what the consequence is of not doing FTA charges. She mentioned that repeat offenders are not going to jail because cases are dismissed, and they end up revictimizing people.

CM Marcano offered an amendment that states that "A mandatory minimum jail sentence of ten days shall be imposed for an intentional or knowing failure to appear for an alleged violation of motor vehicle theft".

Mayor Pro Tem Bergan asked CM Zvonek's thoughts on the amendment making the ordinance only for motor vehicle theft. CM Zvonek said he does not prefer the amendment. He clarified the City Attorney's Office already suggested that it is not necessary to ensure the intent of the ordinance. He said if there are other FTAs charged outside of motor vehicle theft, then it would be for bad crimes. CM Marcano said other jurisdictions include a mens rea clause and make them as clear as possible. He expressed his opposition to the ordinance and stated that the minimum jail sentence for FTA is going to be a cruel and unusual punishment. He strongly cautioned against it. CM Coombs said the number one crime charged in court is trespassing while the number two is petty offense. She said the FTA charges will not be for bad crimes.

Mayor Pro Tem Bergan restated that the summons starts the process. She asked what happens if they do not show up for the initial summons. P. Schulte said a warrant would then be issued as long as there is documentation and proof.

Mayor Pro Tem Bergan then said that while this is going on, they could have stolen more vehicles. She asked if they will not send people to jail if they have a legitimate reason for not appearing in court. P. Schulte said that currently, if defendants can explain to the judge why they were not in court, then they do not get fined.

CM Jurinsky said they have been sitting and debating on the topic for a long time and are simply delaying it while there could already be more cars stolen. She said the bigger issue is that they stole a vehicle in the first place. She stressed if they do not want to be in that predicament, then they should not steal a car in Aurora.

CM Coombs asked why there is no fiscal note. She stressed that they do not know what the impact will be on the prosecution, defense, court, and jails. She highlighted that they are also understaffed. She said it is fine to say that they want to make sure that people are prosecuted for their crimes. But they cannot just say they are going to find money no matter how much money it is or that they are going to get creative no matter what while having understaffed departments. She suggested continuing the item to the next council meeting pending a fiscal note signed by all departments.

CM Marcano asked why they are afraid of discussing the merits of the idea. CM Jurinsky clarified they are not afraid of discussing the merits; however, he wants to discuss something criminal-friendly. She said she will continue to call for the question.

Motion by Zvonek, second by Jurinsky to approve item 14h.

Motion by Marcano, second by Coombs to approve the amendment proposed by CM Marcano - *Failure to Appear. A mandatory minimum jail sentence of 10 days shall be imposed for an intentional failure to appear for an alleged violation of motor vehicle theft. The Court shall not set aside or suspend this minimum sentence with the first 3 days to be served at the Aurora*

- ◆ ***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.***

Detention Facility and the remaining days to be served at the applicable county jail in the county where the offense occurred.

Motion by Jurinsky, second by Zvonek to call for the question on the Marcano Amendment.

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

Voting Nay: Coombs, Marcano, Murillo

Motion by Marcano, second by Coombs to approve the amendment proposed by CM Marcano - *Failure to Appear. A mandatory minimum jail sentence of 10 days shall be imposed for an intentional failure to appear for an alleged violation of motor vehicle theft. The Court shall not set aside or suspend this minimum sentence with the first 3 days to be served at the Aurora Detention Facility and the remaining days to be served at the applicable county jail in the county where the offense occurred.*

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Coombs, second by Marcano to continue the discussion on item 14b to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

Motion by Jurinsky, second by Zvonek to call for the question on Coombs' motion to continue the item to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

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

Voting Nay: Coombs, Marcano, Murillo

Motion by Coombs, second by Marcano to continue the discussion on item 14b to the next Regular Meeting pending a fiscal analysis signed off by all relevant departments.

Voting Aye: Coombs, Marcano, Medina, Murillo

Voting Nay: Coffman, Bergan, Gardner, Jurinsky, Lawson, Sundberg, Zvonek

Motion by Jurinsky, second by Zvonek to call for the question on Item 14.h.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

Motion by Zvonek, second by Jurinsky to approve item 14h.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

15. **PLANNING MATTERS**

16. **ANNEXATIONS**

17. **RECONSIDERATIONS AND CALL UPS**

18. **GENERAL BUSINESS**

18.a. **Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado, and the Fraternal Order of Police for the years 2023-2024**

Jason Batchelor, Deputy City Manager / Kim Skaggs, Assistant City Attorney

Jason Batchelor, Deputy City Manager, provided a summary of the item.

Motion by Bergan, second by Medina to approve item 18a.

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

18.b. **Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado, and the International Association of Fire Fighters for the years 2023-2024**

Jason Batchelor, Deputy City Manager / Kim Skaggs, Assistant City Attorney

Jason Batchelor, Deputy City Manager, provided a summary of the item.

Motion by Gardner, second by Bergan to approve item 18b.

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

19. **REPORTS**

19.a. **Report by the Mayor**

Mayor Coffman reported that he had two town halls at the MLK Library last July 9, 2022, with one in English and one in Spanish.

19.b. Reports by the Council

CM Lawson reported the state's interim committees are currently meeting and the FSIR Committee is watching for potential impacts on the city. Later in July, they will reach out to departments for the state and federal legislative priorities to begin planning for next year. The city's earmark requests for Aurora Water and the MLK Library are still moving through the process. The House bill is expected to move next week with both projects included. Senators also included both projects to the Senate Appropriations Committee which has not yet begun marking up their bill. They are expected to do so next week.

CM Jurinsky announced that Chief Gray of AFR will have his last day of service on July 15, 2022. She thanked him for his service and wished him well on his next venture. She announced they will have the First Responders Event for APD, AFR, and Aurora911 dispatchers on July 15 at the Great Lawn from 12 noon to 4 PM.

CM Zvonek announced he joined Mayor Coffman in discussions with business owners along the Havana BID to talk about retail theft. He stated he will work with the Public Safety Committee and the APD to bring forward a plan to address retail theft in the city.

CM Murillo announced her July town hall is canceled. She said she hopes people will take that time to rest for the summer break. She announced the 7/20 Aurora Theater Shooting 10th Anniversary Memorial is coming up next week starting on July 19th. There will also be a 5K race, reflection ceremony, and community event which will be held at the Aurora Municipal Center Campus. She encouraged everyone to attend and have a space to reflect and heal with the community. She mentioned she needed to renew her membership in the NAACP Aurora Chapter. She added that those who want to learn more about the work they do for equity and civil rights in Aurora may reach out to her.

CM Sundberg mentioned a minor league baseball team expressed interest in Ward II. He mentioned they met with Elon Musk's company to learn about technologies for creating tunnels the south of DIA. He announced he will have a Ward II meeting on July 21st co-hosted by CM Jurinsky. They will talk about the financial state of the city with Greg Hays as a presenter. They will also talk about where the shopping is in Ward II. He mentioned there are reasons why it's held up like the Mile High Flood District.

CM Marcano announced the 3rd Family Safety Check will be on July 16 from 11 AM to 3 PM at 2888 South Heather Gardens Way. This is a program held together with the Community Relations Division with APD to provide steering wheel locks, cat seat installations, and material support to families. These are hosted in areas that have been a high target for motor vehicle thefts. The next Ward IV meeting will be on July 14th starting at 6:30 PM at the Colorado Early Colleges with Chief Oates as the speaker.

CM Coombs announced her town hall will be on July 19th at the Central Recreation Center. It will be a hybrid meeting with topics on broadband infrastructure services, available opportunities, and the bipartisan infrastructure law. She announced that DRCOG had a board work session last week that discussed the impact of the greenhouse legislation and the state-level greenhouse gas reduction targets. She highlighted this is the second time they passed an ordinance without a fiscal impact. She mentioned the last time they did this, it had a cost of around \$25 million a year plus interest.

Mayor Pro Tem Bergan mentioned the E-470 Roadway Committee reviewed the road widening project from I-70 to 56th Avenue and costs have increased due to supply chain issues and inflation. The Central Maintenance Facility costs also went up from \$26 million to \$36 million. Her town hall will be on July 20th from 6 to 8 PM at CAPSTC to talk about the budget. There will also be a presentation from AmeriCorps. She addressed CM Sundberg and said that shopping is in Ward VI.

Council Members Gardner and Medina did not have reports.

20. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



MIKE COFFMAN, MAYOR





KADEE RODRIGUEZ, CITY CLERK

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